

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 99

HOUSE OF REPRESENTATIVES	
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INTRODUCED BY GABRIELA WOMEN'S PARTY
Representatives EMMI A. DE JESUS and ARLENE D. BROSAS

EXPLANATORY NOTE

Legal separation is one of the existing tools under the Family Code of the Philippines whereby a women suffering from an abusive spouse can opt to use to get out of an atrocious relationship. It will not dissolve the marriage, yet it will give a sort of relief to the aggrieved party.

Amending certain provisions on legal separation will give women and their children additional State protection consistent to Republic Act No. 9262, otherwise known as the Anti-Violence Against Women and Their Children Act of 2004. While the proposed amendments shall apply to both spouses, more women will benefit from the measure since they comprise the majority of the reported victims of violence within the typical Filipino family home.

This measure proposes to amend Article 55 (1), (5) and (6) under the grounds for legal separation. Amendment to Article 55 (1) is to consider not only the number of times violence is perpetrated but also the severity or gravity of the violence committed, while amendments to Article 55 (5) & (6) are additional grounds related and equated to the previously considered marriage offenses.

It is with hope that this measure be considered, consistent to the Magna Carta of Women, in order to attain substantive protection and enhancement to the right of all Filipinos to human dignity.


Rep. Emmi De Jesus


Rep. Arlene Brosas

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EMMI A. DE JESUS and ARLENE D. BROSAS

**AN ACT EXPANDING THE GROUNDS FOR LEGAL SEPARATION, AMENDING
FOR THE PURPOSE ARTICLE 55 OF THE FAMILY CODE OF THE PHILIPPINES**

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

SECTION 1. Article 55 of the Family Code of the Philippines is hereby amended to read as follows:

“Article 55. A petition for legal separation may be filed on any of the following grounds:

- (1) **SERIOUS PHYSICAL OR SEXUAL VIOLENCE**, repeated 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 years, even if pardoned;
 - (5) Drug addiction, habitual alcoholism **OR EXCESSIVE GAMBLING** of the respondents;
 - (6) **Lesbianism, homosexuality OR BISEXUALITY** of the respondent;
- xxx”

SECTION 2. This Act shall take effect immediately upon approval.

Approved,