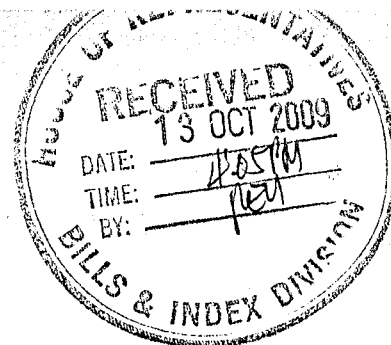


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FOURTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 6919



Sponsored by: Congressman BIENVENIDO M. ABANTE, JR.

EXPLANATORY NOTE

Under Executive Order No. 209, otherwise known as the Family Code of the Philippines, which became effective in August 3, 1988, one of the requisites of a valid marriage is legal capacity of the contracting parties who must be a male and a female (Art. 2, E.O. No. 209). There is, however, no specific provision requiring the Local Civil Registrar to ascertain the true genders of the parties before issuing a marriage license or to deny the application of a marriage license if he finds out that the applicants belong to or have the same gender. Neither is there any specific provision penalizing a Local Civil Registrar for issuing a marriage license in favor, or a person who solemnizes the marriage, of persons of the same gender.

On the other hand, the Revised Penal Code considers as Illegal the following: concubinage; adultery; bigamy; contracting marriage knowing that the requirements of the law have not been complied with or that the marriage is in disregard of a legal impediment; premature marriage; and performance of illegal marriage ceremony. As in the case of the Family Code, there is no specific provision in the Revised Penal Code penalizing a person for marrying another of the same gender, neither is there a provision penalizing a person for solemnizing the marriage of persons of the same gender.

While there is no documented same-sex marriage yet in our country, the absence of clear legislation on the matter serves as an invitation to same-sex marriage. Now is therefore the appropriate time to legislate before the highly immoral, scandalous, and detestable act becomes a reality in this part of the globe that would snap the remaining strand of our moral values. This is consistent with the Constitutional declarations that the State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution, and that marriage as an inviolable social institution is the foundation of the family and shall be protected by the State.

This Bill therefore seeks to outlaw same-sex marriage in our Country, hence, its early passage is earnestly requested.

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AN ACT
DECLARING ILLEGAL SAME-SEX MARRIAGE, PROVIDING PENALTIES FOR
VIOLATION THEREOF, AND FOR OTHER PURPOSES

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

SECTION 1. Title.- This Act shall be known as the ANTI-SAME-SEX
MARRIAGE ACT of 2009.

SEC. 2. Policy Declaration.- Consistent with the Constitutional declarations that the
State recognizes the sanctity of family life and shall protect and strengthen the family as
a basic autonomous social institution, and that marriage as an inviolable social institution
is the foundation of the family and shall be protected by the State, it is hereby declared
the policy of the State to discourage, prohibit, outlaw and penalize same-sex marriage.
Towards this end, the State shall adopt measures to prevent the issuance of marriage
license to, and the solemnization of marriage of, persons of the same gender.

SEC. 3. Prohibited Acts.- It is hereby declared unlawful and prohibited for any
person to-

- a. misdeclare or hide his or her true sex or gender for the purpose of
securing a marriage license;
- b. issue a marriage license to persons of the same sex or gender;
- c. solemnize the marriage of persons of the same sex or gender; and
- d. live or cohabit with another of the same sex or gender as husband and
wife.

SEC. 4. Penalties. - a.) Any person who misdeclares or hides his or her true sex or
gender for the purpose of securing a marriage license shall, upon conviction, be penalized
with imprisonment of from seven (7) years and one (1) day to twelve (12) years and a
fine of not less than Fifty Thousand Pesos (Php50,000.00) nor more than One Hundred
Thousand Pesos (Php100,000.00);

b.) Any person who shall issue a marriage license to, or who shall solemnize the
marriage of, persons of the same sex or gender shall, upon conviction, be punished with
imprisonment of not less than six (6) years and one (1) day nor more than ten (10) years
and a fine of not less than Fifty Thousand Pesos (Php50,000.00) nor more than One
Hundred Thousand Pesos (Php100,000.00); and

c.) Any person who shall live or cohabit with another of the same sex or gender as
husband and wife shall, upon conviction be punished with imprisonment of not less than
ten (10) years and one (1) day nor more than fifteen (15) years and a fine of not less than
One Hundred Thousand Pesos (Php100,000.00) nor more than One Hundred Fifty
Thousand Pesos (Php150,000.00).

In any case, if the offender was a public officer at the time of the commission of the act for which he was convicted he shall likewise be dismissed from employment and shall be barred from subsequent employment in any office of the government or government-owned or controlled corporations. In case the offender is a person authorized to solemnize marriage, his or her License or authority to solemnize marriage shall automatically be revoked without the need of further proceedings and shall forever be barred from solemnizing marriage.

In case the offender is a foreigner, he shall, after serving his sentence, be immediately deported without further proceedings and shall forever be barred from re-entering the Country.

SEC. 5. Duties. It shall be the duty of the Local Civil Registrar before issuing a marriage license, and the solemnizing officer before solemnizing a marriage, to first ascertain the true sex or gender of the parties. Should the Local Civil Registrar or solemnizing officer be convinced that the parties are of the same sex or gender, he shall not issue the marriage license or solemnize the marriage, as the case may be; Provided, that the sex or gender of the parties as appearing in their Certificates of Live Birth shall be prima facie evidence thereof.

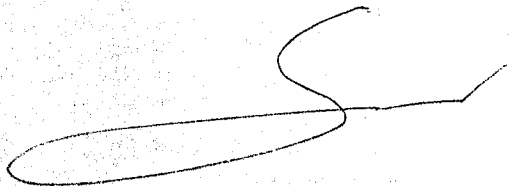
SEC. 6. Validity of the marriage license and marriage.- Any marriage license issued, and any marriage solemnized, in violation of this Act shall be null and void from the very beginning.

SEC. 7. Separability Clause. - If for any reason any section or provision of this Act, or any portion thereof, or the application of such section, provision or portion thereof to any person, group or circumstance is declared invalid or unconstitutional, the remainder of this Act shall not be affected by such declaration and shall remain in force and effect.

SEC. 8. Repealing Clause. - All laws, executive issuances, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SEC. 9. Effectivity. - This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,

A large, stylized handwritten signature in black ink, consisting of a long horizontal stroke with a large loop on the left side and a vertical stroke on the right.