



Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

EIGHTEENTH CONGRESS  
Third Regular Session



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COMMITTEE REPORT NO. 1114

Submitted by the Committee on Women & Gender Equality on August 7, 2021

Re: House Bill No. 9943

Recommending its approval in substitution of House Bills Numbered 1486, 3899, 5670 and 7922

Sponsors: Representatives Maria Lourdes Acosta-Alba, Bernadette "BH" Herrera-Dy, and Edcel C. Lagman

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Mr. Speaker:

The Committee on Women and Gender Equality to which were referred House Bill No. 1486, introduced by Representatives Bernadette "BH" Herrera-Dy, and Edcel C. Lagman, entitled:

AN ACT  
PROTECTING CHILDREN BY PROHIBITING AND DECLARING CHILD MARRIAGE AS ILLEGAL AND PROVIDING PROGRAMS AND PENALTIES THEREOF;

House Bill No. 3899, introduced by Representative Alfred Vargas, entitled:

AN ACT  
PROTECTING CHILDREN BY PROHIBITING AND DECLARING CHILD MARRIAGE AS ILLEGAL, AND IMPOSING PENALTY THEREOF;

House Bill No. 5670, introduced by Representative Josephine Veronique R. Lacson-Noel, entitled:

AN ACT  
PROTECTING CHILDREN BY PROHIBITING AND DECLARING CHILD MARRIAGE AS ILLEGAL AND IMPOSING PENALTIES THEREOF; and

House Bill No. 7922, introduced by Representative Joy Myra S. Tambunting, entitled:

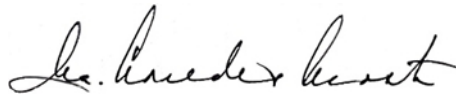
AN ACT  
PROTECTING CHILDREN BY PROHIBITING AND DECLARING CHILD  
MARRIAGE AS ILLEGAL AND PROVIDING PROGRAMS AND PENALTIES  
THEREOF

has considered the same and recommends that the attached House Bill No. 9943,  
entitled:

AN ACT  
PROHIBITING THE PRACTICE OF CHILD MARRIAGE AND IMPOSING  
PENALTIES FOR VIOLATIONS THEREOF

be approved in substitution of House Bills Numbered 1486, 3899, 5670 and 7922  
with Representatives Bernadette "BH" Herrera-Dy, Edcel C. Lagman, Alfred Vargas,  
Josephine Veronique R. Lacson-Noel, Joy Myra S. Tambunting, Lawrence "Law" H.  
Fortun, Jocelyn Sy Limkaichong, Maria Lourdes Acosta-Alba, Domingo C. Rivera,  
Eduardo "Bro. Eddie" C. Villanueva, Geraldine B. Roman, Yedda Marie K.  
Romualdez, Rosanna "Ria" Vergara, Ruth Mariano-Hernandez, Alyssa Sheena P.  
Tan, Ma. Lucille L. Nava, M.D., Ma. Lourdes T. Arroyo, Paz C. Radaza, Arlene D.  
Brosas, Irene Gay F. Saulog, Sarah Jane I. Elago, Sol Aragones, Josefina B. Tallado,  
Julienne "Jam" Baronda and Dahlia A. Loyola as authors thereof.

Respectfully submitted:



**REP. MARIA LOURDES ACOSTA-ALBA**  
Chairperson  
Committee on Women and Gender Equality

**HONORABLE SPEAKER**  
HOUSE OF REPRESENTATIVES

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

**EIGHTEENTH CONGRESS**  
Third Regular Session

**House Bill No. 9943**

(In substitution of House Bills Numbered 1486, 3899, 5670 and 7922)

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Introduced by Representatives Bernadette "BH" Herrera-Dy, Edcel C. Lagman, Alfred Vargas, Josephine Veronique R. Lacson-Noel, Joy Myra S. Tambunting, Lawrence "Law" H. Fortun, Jocelyn Sy Limkaichong, Maria Lourdes Acosta-Alba, Domingo C. Rivera, Eduardo "Bro. Eddie" C. Villanueva, Geraldine B. Roman, Yedda Marie K. Romualdez, Rosanna "Ria" Vergara, Ruth Mariano-Hernandez, Alyssa Sheena P. Tan, Ma. Lucille L. Nava, M.D., Ma. Lourdes T. Arroyo, Paz C. Radaza, Arlene D. Brosas, Irene Gay F. Saulog, Sarah Jane I. Elago, Sol Aragones, Josefina B. Tallado, Julienne "Jam" Baronda and Dahlia A. Loyola

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**AN ACT**  
**PROHIBITING THE PRACTICE OF CHILD MARRIAGE AND IMPOSING**  
**PENALTIES FOR VIOLATIONS THEREOF**

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

1           **SECTION 1.** *Declaration of State Policy.* - Consistent with Section 13,  
2 Article II of the Philippine Constitution, the State recognizes the vital role of the  
3 youth in nation-building and promotes and protects their physical, moral,  
4 spiritual, intellectual, and social well-being. In the pursuit of this policy, the State  
5 shall abolish all traditional and cultural practices and structures that perpetuate  
6 discrimination, abuse, and exploitation of children such as the practice of child  
7 marriage.

