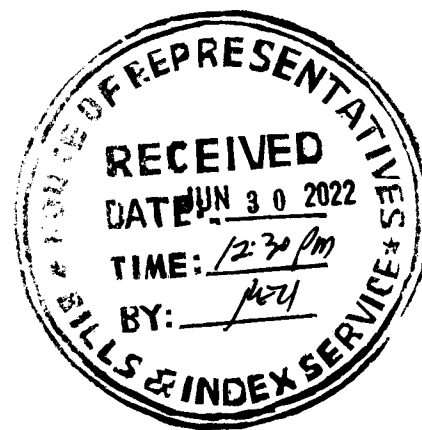


Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

NINETEENTH CONGRESS  
First Regular Session

House Bill No. 78



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**Introduced by Rep. Edcel C. Lagman and Rep. Juliet Marie de Leon Ferrer**

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**EXPLANATORY NOTE**

Couples often remember their wedding day as one of the happiest days of their lives. A bride and groom exchange wedding vows with the heartfelt intent of fulfilling the pledge of lifetime commitment to one another. A marriage is a celebratory occasion filled with great expectations for a future of love, happiness, and true partnership. No bride or groom enters matrimony with negative thoughts or intent of evasion. Both believe that their love will conquer any and all odds that may beset them during their union.

But it is a fact that some marriages break down even with the couples' resolute and repeated efforts to solve differences and reconcile.

It has been underscored time and again by divorce advocates that there are only two sovereign states in the world where divorce is illegal – the Philippines and the Vatican City.

Other than this singular similarity, the Philippines and Vatican City are not alike in significant factors like the following:

(a) In terms of religion, Vatican City is 100% Catholic, and while the Philippines is predominantly Catholic, a sizeable percentage is Muslim and others profess different faiths.

(b) Data from the Philippine Statistics Authority (PSA) show that from only the first two months of 2022 – January and February – there were already a total of 21,495 marriages in the Philippines. Compare this to the mere 100 or so weddings officiated in the various chapels inside Vatican City yearly, all of which were unions between non-Vatican residents.

(c) The PSA projects the population of the Philippines by 01 July 2022 to be 111,572,254 with females comprising an estimated 49.5% of the total population at 55,228,265 women. Compared to the Philippines, the Vatican has an almost microscopic female population. In 2022 it is home to only 799 people, around 5% of which or 40 are women, majority of whom are nuns.

(d) An estimated 7,370 babies are born to Filipino women in the country every day but not a single baby has ever been born in the Vatican City. In fact, it does not even have a hospital.

Statistics involving women must be given due emphasis because divorce is primarily an issue of women's rights. Not being able to get out of a loveless, unhappy, even abusive marriage is a human rights concern for women. The right of women to live free of physical, emotional, and psychological violence is a human right. The right of women not to live in fear is a human right. The right of women to remunerative work and economic independence is a human right. The right of women to autonomy in all aspects of their lives is human right.

When there is physical violence in a relationship, women are almost always at the receiving end of a fist or an open palm and it is the obligation of the State to ensure this does not intensify to the use of a knife or firearm. More often than not, it is the wives who are financially dependent on their husbands and have fewer opportunities for remunerative work. Women bear the brunt of parenting and childrearing but have less social capital and civic influence and therefore frequently opt to stay in a long-dead relationship. Men go up the social ladder faster and are almost always paid more for the same kind of work than women, which make women waver when it comes to leaving a cheating or cruel husband.

It is therefore not surprising that the history of divorce laws is intimately intertwined with the evolution of the rights of women and their increasingly changing roles in society.

When women became more educated and accomplished, they also sought more work outside the home; exercised the right to reproductive self-determination by deciding when and how often to give birth; were less afraid to voice their opinions and concerns; and contributed increasingly in fields that were previously the exclusive domain of men.

When women embrace activism and become more politically and socially aware, they help advance their rights – including the right to divorce their husbands, be entitled to child support, receive their rightful share in the conjugal properties, and remarry and build new lives for themselves.

As women all over the world gained more political traction, the divorce laws slowly became less skewed in favor men and offered more protection for women and their children.

