

**HONORABLE RISA HONTIVEROS**  
Chairperson  
Committee on Women, Children  
Family Relations and Gender Equality  
Senate of the Philippines  
Pasay City

Attn: **Ms. Gemma Genoveva Tanpiengco**  
Committee Secretary

Dear **SENATOR HONTIVEROS,**

This refers to the request of the Committee for the submission of comments and recommendations of the Department of Social Welfare and Development (DSWD) respectfully on the following proposed legislations, namely:

<b>Senate Bill No. (SBN)</b>	<b>Title</b>	<b>Author</b>
147	An Act Expanding the Grounds for Dissolution of Marriage, Instituting Divorce and Setting the Procedures Thereof, Providing Protections to the Parties to the Marriage and its Common Children, Amending for this Purpose Executive Order No. 209, or the Family Code of the Philippines	Senator Risa Hontiveros
213	An Act Amending Certain Provisions of Executive Order 209 as Amended, in Order to Define and Introduce Divorce and for Other Purposes	Senator Raffy Tulfo
237	An Act Providing for the Dissolution of Marriage	Senator Robinhood Padilla
554	An Act Recognizing Foreign Decree of Termination of Marriage and Allowing its Subsequent Registration with the Philippine Civil Registry, Amending for the purpose Executive Order No 209, otherwise known as the Family Code of the Philippines	Senator Pia Cayetano

719	An Act Amending the Grounds for Legal Separation under Articles 55 of the Family Code of the Philippines	Senator Grace Poe
1198	An Act Expanding the Grounds for Legal Separation, Amending for this Purpose Certain Provisions of Executive Order No. 209 or the Family Code of the Philippines and for Other Purposes	Senator Imee Marcos
1298	An Act Recognizing the Civil Effects of Church Decreed Annulment	Senator Juan Miguel Zubiri
2047	An Act Recognizing the Civil Effects of Church Decreed Annulment	Senator Robinhood Padilla

Foremost, the DSWD adheres to the policy of the State which recognizes the Filipino family as the foundation of the nation. The State has the responsibility to strengthen its solidarity and actively promote its total development.<sup>1</sup> The Family, being the foundation of the nation, is the basic social institution which public policy cherishes and protects.<sup>2</sup> Further, we observe that Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State.<sup>3</sup> However, the DSWD, as the lead agency for social protection, shall not turn a blind eye when families no longer provide a loving and nurturing environment for its members especially to the most vulnerable, such as women and children.

Failed and toxic marriages, abusive relationships, and circumstances of physical, sexual, mental, and emotional violence especially against women and children are constant issues within family homes which we do not tolerate as a society, thus, interventions must be made to protect their best interests.

With this in mind, we submit, for the Committee's consideration, the following inputs and recommendations:

1. Due to the high financial cost and tedious legal procedure in processing marital dissolution, indigent litigants are the most affected, therefore, we concur that there must be adequate, expeditious, and accessible legal remedies available to them.
2. In Section 4 (Definition of Terms) of SBN 147, it is suggested to include the definition of "Best interest of the child" as defined under the implementing rules and regulations of R.A. No. 9344, as amended by R.A. 10630:

<sup>1</sup> Section 1, Article XV, 1987 Constitution

<sup>2</sup> Article 149, Family Code of the Philippines

<sup>3</sup> Section 2, Article XV, 1987 Constitution

**“Best Interest of the child”** refers to the totality of circumstances and conditions that are most beneficial to the survival, protection, and feelings of security of the child, and most likely to promote the child’s physical, psychological, and emotional development. It also means the least detrimental available alternative for safeguarding the growth and development of the child.


3. In Section 15 (Implementing Rules and Regulations) of SBN 147, it is suggested to change the “Children’s Welfare Commission” to “Council for the Welfare of Children” (CWC). The CWC is the focal inter-agency body of the Philippine Government for children and is an attached agency of the DSWD.
4. It is suggested that the provisions on the effects of dissolution of marriage prioritize the welfare of the abused spouse and their children, ensuring that their rights and physical, mental, financial, and psychological needs are taken care of. The proposed bills should consider imposing adequate measures ensuring that children in dissolved marriages are not neglected and are provided with support.

The DSWD believes that the discourse on marital separation should be normalized to reduce the stigma and allow victims of abusive homes and relationships to step forward without fear of any judgment or discrimination. Enactment of laws which will protect spouses stuck in abusive marriages and enable them to start a new life, along with providing support to their children should be prioritized by the State as a means of social protection.

For the Chairperson’s consideration.

Thank you.

Very truly yours,

  
**REX GATCHALIAN**  
Secretary  
Date: 11 JUL 2023