1           The State affirms the human rights of children and shall intensify its  
2 compliance with relevant obligations under (1) International conventions of  
3 which the Philippines is a State Party which include the (a) Universal  
4 Declaration of Human Rights; (b) Convention on Consent to Marriage, Minimum  
5 Age for Marriage and Registration of Marriages; (c) UN Convention on the  
6 Rights of a Child; (d) Convention on the Elimination of All Forms of  
7 Discrimination against Women (CEDAW); (e) Optional Protocol on the Sale of  
8 Children, Child Prostitution and Child Pornography; and (f) Protocol to Prevent,  
9 Suppress and Punish Trafficking in Persons, Especially Women and Children;  
10 and (2) Domestic laws like Republic Act 7610 on “Special Protection of  
11 Children Against Child Abuse, Exploitation and Discrimination.”

12           The State affirms that marriage shall be entered into only with the free  
13 and full consent of capacitated parties, and child betrothal and marriage shall  
14 have no legal effect.

15           Pursuant to these policies, the State thus views child marriage as a  
16 practice constituting child abuse because it debases, degrades, and demeans  
17 the intrinsic worth and dignity of children.

18           **SEC. 2. *Definition of Terms.*** – As used in this Act:

19           (a) *Child* refers to any human being under eighteen (18) years of age as  
20 defined by the Convention on the Rights of a Child, or any person over eighteen  
21 (18) years of age who is unable to fully take care and protect oneself from  
22 abuse, neglect, cruelty, exploitation or discrimination because of a physical or  
23 mental disability or condition as defined under Republic Act No. 7610.

24           (b) *Child marriage* refers to a formal marriage between children under  
25 eighteen (18) years of age, and between an adult and a child. It is a form of

1 forced marriage, given that one or both parties have not expressed full, free,  
2 and informed consent. It shall include an informal union or cohabitation outside  
3 of wedlock between an adult and a child, or between children.

4 (c) *Guardians* refer to relatives taking custody of a child in the absence  
5 of the parents, or anyone to whom a child is given or left for care or custody or  
6 a person judicially appointed by a competent court as guardian.

7 (d) *Parents* refer to biological parents or adoptive parents.

8 (e) *Solemnizing officer* refers to any person authorized to officiate a  
9 marriage under Executive Order No. 209 or the “Family Code of the Philippines”  
10 or recognized to celebrate marriages by reason of religion, tradition, or  
11 customs.

12 **SEC. 3. Unlawful Acts.** – The following are declared unlawful and  
13 prohibited acts:

14 (a) *Facilitation of Child Marriage.* – Any person who causes, fixes,  
15 facilitates, or arranges a child marriage shall suffer the penalty of  
16 *prision mayor* in its medium period or a fine of not less than Forty  
17 thousand pesos (Php 40,000.00): *Provided, however,* That should  
18 the perpetrator be an ascendant, parent, adoptive parent, step  
19 parent, or guardian of the child, the penalty shall be *prision mayor* in  
20 its maximum period, a fine of not less than Fifty thousand pesos (Php  
21 50,000.00), and perpetual loss of parental authority;

22 (b) *Solemnization of Child Marriage.* – Any person who performs or  
23 officiates a child marriage shall suffer the penalty of *prision mayor* in  
24 its maximum period and a fine of not less than Fifty thousand pesos

1 (Php 50,000.00), in addition to perpetual disqualification from office  
2 if the person is a public officer.

3 (c) Cohabitation of an Adult with a Child Outside Wedlock. – An adult  
4 partner who cohabits with a child outside wedlock shall suffer the  
5 penalty of *prision mayor* in its maximum period and a fine of not less  
6 than Fifty thousand pesos (Php 50,000.00), in addition to perpetual  
7 disqualification from appointive or elective office.

8 **SEC. 4. Public Crimes.** – The foregoing unlawful and prohibited acts are  
9 deemed public crimes and can be initiated by any concerned person.

10 **SEC. 5. Legal Effect of a Child Marriage.** – Child marriage is void *ab*  
11 *initio*, and the action or defense for the declaration of absolute nullity of a child  
12 marriage shall not prescribe in accordance with Articles 35 and 39 of the Family  
13 Code of the Philippines. Articles 50 to 54 of the Family Code of the Philippines  
14 shall govern on matters of support, property relations, and custody of children  
15 after the termination of the child marriage.

