



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

EIGHTEENTH CONGRESS
First Regular Session



House Bill No. 5670

Introduced by **HON. JOSEPHINE VERONIQUE “Jaye” R. LACSON - NOEL**
Malabon City, Lone District

EXPLANATORY NOTE

The State recognizes that marriage, as an inviolable institution, is the foundation of the family and it shall be protected. It is the epicenter of every Filipino family and its sanctity and integrity are upheld by legislations enacted for the purpose.

However, there are gaps like child marriage, force marriage, among several others, that require immediate attention because they curtail the sacrosanctness of marriage and worst, it insults the rights and welfare of every child in the country.

Under the Family Code of the Philippines, the minimum age requirement to be considered as having the legal capacity to marry is at least eighteen (18) years old for both male and female and any marriage that takes place without meeting such requirement is considered void from the beginning regardless parental consent is given. Unfortunately, under the code of Muslim of Personal Laws, the law provides that Muslim parties may marry even before the age of eighteen (18). In order to consummate the marriage, a male should be at least fifteen (15) years old while the female must be at the age of puberty or at the age of fifteen (15) years old. In some instances, the Shari'a Courts may declare or allow below the age of fifteen (15) but not less than twelve (12) years of age.

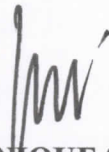
Furthermore, the laws have been very lenient to the practices and traditions of indigenous people for the preservation of their cultural heritage. Sadly, one practice that affronts children is their practice of child marriage.

In 2013, of the total accounted marriages by the Philippine Statistics Authority (PSA), 12.2% teenage brides age fifteen (15) to nineteen (19) were involved aside from the unaccounted marriages and the co-habitation between couples that has becoming a common occurring practices specially in far-flung and depressed areas.

Marriage requires mental and physical preparations and it should be executed between two consenting adults without any force.

Thus, it is the utmost prayer of this bill to uphold every child's right by giving them the opportunity to choose the field of education that they would want to pursue, foray into careers with tons of opportunities and marry at their own phase.

IN VIEW OF THE FOREGOING, approval of this bill is earnestly sought.



JOSEPHINE VERONIQUE "Jaye" R. LACSON - NOEL



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

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

SECTION 1. Short Title. – This Act shall be known as the “*Illegal Child Marriage Act of 2019*”

SECTION 2. Declaration of Policy. – The State recognizes the role of women and children towards nation-building and shall therefore protect and promote their empowerment through the abolition of the unequal structures and practices that perpetuate discrimination and inequality. The State affirms the children’s rights as part of women’s rights and human rights and shall intensify its efforts to fulfill its duties under the UN Convention on the Rights of Child and the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act to recognize, respect, protect, fulfill and promote all human rights and fundamental freedoms of women and children, especially young girls, in the economic, social, political, cultural and other fields

SECTION 3. Affirmation of the Principles of Human Rights of Women and Children. - Human rights are universal and inalienable. Human rights are indivisible. Human rights are inherent to the dignity of every human being regardless of age and gender whether they relate to civil, cultural, economic, political or social issues.

Child marriage is an act of child abuse as it debases, degrades and demeans the intrinsic worth and dignity of children under the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act (RA 7610) It is likewise considered discrimination relating to marriage and family relations sought to be eliminated by the Convention on the Elimination of Discrimination Against Women (CEDAW) The State affirms that marriage shall be entered into only with the free and full consent of the intending spouses and that betrothal and child marriages shall have no legal effect. The State through this law now eliminates child marriage to strict enforce Articles 2 - 5 of the Family Code of the Philippines providing that marriage is entered into only with the free and full consent of intending spouses who should be at least 18 years of age at the time marriage

SECTION 4. Definition. - As used in this Act, the following terms shall mean:

- a. **Children** refers to persons below eighteen (18) years of age, or those unable to fully take care of themselves or protect themselves from abuse, exploitation or discrimination because of a physical or mental disability or condition as defined by Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.
- b. **Child Abuse** refers to any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being; or any circumstance which gravely threatens or endangers the life, survival, safety and normal development of children as defined by the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.
- c. **Child Marriage** any marriage entered into where one or both parties are below eighteen (18) years of age or unable to fully take care or protect themselves because of a physical or mental disability or condition, solemnized in civil, church or in any recognized traditional, cultural or customary manner.
- d. **Solemnizing Officer** any person authorized by law as defined in Article 7 of the Family Code or recognized by reason or religion, tradition, culture or customs to solemnize marriage.
- e. **Parents** and **Guardians** refer to biological parents or those legally adopting parents Guardians refer to relatives taking custody of the child or minor in the absence of the parents; or anyone to whom a child or minor was given or left for care or custody.