The oscillating history of divorce in the Philippines can be summed up as follows: (1) In Pre-Hispanic Philippines divorce was readily available for both men and women and was fairly routine; (2) During the Spanish colonization, absolute divorce was illegal but legal separation allowed in very specific instances; (3) During the American Period Act 270 was passed by the Philippine Legislature allowing absolute divorce on the ground of criminal conviction for adultery on the part of the wife and concubinage on the part of the husband; (4) During the Japanese Occupation, by virtue of Executive Order No. 141, divorce was allowed on 11 grounds which included, among others, adultery and concubinage, contagious disease contracted by one spouse, impotency, repeated physical violence, and slander by deed; (5) With the adoption of the Civil Code of the Philippines under the Philippine Republic absolute divorce was outlawed and only legal separation was recognized, except for Muslims where absolute divorce is allowed. (6) In the Post-EDSA period, the Family Code of the Philippines allowed legal separation, annulment

of marriage, and the filing of a petition for Declaration of Nullity on the ground of psychological incapacity, and these remedies are limited, do not grant full relief and are grossly expensive and cumbersome.

Thirty-five years after the institution of the Family Code, the time is more than ripe and Filipinos are more than ready for a progressive and pro-women Philippine divorce law. In its most recent March 2018 survey on divorce, the SWS described the support for divorce as “moderately strong” (at 53% of respondents favoring divorce, 32% opposing it, and 15% undecided).

It must be underscored that the institution of absolute divorce is definitely not for couples in harmonious, happy and vibrant marital relationships, which accounts for the overwhelming majority of Filipino marriages. It is for the exceptional cases when the martial union is irremediably severed because marriage still is a human institution that could collapse and wither because of human imperfections and limitations.

Critics of the divorce bill must be disabused from the notion that absolute divorce will destroy marriage. It is important to remember that in divorce proceedings, there is no more marriage to protect or union to destroy because the marriage has long perished. Paraphrasing the language of the Supreme Court in ***Te vs. Te*** (G.R. No. 161793, February 13, 2009), the severance of the marriage bond is a decent interment of a long-dead marriage.

Notwithstanding the adoption in the 1987 Constitution of the precepts that marriage is a social institution, is the foundation of the family, and is inviolable, the Commissioners of the 1986 Constitutional Commission were unanimous that the Congress is not prohibited or precluded from instituting absolute divorce and dissolution of marriage under the current Charter.

Verily, this proposed legislation is constitutional and necessary to give full relief to couples in intolerable and irreconcilable conditions, which full relief is not available under legal separation, annulment of marriage, and declaration of nullity of marriage under the Family Code of the Philippines which are costly and lengthy.

The institution of absolute divorce does not temporize the steadfast commitment of the State to protect and preserve marriage as a social institution and as the foundation of the family. This the bill provides for clear and categorical safeguards for the preservation and protection of marriage. Because while the State continues to protect and preserve marriage as a social institution and as the foundation of the family, shattered marriages beyond rehabilitation happen due to human failings and frailties.

But when a marriage totally breaks down and reconciliation is nil, it is also the duty of the State to afford relief to the spouses in irreconcilable relations and bail them and their children out from the tempest of incessant discord.

The State cannot abandon couples and their children in a house on fire.

Love, trust, and respect, which are the veritable foundations of marriage and family, are voluntary, mutual and earned. When they are lost, no amount of compulsion by statute, custom or religion can restore their value.

Moreover, during the previous 17<sup>th</sup> Congress several divorce bills were extensively debated on and eventually passed by the House of Representatives on third reading. During the immediately preceding 18<sup>th</sup> Congress, again various divorce bills were deliberated on; numerous stakeholders, both pro- and anti-divorce were earnestly consulted; two technical working group meetings were held to consolidate the bills and introduce amendments; and a substitute bill was finalized in August 2021.

The foregoing are the reasons why absolute divorce must be available as an option.

The approval of this measure is earnestly sought.



**EDCEL C. LAGMAN**



**JULIET MARIE DE LEON FERRER**

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**NINETEENTH CONGRESS**

First Regular Session

House Bill No. 78

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**Introduced by Rep. Edcel C. Lagman and Rep. Juliet Marie de Leon Ferrer**

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**AN ACT  
REINSTITUTING ABSOLUTE DIVORCE AS AN ALTERNATIVE MODE  
FOR THE DISSOLUTION OF MARRIAGE**

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

SECTION 1. **Short Title.** – This Act shall be known as the “Absolute Divorce Act”.

