

12 February 2018

**REPRESENTATIVE BERNADETTE HERRERA-DY**  
Chairperson  
Committee on Women and Gender Equality  
House of Representatives  
Quezon City

Dear **Chairperson Herrera-Dy**:

This refers to the request of your Committee for our Department's official position on House Bill No. 6595 or An Act Recognizing the Civil Partnership of Couples, Providing for their Rights and Obligations.

The Department of Social Welfare and Development supports the bill which upholds the political/social freedom and equality of all individuals regardless of sexual orientation.

To further enhance the bill, may we share with you these comments and inputs:

1. On Section 5 – Requisites of a Civil Partnership, item b: The requirement for parties to share a common domicile for a minimum of two (2) uninterrupted years at the time they apply for civil partnership license may be too limiting given existing patterns of internal migration influenced by the need for individuals to travel for education, economic enhancement or as a result of displacement.

Further, the requisite that the relationship should be publicly known as stated in item c may be construed as discriminatory since it was never applied as a requirement for heterosexual couples applying for marriage license.

2. On Section 7 – Civil Partnership License and Certificate: This section made reference to the provisions of the Family Code. Article 14 and 15 of the said Code cover the consent and advice of parents or guardians of contracting parties between 18 to 21 years old and 21 to 25 years old who wish to enter into marriage. Given the reality that most parents or guardians may have yet to accept the sexual orientation of their children (more so, their intent to be part of a civil partnership), this requirement may cause unnecessary delays in the issuance of the civil partnership license and should be further studied.

received by *Rosemarie V. Cunanan* *2/15/18*  
*CWGE* *1:33 PM*

3. On Section 14 – Adoption Rights. Our Department implements Alternative Parental Care Program based on Republic Act 8552 (Domestic Adoption Act of 1998) and Republic Act No. 10165 (Foster Care Act of 2012). In the implementation of the said program, we do not discriminate against an individual based on his/her sexual orientation. Lesbians and gays are allowed to adopt as single individuals and also go through regular assessment of our social workers in terms of eligibility and motivation to provide parental care.

Our only query in this case is the surname to be given to the child after he/she is adopted by a couple under civil partnership arrangement. The current practice for heterosexual couples is that the adopted child follows the surname of the adoptive father.

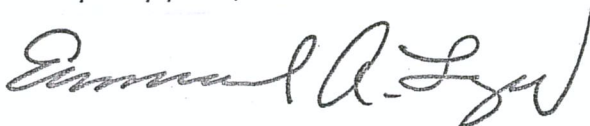
The 3<sup>rd</sup> paragraph under this section should also emphasize that a couple under civil partnership arrangement should be given equal rights to adopt like any other heterosexual couple.

4. On Section 16 – Dissolution of Civil Partnership: Under this section, reference is made to the procedures and grounds for legal separation, annulment and declaration of nullity of marriage under the Family Code. It should be noted that item 6 under Article 55 of the same Code states that “lesbianism or homosexuality of the respondent” may be a ground to file a petition for legal separation. This is contrary to the intent of this section.
5. On Section 17 – Protection of Children in Case of Dissolution of Civil Partnership: Restate that the best interest and welfare of children shall be given paramount consideration in deciding matters in so far as support for children is concerned especially in cases of dissolution of civil partnerships.

On the last paragraph: Instead of using the terms “severe mental or physical incapacity”, we recommend the use of “disability”.

Thank you.

Very truly yours,



EMMANUEL A. LEYCO  
Officer-in-Charge