16 **SEC. 6. Enabling Social Environment.** – To reinforce the prohibition and  
17 criminalization of child marriage, the government shall create an enabling social  
18 environment where the practice of child marriage shall not thrive, and for such  
19 purpose, the following policies shall be implemented, particularly for girls: (a)  
20 empowerment of children through the provision of information, skills and  
21 support networks; (b) enhancement of children’s access to and completion of  
22 quality education; (c) provision of economic support and incentives to children  
23 and their families; and (d) application of strategic interventions to influence and  
24 empower parents and community leaders to discourage and eradicate the  
25 practice of child marriage.

1           **SEC. 7. *Implementing Government Agencies.*** – The provisions of this  
2 Act shall be fully and promptly implemented by the following government  
3 departments and agencies within their respective jurisdictions: (a) Department  
4 of Social Welfare and Development (DSWD) as lead agency; (b) Council for the  
5 Welfare of Children; (c) Department of Health (DOH); (d) Department of  
6 Education (DepEd); (e) Department of the Interior and Local Government; (f)  
7 Department of Justice; (g) National Economic and Development Authority; (h)  
8 Commission on Population and Development; (i) Philippine Commission on  
9 Women; (j) Commission on Human Rights; (k) National Commission on Muslim  
10 Filipinos; and (l) National Commission on Indigenous Peoples.

11           **SEC. 8. *Participation of Women, Girls, Youth Organizations, and Civil***  
12 ***Society Organizations.*** – Implementing government agencies shall assure the  
13 continuing consultation with and active participation of women, girls, and youth  
14 organizations as well as civil society organizations in the enforcement of this  
15 Act.

16           **SEC. 9. *Implementing Rules and Regulations.*** – Within sixty (60) days  
17 from the effectivity of this Act, the DSWD as lead agency shall, in coordination  
18 and consultation with the DOH, the DepEd and other concerned government  
19 agencies, as well as women, girls, and youth organizations, and civil society  
20 organizations, promulgate rules and regulations to implement this Act.

21           **SEC. 10. *Repealing Clause.*** – All laws, decrees, executive orders,  
22 issuances, rules and regulations, or parts thereof inconsistent with the  
23 provisions of this Act are hereby repealed or modified accordingly.

1           **SEC. 11. Effectivity.** – This Act shall take effect within fifteen (15) days  
2 after its publication in the *Official Gazette* or in a newspaper of general  
3 circulation.

4           Approved,



## FACT SHEET

House Bill No. 9943

(In substitution of House Bills Numbered 1486, 3899, 5670 and 7922)

### **AN ACT PROHIBITING THE PRACTICE OF CHILD MARRIAGE AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF**

*Introduced by: REPRESENTATIVES BERNADETTE "BH" HERRERA-DY, EDCEL C. LAGMAN, ALFRED VARGAS, JOSEPHINE VERONIQUE R. LACSON-NOEL, JOY MYRA S. TAMBUNTING, LAWRENCE "LAW" H. FORTUN, JOCELYN SY LIMKAICHONG, MARIA LOURDES ACOSTA-ALBA, DOMINGO C. RIVERA, EDUARDO "BRO. EDDIE" C. VILLANUEVA, GERALDINE B. ROMAN, YEDDA MARIE K. ROMUALDEZ, ROSANNA "RIA" VERGARA, RUTH MARIANO-HERNANDEZ, ALYSSA SHEENA P. TAN, MA. LUCILLE L. NAVA, M.D., MA. LOURDES T. ARROYO, PAZ C. RADAZA, ARLENE D. BROSAS, IRENE GAY F. SAULOG, SARAH JANE I. ELAGO, SOL ARAGONES, JOSEFINA B. TALLADO, JULIENNE "JAM" BARONDA AND DAHLIA A. LOYOLA*

*Committee Referral: COMMITTEE ON WOMEN AND GENDER EQUALITY*

*Committee Chairperson: REP. MARIA LOURDES ACOSTA-ALBA*

#### **OBJECTIVES:**

- To eradicate early, forced and arranged marriages to ensure that girls and boys experience healthier, safer and more empowered life transitions while in control of their own destiny;
- To raise public awareness and understanding about the harmful impacts of child marriage; and
- To align national law with the country's treaty commitments under the UN Convention on the Rights of the Child and the UN Human Rights Council Resolution adopted in 2019 which considers the practice of child marriage a violation of human rights with "wide-ranging and adverse consequences for the enjoyment of human rights, the right to education and the right to the highest attainable standard of physical and mental health, including the right to sexual and reproductive health"