SEC. 2. **Declaration of Policy.** – While the State continues to protect and preserve marriage as a social institution and as the foundation of the family, it shall also give the opportunity to spouses in irremediably failed marriages to secure an absolute divorce decree as an alternative mode for the dissolution of an irreparably broken or dysfunctional marriage under limited grounds and well-defined judicial procedures; save the children from the pain, stress, and agony consequent to their parents’ constant marital clashes or irreconcilable separation; and grant the divorced spouses the right to marry again for another chance to achieve marital bliss.

SEC. 3. **Guiding Principles.** – The following shall be the guiding principles of this Act:

1. Absolute divorce shall be judicially decreed after the fact of an irremediably broken marriage.
2. The State shall assure that the court proceedings for the grant of absolute divorce shall be affordable, expeditious, and inexpensive.
3. Concerned spouses have the option to file for absolute divorce under this Act or seek legal separation, annulment of marriage or nullification of marriage under the pertinent provisions of Executive Order No. 209 otherwise known as the Family Code of the Philippines.
4. The option of absolute divorce is a pro-woman legislation because in most cases, it is the wife who is entitled to a divorce as a liberation from an abusive relationship and to help her regain dignity and self-esteem.
5. A six-month cooling-off period is instituted after the filing of a petition for absolute divorce as a final attempt for reconciliation of concerned spouses.

6. A divorce decree shall include provisions for the care and custody of children, protection of their legitime, termination and liquidation of the conjugal partnership of gains or the absolute community, and alimony for the aggrieved or innocent spouse.

7. Even as absolute divorce is reinstituted, the State has the mandate of strengthening marriage and family life by undertaking, among others, relevant pre-nuptial and post-matrimonial programs and activities adequately funded by the government.

**SEC. 4. *Definition of Terms.*** – As used in this Act:

a) *Abandonment* refers to the act of a spouse leaving the conjugal home without justifiable cause and with a deliberate intention of creating a perpetual separation. The desertion amounts to an absolute cessation of marital relations, rights and duties. The abandonment may also be physical estrangement, or financial desertion;

b) *Absolute divorce* refers to the judicial dissolution of a marriage or the termination of the bond of matrimony where the spouses return to their status of being single with the right to contract marriage again;

c) *Alcoholism* refers to excessive consumption of alcoholic beverages at a level that interferes with physical or mental health, and social, family, or occupational responsibilities;

d) *Alimony* refers to spousal support made under court order to a divorced person by the former spouse;

e) *Bigamous marriage* refers to a second or subsequent marriage contracted before the former marriage has been legally dissolved, or before the absent spouse has been declared presumptively dead by means of a judgment rendered in the proper proceedings;

f) *Child* refers to a descendant of the first degree by birth, and shall include an offspring by legal adoption or one whose custody and care is judicially decreed to be given to a guardian;

g) *Child custody* refers to the parental authority and care of a child as decreed by a competent court when the parents of the child are divorced;

h) *Child support* refers to a method of compensating a parent needing financial support for raising and sheltering a child or children by the other parent who has the means to pay for the expenses associated with child support. The proper court shall determine the payments, based on the income level of the parent giving support and the needs of the child or children requiring support;

i) *Chronic gambling* refers to a disorder of impulse control in which a person makes habitual wagering in games of chance which compromise, disrupt or damage family, work and social relations, and vocational pursuits;

j) *Competent court* refers to the proper family court established under Republic Act No. 8369 or the "Family Courts Act of 1997", which shall



exercise jurisdiction both over the absolute divorce proceeding and the persons of the petitioner and respondent spouses;

k) *Court-assisted petitioner* refers to a petitioner-spouse who has personal or real properties not exceeding Two million five hundred thousand pesos (PhP2,500,000.00);

l) *Domestic or marital abuse* refers to violence or aggressive behavior within the home, typically involving the violent abuse of a spouse by the other which may be committed through:

- (1) physical violence,
- (2) psychological and emotional violence,
- (3) sexual violence, or
- (4) economic abuse;

m) *Drug addiction* refers to habitual dependence on a prohibited drug or drugs;

n) *Insanity* refers to a neurologic or psychiatric condition characterized by the existence of a recognizable, clinically-significant disturbance in an individual's cognition, emotional regulation, or behavior that reflects a genetic or acquired dysfunction in the neurological, psychosocial, or developmental process underlying mental functioning;

o) *Irreconcilable differences* refer to the substantial incompatibility of the spouses due to their intransigence or fault by holding on to divergent and divisive behavior resulting to the total breakdown of their marriage which could not be repaired despite earnest efforts to reconcile;

p) *Legitimate* refers to the portion of a parent's estate from which they cannot disinherit the children, without sufficient legal cause;

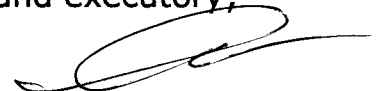
q) *Marital infidelity* refers to the extramarital sexual relations of a spouse;

r) *Overseas Filipinos* refer to Filipino migrant workers, other Filipino nationals and their dependents abroad or as defined under Sec. 3 of Republic Act No. 8042, as amended, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995";

s) *Psychological incapacity* refers to the condition provided for in Article 36 of the Family Code of the Philippines which warrants the nullification of a marriage;

t) *Sex reassignment surgery* refers to the procedure by which a person's physical appearance and function of primary sex characteristics are altered to resemble that of the identified or preferred gender;

u) *Summary judicial proceedings* refer to an expeditious manner of resolving a petition for divorce without regard to technical rules and the petitioner is given the option to be assisted or not by a lawyer. The proper court may allow presentation of evidence *ex parte* as warranted by circumstances. The decision shall be immediately final and executory;



v) *Transgender* refers to those whose gender identity or expression differs from what is typically associated with the sex at birth;

w) *Transsexual* refers to a person who emotionally and psychologically feels that one belongs to the opposite sex, and who opts for a transition from one sex to another through the use of hormones or surgical procedure.

**SEC. 5. *Grounds for Absolute Divorce.*** – The following are the grounds for a judicial decree of absolute divorce:

a) The grounds for legal separation under Article 55 of the Family Code of the Philippines, modified or amended, as follows:

(1) Physical violence or grossly abusive conduct directed against the petitioner, a common child, or a child of the petitioner;

(2) Physical violence or moral pressure to compel the petitioner to change religious or political affiliation;

(3) Attempt of respondent to corrupt or induce the petitioner, a common child, or a child of the petitioner, to engage in prostitution, or connivance in such corruption or inducement;

(4) Final judgment sentencing the respondent to imprisonment of more than six (6) years, even if pardoned;

(5) Drug addiction or habitual alcoholism or chronic gambling of the respondent;

(6) Homosexuality of the respondent;

(7) Contracting by the respondent of a subsequent bigamous marriage, whether in the Philippines or abroad;

(8) Marital infidelity or perversion or having a child with another person other than one's spouse during the marriage, except when upon the mutual agreement of the spouses, a child is born to them by *in vitro* or a similar procedure or when the wife bears a child after being a victim of rape;

(9) Attempt by the respondent against the life of the petitioner, a common child or a child of the petitioner;

(10) Abandonment of petitioner by respondent without justifiable cause for more than one (1) year;

When the spouses are legally separated by judicial decree for more than two (2) years, either spouse can petition the proper court for an absolute divorce based on said judicial decree of legal separation.

b) Grounds for annulment of marriage under Article 45 of the Family Code of the Philippines, restated as follows:





(1) The party in whose behalf it is sought to have the marriage annulled was eighteen (18) years of age or over but below twenty-one (21), and the marriage was solemnized without the consent of the parents, guardian or person having substitute parental authority over the party, in that order, unless after attaining the age of twenty-one (21), such party freely cohabited with the other and both lived together as husband and wife;

(2) Either party was of unsound mind, unless such party after coming to reason, freely cohabited with the other as husband and wife;

(3) The consent of either party was obtained by fraud, unless such party afterwards, with full knowledge of the facts constituting the fraud, freely cohabited with the other as husband and wife;

(4) The consent of either party was obtained by force, intimidation or undue influence, unless the same having disappeared or ceased, such party thereafter freely cohabited with the other as husband and wife;

(5) Either party was physically incapable of consummating the marriage with the other, and such incapacity continues or appears to be incurable;