SECTION 5. Facilitation of Child Marriages. - Any person, who causes, fixes, facilitates or arranges a child marriage shall be considered as responsible for "Acts of neglect, abuse, cruelty or exploitation, and other conditions prejudicial to the child's development" as punishable under Section 10 of Republic Act No 7610 This penalty shall also attach to an adult party in a child marriage who has knowledge of the minor status of the child-spouse.

SECTION 6. Solemnization of Child Marriage. - Any person who officiated and performed the formal rites of child marriage shall be considered as responsible for “Acts of neglect, abuse, cruelty or exploitation, and other conditions prejudicial to the child’s development” as punishable under Section 10 of Republic Act No 7610.

SECTION 7. Child Marriage as Public Crime. - The prohibited act of child marriage, its facilitation and solemnization are considered public crimes. These acts gravely threaten and endanger the survival and normal development of children and can be initiated by any concerned individual.

SECTION 8. Legal Effect of Child Marriage. - Child Marriage is considered as void ab initial, hence, the action for annulment of child marriage does not prescribe. The legal effect of Child Marriage insofar as Support, Property Relations and Custody shall be governed by Articles 50-55 of the Family Code.

SECTION 9. Protective Custody. - A child-party to a child marriage shall be given protective custody in accordance with the provisions of Republic Act No 7610. The court may likewise issue a protection order to protect the child from the facilitators of child marriage, which may include her parents or legal guardians.

SECTION 10. Culture-Sensitive Programs and Services. - There shall be a comprehensive care and welfare program to be formulated by the Department of Social Welfare and Development in coordination with other government agencies identified herein as duty-bearers and with the concerned CSOs and NGOs. This shall be made and initiated by the DSWD within six (6) months from the effectivity of this Code to ensure the over-all support, health and development of the children. The said program shall be culturally-sensitive and shall take into account the specific needs of children of indigenous cultural communities and children of the Muslim communities.

SECTION 11. Duty-Bearers and Responsibilities. - In order to prevent and eventually end child marriages and protect the children from this form of abuse and exploitation, the following government offices shall be responsible to take the necessary actions:

- a. Department of Social Welfare and Development (DSWD) - shall take the lead in the implementation of this Act and create programs that will address the prevalence of child marriage and provide appropriate services to children who were forced to enter into child marriage. It shall ensure the information drive in the marriage as a form of abuse and violence, its impacts and effects, there and guardians; and include the same in its existing programs such as pre-marriage counselling sessions, family development sessions, and parenting effectiveness seminar.

- b. Council for the Welfare of Children (CWC) - shall work closely with the DSWD in strengthening policies to prohibit and end child marriage. It shall include the advocacy to prevent child marriage in the Philippine plan of action to end violence against children.
- c. Department of Justice (DOJ) - shall assume responsibility in ensuring that the penal provisions of this Act are carried out and provide access to justice and legal services to those who suffered the consequence of child marriage.
- d. Department of the Interior and Local Government (DILG) - shall ensure that LGUs are monitoring the implementation of the law by maintaining a Children's Desk in all PNP headquarters and Barangay offices through the Local/Barangay Council for the Protection of Children.
- e. Department of Education (DepEd) - shall include the discussion on the impact and effects of child marriage in the comprehensive sexuality education curriculum.
- f. Department of Health (DOH) - shall ensure access to health services for the prevention of child marriage and services for boys and girls who experienced child marriage.
- g. Family and Executive Courts' Judges - must undergo trainings on the impacts and effects of child marriage to the over-all health and development of children and shall ensure strict application and implementation of the law.
- h. Philippine Commission on Women (PCW) - shall integrate dissemination of the provisions of this Act in programs on public awareness and behavior change communications.
- i. Commission on Human Rights (CHR) - shall monitor the implementation of this Act as Gender Ombud and through its Child Rights Center/Desk.
- j. National Commission on Muslim Filipinos (NCMF) - shall include in its program of action the awareness of Muslim communities on the impacts and effects of child marriage in the over-all health and development of children, ensure the implementation of this Act, and monitor and report cases of child marriages in communities of jurisdiction.
- k. National Commission for Indigenous People (NCIP) - shall include in its program of action, national conferences and gatherings the awareness of the indigenous people communities on the impacts and effect of child marriage in the over-all health and development of children, the provisions of this law; ensure the implementation of this Act; monitor and report cases of child marriages in the communities as jurisdiction.

SECTION 12. Implementing Rules and Regulations. - Within ninety (90) days from the effectivity of this Act, the Department of Social Welfare and Development, the Department of Education and the Department of Health in coordination with other concerned government agencies and women and children organizations, shall promulgate the necessary rules and regulations for the effective implementation of this Act. They shall likewise incorporate the resources for programs and services in their Annual Budget.

SECTION 13. Repealing Clause. - All laws, executive orders, presidential decrees, presidential proclamations, letter of instruction, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 14. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.