



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

EIGHTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 9774

Introduced by Hon. KRISTINE ALEXIE BESAS TUTOR

EXPLANATORY NOTE

This Proposed Family Law Reform Act of 2021 seeks to change for the better how annulment and other Family Law issues and cases are addressed in and out of the courts. This bill is a systems solution to the complicated process of annulment and other Family Law cases.

It makes immediate the effect of decisions of religious authorities on annulment or dissolution of marriage cases as regards their recognition by the government. No more lengthy court or administrative processes after the religious have rendered their decision to annul or dissolve a marriage. Instead of that red tape, is fifteen days for the religious authorities, the office of the civil registrar, and the Philippine Statistics Authority to record the annulment or dissolution of marriage in the official government records.

This bill removes the role of the Office of the Solicitor General in the annulment and dissolution of marriage process. Instead of this layer of Manila-based red tape of going through the OSG, this bill mandates the Public Attorney's Office, the Integrated Bar of the Philippines, and the Department of Social Welfare and Development to intervene and provide solutions.

To ensure swift administration of justice, this bill sets a timeline of up to 360 working days for the hearing and resolution of annulment and other Family Law cases: 180 days at the Family Court and 180 days on appeal.

A Special Branch for Family Law is created within the PAO to handle appeals of Family Court cases, including annulment and dissolution of marriage cases. To address the lack of manpower, this bill authorizes a memorandum of agreement between the PAO and IBP so that the IBP can provide or assign private lawyers to work pro bono for the PAO on cases.

All the cases now with the OSG are transferred to the DSWD which the bill authorizes to create a Family Relations Welfare Office, which will serve as staff support to the PAO. By involving

the DSWD through the FRWO, the social services nature of Family Law cases is improved. The character of the cases is no longer tedious and contentious litigation but social welfare.

Public Notices and immediate notification of all third parties to annulment, legal separation, and other cases affecting the civil registry records is institutionalized in this Proposed Family Law Reform Act. For example, formally notified of annulment and dissolution of marriage decisions are the solemnizing officer, the barangay where the parties reside, the courts, quasi-judicial bodies, and other government offices where there are related pending cases, the Bureau of Internal Revenue, Social Security System, Government Service Insurance System, and the schools of children of the parties. These are all third parties concerned because of related financial issues, guardianship and custody matters, and public record purposes.

This bill provides mandates for the computerization of the civil registries at the local and national levels. This bill also sets the goal of having physical access to civil registry services at every barangay. The initial goal is that of having civil registry field units in every congressional district.

Considering all the foregoing, swift passage of this bill is sought.



KRISTINE ALEXIE BESAS TUTOR
Representative, Bohol - Third District

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AN ACT

PROVIDING FOR THE ORDERLY, TRANSPARENT, URGENT, AND EFFECTIVE EXECUTION OF ACTIONS AND DECISIONS INVOLVING ANNULMENT, DISSOLUTION OF MARRIAGE, LEGAL SEPARATION, MARRIAGE, BIRTH REGISTRATION, DEATH REGISTRATION, AND OTHER PROCEEDINGS AFFECTING THE CIVIL REGISTRY OF LOCAL GOVERNMENT UNITS AND THE PHILIPPINE STATISTICS AUTHORITY, AMENDING THE FAMILY CODE OF THE PHILIPPINES (EXECUTIVE ORDER NO. 209, SERIES OF 1987) AND THE FAMILY COURTS ACT OF 1997 (REPUBLIC ACT 8369), APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

1 **SECTION 1. Short Title.** This Act shall be known as **The Family Law Reform Act**
2 **of 2021.**

3
4 **SEC. 2. Declaration of Policy.** It is the policy of the State to ensure the equitable,
5 efficient and effective delivery of public services, including the operations, maintenance,
6 processes of administrative, civil, and criminal actions and proceedings affecting the civil
7 registry of the local government units and the Philippine Statistics Authority, especially those
8 involving annulment, dissolution of marriage, legal separation, marriage, birth registration,
9 adoption, foundling registration, and death registration. It is also the policy of the State to
10 ensure fair and swift legal and judicial proceedings on cases involving family relations and
11 Family Law.

12
13 **SEC. 3. Annulment and Dissolution of Marriage.** All declarations of absolute nullity
14 of marriage and of dissolution of marriage approved by religious authorities, Family Court, and
15 other persons or institutions vested with the authority to annul marriages solemnized with or
16 without marriage licenses shall be properly recorded in the national and local civil registries.
17 The declaration of absolute nullity or dissolution of marriage must be recorded within fifteen
18 (15) working days from the date of final approval. Effectivity of the declaration of absolute
19 nullity or dissolution of marriage is the date of final approval.