(6) Either party was afflicted with a sexually transmissible infection found to be serious or appears to be incurable:

*Provided, That the grounds mentioned in numbers 2, 5 and 6 existed either at the time of the marriage or supervenes after the marriage.*

c) When the spouses have been separated in fact for at least five (5) years at the time the petition for absolute divorce is filed, and reconciliation is highly improbable.

d) Psychological incapacity of either spouse as provided for in Article 36 of the Family Code of the Philippines, whether or not the incapacity existed at the time of the marriage or supervenes after the marriage.

e) When one of the spouses undergoes a gender reassignment surgery or transitions from one sex to another, the other spouse is entitled to petition for absolute divorce with the transgender or transsexual as respondent, or vice versa.

f) Irreconcilable marital differences as defined in the preceding Sec. 4.o.

g) Other forms of domestic or marital abuse as defined under Sec. 4. l.

The grant of absolute divorce based on domestic or marital abuse or violation of Republic Act No. 9262 otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004" shall be without prejudice to the prosecution of the errant spouse under the said Act.



h) When a valid Foreign Divorce has been secured by either the alien or Filipino spouse.

In order that a foreign divorce can be recognized as a ground for divorce or shall have the effect of a divorce under this Act, without going through the judicial process, said foreign divorce must be authenticated by the Philippine Consul in or proximate to the foreign country where it was secured, and subsequently filed with the proper civil registrar in the Philippines or the Office of the Philippine Consul abroad where the Filipino spouse is residing.

i) When a marriage is nullified or dissolved by the proper matrimonial tribunal of the Roman Catholic Church or any other recognized religious sect or denomination which may have their own matrimonial tribunal, the said nullified or dissolved marriage shall constitute a ground for divorce or shall have the effect of a divorce under this Act, without going through the judicial process, when it is authenticated by the proper authorities of the Roman Catholic church or any other recognized religious sect or denomination, and registered with the proper civil registrar in the Philippines.

**SEC. 6. Procedure for Obtaining Absolute Divorce.** – (a) The established and recognized procedures for securing legal separation, annulment of marriage, and voiding of a marriage under the Family Code of the Philippines, as far as practicable, and not in conflict with this Act, shall govern the process of obtaining a judicial decree of absolute divorce from the proper family court which shall be commenced by the petitioner filing a verified petition for absolute divorce.

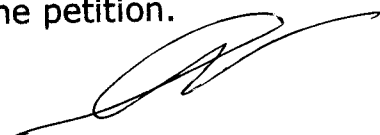
(b) The factors and grounds which militate against the grant of legal separation and the annulment and nullification of marriages as provided for in the Family Code of the Philippines shall likewise be assessed, based on competent and credible proof, against the grant of absolute divorce.

(c) Upon application as a court-assisted petitioner, the proper court shall waive the payment of filing fees and other costs of litigation, and shall appoint a *counsel de oficio* for court assisted petitioner and assign social workers, psychologists, and psychiatrists, preferably from appropriate government agencies, to assist the said petitioner and the court free of charge.

(d) All creditors of the absolute community or of the conjugal partnership of gains, as well as the personal creditors of the spouses, shall be listed in the petition for absolute divorce and notified of the filing thereof. The court shall take measures to protect the creditors and other persons with pecuniary interest.

(e) No decree of absolute divorce shall be based upon a stipulation of facts or a confession of judgment.

(f) Public Prosecutors in provinces, cities and capital towns are authorized and obliged to conduct investigations to find out whether or not there is collusion between the spouses in a petition for absolute divorce or a spouse has coerced the other to file the petition and shall report their findings to the proper court within six (6) months from the filing of the petition.



SEC. 7. **Overseas Filipino.** – Petitioners who are overseas Filipinos shall be given priority by the proper court with respect to the hearing of their petitions and the court shall set the reception of evidence, upon the availability of the petitioners, for not more than two (2) consecutive days.

SEC. 8. **Summary Judicial Proceedings.** – The following grounds for absolute divorce may be subject to summary judicial proceedings as defined in Sec. 4. u:

- (a) When the spouses have been separated *de facto* for at least five (5) years;
- (b) When one of the spouses has contracted a bigamous marriage;
- (c) When the spouses have been legally separated by judicial decree for two (2) years or more;
- (d) When one of the spouses has been sentenced to imprisonment for six (6) years, even if subsequently pardoned; and
- (e) When one of the spouses has undergone a sex reassignment surgery or has transitioned into another sex.

