



HOUSE OF REPRESENTATIVES

H. No. 4368

BY REPRESENTATIVES RODRIGUEZ (R.), RODRIGUEZ (M.), SYJUCO, LAPUS,
BAGASINA AND PRIMICIAS-AGABAS

AN ACT AMENDING EXECUTIVE ORDER NO. 209, OTHERWISE
KNOWN AS THE FAMILY CODE OF THE PHILIPPINES, BY
HARMONIZING SAID LAW WITH RECENT RULINGS OF THE
SUPREME COURT OF THE PHILIPPINES ON DIVORCE
OBTAINED BY THE ALIEN SPOUSE IN ANOTHER COUNTRY

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

1 SECTION 1. Article 13 of Executive Order No. 209, otherwise known
2 as the Family Code of the Philippines is hereby amended to read as follows:
3 “Art. 13. In case either of the contracting parties has been
4 previously married, the applicant shall be required to furnish,
5 instead of the birth or baptismal certificate required in the last
6 preceding article, the death certificate of the deceased spouse or
7 the judicial decree of the absolute divorce **OBTAINED BY THE**
8 **ALIEN SPOUSE DULY AUTHENTICATED BY THE PHILIPPINE**
9 **CONSUL IN THE COUNTRY WHERE THE DECREE WAS OBTAINED,**
10 or the judicial decree of annulment or declaration of nullity of his
11 or her previous marriage.

1 **“THE FILIPINO SPOUSE NEED NOT SEEK JUDICIAL**
2 **RECOGNITION OR ENFORCEMENT OF THE FOREIGN JUDICIAL**
3 **DECREE OF ABSOLUTE DIVORCE AND ITS REGISTRATION BY THE**
4 **CIVIL REGISTRAR SHALL BE SUFFICIENT FOR THE ISSUANCE OF**
5 **A MARRIAGE LICENSE.**

6 “In case the death certificate cannot be secured, the party
7 shall make an affidavit setting forth this circumstance and his or
8 her actual civil status and the name and date of death of the
9 deceased spouse.”

10 SEC. 2. Article 26 of Executive Order No. 209, otherwise known as the
11 Family Code of the Philippines is hereby amended to read as follows:

12 “Art. 26. All marriages solemnized outside the Philippines
13 in accordance with the laws in force in the country where they
14 were solemnized, and valid there as such, shall also be valid in
15 this country, except those prohibited under Articles 35 (1), (4), (5)
16 and (6), 36, 37 and 38.

17 “Where a marriage between a Filipino citizen and a
18 foreigner is validly celebrated and a **JUDICIAL DECREE OF**
19 **ABSOLUTE** divorce is thereafter validly obtained abroad by the
20 alien spouse [capacitating him or her to remarry,] the Filipino
21 spouse shall likewise have capacity to remarry under Philippine
22 law.”

23 SEC. 3. *Separability Clause.* – If any provision of this Act is declared
24 unconstitutional or invalid, the other provisions not affected by such
25 declaration shall remain in full force and effect.

26 SEC. 4. *Repealing Clause.* – Any law, decree, ordinance or
27 administrative order not consistent with any provision of this Act is hereby
28 declared amended, repealed or modified accordingly.

- 1 SEC. 5. *Effectivity Clause.* – This Act shall take effect fifteen (15)
2 days after its complete publication in the *Official Gazette* or in two (2)
3 newspapers of general circulation.

Approved,

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