#### **KEY PROVISIONS:**

- Defines the term "child marriage" as the formal marriage between children under eighteen (18) years of age, and between an adult and a child which is considered to be a form of forced marriage, given that one or both parties have not expressed full, free, and informed consent. It shall include an informal union or cohabitation outside of wedlock between an adult and a child or between children below eighteen years of age;
- Declares the (a) facilitation of child marriage; (b) solemnization of child marriage; and (c) cohabitation of an adult with a child outside wedlock

unlawful and prohibited acts, the prosecution of which can be initiated by any concerned individual;

- Punishes any person who causes, fixes, facilitates, or arranges a child marriage to suffer the penalty of *prision mayor* in its medium period or a fine of not less than Forty thousand pesos (Php 40,000.00): *Provided, however,* That should the perpetrator be an ascendant, parent, adoptive parent, step parent, or guardian of the child, the penalty shall be *prision mayor* in its maximum period, a fine of not less than Fifty thousand pesos (Php 50,000.00), and perpetual loss of parental authority;
- Penalizes any person who performs or officiates a child marriage to suffer the penalty of *prision mayor* in its maximum period and a fine of not less than Fifty thousand pesos (Php 50,000.00), in addition to perpetual disqualification from office if the person is a public officer;
- Penalizes an adult partner who cohabits with a child outside wedlock to suffer the penalty of *prision mayor* in its maximum period and a fine of not less than Fifty thousand pesos (Php 50,000.00), in addition to perpetual disqualification from appointive or elective office;
- Declares child marriage as void *ab initio* and provides that the action or defense for the declaration of absolute nullity of a child marriage shall not prescribe in accordance with Articles 35 and 39 of the Family Code of the Philippines;
- Provides that Articles 50 to 54 of the Family Code of the Philippines shall govern on matters of support, property relations, and custody of children after the termination of the child marriage;
- Urges the implementing agencies to achieve an enabling social environment where child marriage shall not thrive through the following: (a) empowerment of children through the provision of information, skills and support networks; (b) enhancement of children's access to and completion of quality education; (c) provision of economic support and incentives to children and their families; and (d) application of strategic interventions to influence and empower parents and community leaders to discourage and eradicate the practice of child marriage;
- Directs the following government departments and agencies to implement the provisions of this Act: (a) Department of Social Welfare and Development (DSWD) as lead agency; (b) Council for the Welfare of Children; (c) Department of Health (DOH); (d) Department of Education (DepEd); (e) Department of the Interior and Local Government; (f) Department of Justice; (g) National Economic and Development Authority; (h) Commission on Population and Development; (i) Philippine Commission on Women; (j) Commission on Human Rights; (k) National Commission on Muslim Filipinos; and (l) National Commission on Indigenous Peoples; and
- Obligates the implementing government agencies to assure the continuing consultation with and active participation of women, girls, and youth

organizations as well as civil society organizations in the enforcement of the provisions of this Act.

#### **RELATED LAWS/CONVENTIONS:**

- **Republic Act No. 10354** (*The Responsible Parenthood and Reproductive Health Act of 2012*)
- **Republic Act No. 10906** (*Anti-Mail Order Spouse Act*)
- **Republic Act No. 9710** (*Magna Carta of Women*)
- **Republic Act No. 9262** (*Anti-Violence Against Women and their Children Act of 2004*)
- **Republic Act No. 9208** (*Anti-Trafficking in Persons Act of 2003*), as amended by **Republic Act No. 10364**
- **Republic Act No. 8371** (*The Indigenous Peoples' Rights Act of 1997*)
- **Republic Act No. 8353** (*Anti-Rape Law of 1997*)
- **Republic Act No. 7610** (*Special Protection of Children Against Abuse, Exploitation and Discrimination Act*), as amended by **Republic Act No. 9231** (*Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child*)
- **Executive Order No. 209** (*The Family Code of the Philippines*), as amended by **Republic Act No. 6809** (*Lowering the Age of Majority from Twenty-One to Eighteen Years*)
- **Republic Act No. 6766** (*Organic Act For The Cordillera Autonomous Region*)
- **Article 16** (*Capacity to contract marriage*) of **Presidential Decree No. 1083** (*Code of Muslim Personal Laws of the Philippines*)
- **Act No. 3815** (*The Revised Penal Code*), as amended
- *Universal Declaration of Human Rights (UDHR)*
- *Convention on the Rights of the Child*
- *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*
- *Convention on the Consent to Marriage, Minimum Age for Marriage and Registration of Marriage*
- *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*
- *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*
- *International Covenant on Civil and Political Rights (ICCPR)*
- *International Covenant on Economic Social and Cultural Rights (ICESCR)*
- *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*
- *International Labor Organization's Worst Forms of Child Labor Convention*
- *Constitution of the World Health Organization (WHO)*
- *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*