1 A declaration by the proper religious authority of absolute nullity or dissolution of a
2 marriage shall be recognized by the State and its instrumentalities as a valid absolute
3 nullification or dissolution of that marriage from the date it is declared. It shall be the
4 ministerial duty of the religious authority and the civil registry offices to make the civil registry
5 records faithfully reflect the nullification or dissolution of the marriage as provided in the
6 preceding paragraph. Furthermore, these authorities shall, at no cost to the parties and within
7 fifteen (15) working days from the date the marriage is nullified or dissolved, formally copy
8 furnish the following of the nullification or dissolution of the marriage for proper notice of the
9 change of civil status:

- 10
- 11 1. the solemnizing officer who officiated at the nullified or dissolved marriage;
 - 12 2. the courts, quasi-judicial bodies, and other government offices where there are related
13 pending cases involving one or both parties in the nullified or dissolved marriage;
 - 14 3. the barangay where the parties of the nullified or dissolved marriage have their current
15 residence;
 - 16 4. the Bureau of Internal Revenue, Social Security System and/or the Government Service
17 Insurance System;
 - 18 5. the employers of the parties of the nullified or dissolved marriage; and
 - 19 6. the school of the child or children, if any, of the parties in the nullified or dissolved
20 marriage.
- 21

22 A declaration of absolute nullity or dissolution of marriage shall be valid even if the
23 partition of conjugal property and issues of custody over, visitation, and financial support for
24 the former spouses' children, if any, have yet to be finalized either by agreement between the
25 parties or by court declaration.

26

27 **SEC. 4. Abolition of the Role of the Office of the Solicitor General.** All authority, roles,
28 functions, procedures, administrative charges, and fees of the Office of the Solicitor General
29 pertinent to annulment or dissolution of marriage are hereby abolished. All pending annulment
30 or dissolution of marriage cases at the Office of the Solicitor General are hereby immediately
31 transferred to the Department of Social Welfare and Development where a Family Relations
32 Welfare Office is hereby established. The Secretary of the Department of Social Welfare and
33 Development is hereby authorized to create and staff the necessary field units of the FRWO at
34 the provincial, city, municipal, and barangay levels. The services of the FRWO shall be
35 rendered free of charge to the public regardless of civil status, income level, age, or gender of
36 the client. The FRWO shall provide staff support to the Special Branch for Family Law of the
37 Public Attorney's Office.

38

39 **SEC. 5. Appeals of Family Court Decisions and Creation of a Special Branch of the**
40 **Public Attorney's Office.** Family Court decisions, rulings and resolutions are appealable to
41 the Court of Appeals and then to the Supreme Court. The Special Branch for Family Law is
42 hereby created within the Public Attorney's Office to prosecute appeals of decisions of Family
43 Courts. In case of lack of personnel, the Public Attorney's Office shall enlist private attorneys
44 into temporary pro bono service. The Public Attorney's Office shall enter into a memorandum
45 of agreement with the Integrated Bar of the Philippines for the provision by the IBP of the
46 private attorneys the PAO would need for temporary pro bono service.

47

48 **SEC. 6. Swift Resolution and Continuous Trial of Family Court Cases.** The Family
49 Court and appellate courts shall ensure the swift resolution and continuous trial of every Family
50 Court case brought before them. At the level of the Family Court, a deadline of one hundred

1 and eighty (180) working days is hereby set for hearings and judgment of each case. On appeal,
2 a deadline of another one hundred and eighty (180) working days is hereby set for hearings and
3 judgment of each case. The Supreme Court shall issue, upon recommendation of the Office of
4 the Court Administrator, the necessary rules to implement this Section of this Act.

5

6 **SEC. 7. Roles of the Philippine Statistics Authority, Department of Interior and Local**
7 **Government, Department of Social Welfare and Development and barangays.** The
8 Philippine Statistics Authority is hereby mandated to establish field service units, produce and
9 maintain mobile applications, and continually operate its online portal for the delivery of civil
10 registry services nationwide and overseas. The Department of Interior and Local Government
11 and all civil registry offices of local governments nationwide are hereby mandated to
12 computerize all local civil registry services and establish field service units in every
13 congressional district. The Department of Social Welfare and Development is hereby mandated
14 to take the lead in institutionalizing reforms to make civil registry services affordable,
15 accessible, fair, effective and efficient nationwide. The DSWD shall collaborate with the PSA,
16 DILG, and Office of the Court Administrator on this mandate. All these agencies shall work
17 toward the goal of making civil registry services accessible and reliable in every barangay in
18 the country and in Philippine embassies and consulates worldwide.

19

20 **SEC. 8. Public Notices at the Barangay Level.** Public notices of final judgment and of
21 pending cases involving annulment or dissolution of marriage, legal separation, application for
22 marriage license, adoption, and foundling registration shall be posted on the physical bulletin
23 board of the barangay where the parties involved are residents. The public notices may also be
24 posted on the official Facebook account or page or other social media account of the barangay.

25

26 **SEC. 9. Implementing Rules and Regulations.** The implementing agencies mentioned in
27 this Act shall formulate, approve, and issue the necessary and appropriate rules and regulations
28 to faithfully execute the provisions of this Act not later than sixty (60) working days from its
29 effectivity. Those rules and regulations shall be updated and revised as often as necessary.

30

31 **SEC. 10. Appropriations.** The budgets necessary to implement this Act shall be provided
32 in the annual general appropriations approved by Congress and by local legislative bodies.
33 Such appropriations may be augmented by donations and foreign funding.

34

35 **SEC. 11. Effectivity.** This Act shall take effect fifteen (15) days after its publication in a
36 newspaper of general and nationwide circulation or on the official website of the newspaper of
37 general and nationwide circulation.

Approved,