SEC. 9. **Mandatory Six-month Cooling-off Period.** – Except for grounds under summary judicial proceedings, the proper court shall not start the trial of a petition for absolute divorce before the expiration of a six-month cooling-off period after the filing of the petition during which the court shall exercise all efforts to reunite and reconcile the parties.

The requirement of a cooling-off period shall not apply in cases which involve acts of violence against women and their children under Republic Act No. 9262 otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004" or attempt against the life of the other spouse or a common child or a child of the petitioner.

SEC. 10. **Waiver of Expert Testimony.** – Expert testimony shall be dispensed with unless the court decides that such testimony is indispensable in deciding the petition for divorce.

SEC. 11. **Effects of Absolute Divorce.** – The decree of absolute divorce shall have the following effects:

- a) The marriage bond shall be severed and the divorced spouses shall have the right to contract marriage again;
- b) The custody of the minor children shall be decided by the proper court in accordance with the best interests of the children, subject to the provisions of Article 213 of the Family Code of the Philippines taking into primary consideration that no child under seven (7) years of age shall be separated from the mother, unless the proper court finds compelling reasons to order otherwise;
- c) The conjugal partnership of gains or the absolute community shall be dissolved and liquidated and the assets shall be equally divided between



the spouses excluding the paraphernal or exclusive properties of either spouse. The recognition and delivery of the presumptive legitime to the common children shall be ordered by the court, taking into consideration the interests of the children and the protection of their legitime from dissipation. The presumptive legitime shall be computed as of the date of the finality of the decree of absolute divorce. The partition and distribution of the properties of the spouses and the delivery of the children's presumptive legitime shall be recorded in the appropriate civil registry and registry of deeds, otherwise the same shall not affect third persons;

d) In addition to the equal share in the assets of the absolute community or conjugal partnership, the petitioner who is not gainfully employed shall be entitled to spousal support or alimony from the respondent until the petitioner finds adequate employment: *Provided*, That the support shall not exceed two (2) years from the finality of the decree of absolute divorce and shall cease upon the petitioner's remarriage; *Provided, Further*, That the right to support shall be subject to the provisions of Article 201 of the Family Code of the Philippines where the amount of support shall be in proportion to the resources or means of the obligor and to the necessities of the obligee;

e) The proper court shall have the discretion to grant spousal support or alimony, child support and child custody pursuant to the pertinent provisions of the Family Code of the Philippines, and impose contempt of court against the defaulting parties. The necessity of alimony and the amount shall be determined by the court taking into consideration all relevant factors;

f) The petitioner may revoke the donations made in favor of the respondent, as well as the designation of the latter as a beneficiary in any insurance policy, even if such designation be stipulated as irrevocable. The revocation of the donations shall be recorded in the registries of properties in the places where the properties are located. Alienations, liens and encumbrances registered in good faith before the recording of the complaint for revocation in the registry of property shall be respected. The revocation of or a change in the designation of the insurance beneficiary shall take effect upon written notification thereof to the beneficiary.

The action to revoke the donation under this provision must be brought within five (5) years from the time the decree of absolute divorce has become final;

g) The effects on the divorced spouses with respect to intestate succession, testamentary dispositions, donations and insurance provisions on beneficiaries in accordance with the Family Code of the Philippines and jurisprudence will be observed; and

h) The legitimate and adopted children of divorced parents shall retain their legal status and legitimacy; a child conceived or born within 300 days after the filing of a petition for absolute divorce shall be considered legitimate, unless the ground for divorce is the marital infidelity of the wife.

**SEC. 12. Award for Damages.** – The proper court may, as warranted by evidence, award actual, moral, and exemplary damages as provided for under the New Civil Code to the innocent spouse against the errant spouse.



SEC. 13. **Conversion of Pending Petitions.** – Parties who have pending petitions under Articles 36, 45, and 55 of the Family Code of the Philippines may convert their petitions to an action for absolute divorce under this Act without paying filing fees.

SEC. 14. **Recognition of Reconciliation.** – (a) If the petitioners have agreed to reconcile, a corresponding joint manifestation under oath duly signed by them shall be filed with the same court where the petition for absolute divorce was filed with the interests of the children duly protected.

(b) The plan to reconcile shall have the following consequences:

- (1) The absolute divorce proceedings, if still pending, shall be terminated at whatever stage, and
- (2) The final decree of absolute divorce shall be set aside, but the separation of property and any forfeiture of the share of the respondent already effected shall subsist, unless the spouses agree to revive their former property regime.

The court order containing the foregoing shall be recorded in the proper civil registries.

(c) The agreement to revive the former property regime referred to in this Act shall be executed under oath and shall specify:

- (1) the properties to be contributed anew to the restored regime;
- (2) those to be retained as separate properties of each spouse; and
- (3) the names of all their known creditors, their addresses and the amounts owing to each.

The agreement of revival and the motion for its approval shall be filed with the court in the same proceeding for absolute divorce, with copies of both furnished to the creditors named therein. After due hearing, the court shall issue an order to protect the interest of creditors and such order shall be recorded in the proper registry of deeds.

The recording of the order in the proper registry of deeds shall not prejudice any creditor not listed or not notified.

SEC. 15. **Penalty.** – A spouse who is a party to a petition for absolute divorce who is found by the court to have used threats or coercion to compel the other spouse in filing the petition, and spouses who are guilty of collusion, shall be punished with imprisonment of five (5) years and a fine of Two hundred thousand pesos (PhP200,000.00).

Any parent in default of providing the required child support under this Act shall be charged of contempt of court and be imposed a fine of:



- (a) Fifty thousand pesos (P50,000.00) for the first default,
- (b) One hundred thousand pesos (P100,000.00) for the second default, and
- (c) Two hundred thousand pesos (P200,000.00) each for the third and the succeeding defaults.

SEC. 16. **Options and Remedies.** – The concerned spouse shall have the option to file a petition for dissolution of marriage, annulment of marriage, or legal separation under Articles 36, 45, and 55, respectively, of the Family Code of the Philippines.

SEC. 17. **Application for a Court-Assisted Petition.** – A petitioner-spouse may apply for a court-assisted petition in obtaining absolute divorce. Upon approval of the application, the proper court shall waive the payment of all forms of filing fees and other costs of litigation and shall appoint a *Counsel de oficio* in favor of court-assisted petitioner or petitioners and shall assign such number of social workers, psychologists, and psychiatrists as may be necessary from a pool of accredited social workers and practitioners recognized by the Department of Social Welfare and Development (DSWD), and the Department of Justice (DOJ), to assist the petitioner free of charge.

SEC. 18. **Community-Based Pre-Nuptial and Post-Matrimonial Programs and Activities.** – The National Government, through the DSWD, shall implement community-based pre-nuptial, reconciliatory phase or cooling-off counseling, and post-matrimonial programs and activities aimed at strengthening the marital and family life of Filipinos.

These social welfare interventions, which will protect the stability of Filipino families, will be instituted by DSWD, in provinces, cities and clusters of municipalities in the entire country, while observing the local cultures and customs that are prevalent in each locality.

SEC. 19. **Community-Based Women's Desk.** – The frontline desk in every barangay established under Republic Act 9710 or the "Magna Carta of Women" shall be readily available and easily accessible to provide support and assistance to victims, especially women, of all forms of abuse and acts of violence identified under this Act and those provided under RA 9262 or the "Anti-Violence Against Women and Their Children Act of 2004."

SEC. 20. **Implementing Rules and Regulations (IRR).** – The Department of Social Welfare and Development (DSWD) as lead agency, together with the Philippine Commission on Women (PCW), the National Youth Commission (NYC), and at least two (2) representatives from women's organizations, to be appointed by the PCW in consultation with civil society and women's organizations shall promulgate the Implementing Rules and Regulations (IRR) within sixty (60) days after the effectivity of this Act.

SEC. 21. **Separability Clause.** – If any part or provision of this Act is held invalid or unconstitutional, the other provisions not affected thereby shall remain in force and effect.



SEC. 22. **Repealing Clause.** – All laws, executive orders, issuances, decrees, rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.

SEC. 23. **Effectivity.** – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

A handwritten signature in black ink, consisting of a stylized, cursive 'R' followed by a horizontal line.