Registration of Marriage and Dissolution of Marriage in the Philippines

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Outline of Presentation

❖ Introduction
❖ How to go about getting Married
❖ Registration of the Application for Marriage License (AML)

✓ Application, Issuance, Requisites, Validity and Effectivity of Marriage License, Accomplishment/Registration of AML
Outline of Presentation

❖ How to Register Marriage
❖ When to Register Marriage
❖ Where to Register Marriage
❖ Delayed Registration of Marriage
❖ Out-of-Town Registration of Marriage
❖ Void and Voidable Marriages
Introduction

❖ Marriage is a special contract of permanent union between a man and woman entered into in accordance with law for the establishment of conjugal and family life.

❖ Marriage is the firmest foundation for building a family.
How to go about getting Married?

❖ Couple or contracting parties must first obtain a marriage license
❖ A valid marriage license is one of the formal requisite of a valid marriage
Registration of AML

❖ Application

❑ where a marriage license is required (Ordinary Marriage), each of the contracting parties shall file separately a sworn application for such license with the proper local civil registrar
Registration of AML

❖ Application

❑ Circumstances under which marriage license is no longer required (Marriage of exceptional character)
  ✓ Article 27 – Marriage in Articulo Mortis
  ✓ Article 28 – Marriage in remote place
  ✓ Article 33 – Marriage among Muslims and IPs
  ✓ Article 34 – Marriage of man & woman who lived together for at least 5 years without legal impediment
Issuance of Marriage License
- A marriage license shall be issued by the Local Civil Registry Office (LCRO) of the city/municipality where either contracting party habitually resides.
- The marriage license shall be issued after the completion of the period of publication.
Registration of AML

❖ Documents Requested
   ❑ Birth certificate or baptismal certificate
   ❑ If either of the contracting parties have previous marriage, applicant shall present death cert. of spouse, decree of divorce/annulment or declaration of nullity of previous marriage
Registration of AML

❖ Documents Requested

☐ Parent’s consent for 18-21 yrs old

☐ Parent’s advice for 21-25 yrs old

☐ Certificate of attendance to pre-marital counseling and family planning

☐ Certificate of legal capacity (for foreigners)
Registration of AML

❖ Validity and effectivity

❖ the license shall be valid in any part of the Philippines for a period of 120 days from the date of issue and shall be deemed automatically cancelled at the expiration of said period if parties have not made use of it.
Marriage between Filipinos abroad

In case of marriage between Filipinos abroad, the issuance of marriage license and the duties of the LCRO and SO with regard to the celebration of marriage shall be performed by the Consul or Vice-Consul.
Registration of AML

❖ Accomplishment of Forms (Reminders)
   ❑ Duty of the contracting parties to accomplish four (4) copies of the AML for registration
   ❑ LCRO shall accept an AML only after the applicants are able to comply with the supporting documents
   ❑ The LCRO concerned shall enter all AML filed in a registry book
How to Register Marriage?

❖ By law, every marriage solemnized in the Philippines must be registered with the Local Civil Registry Office (LCRO).

❖ However, Marriage occurring to Muslims are registered in place where there is Shari’a court. Only in a city/municipality where there is no Shari’a court shall it be reported to LCRO.
How to Register Marriage?

- The person responsible in reporting the event to the LCRO is the person who solemnized the marriage. In case the Solemnizing Officer (SO) failed to register the marriage, the contracting parties themselves, any interested party or anybody who is in immediate need of the certificate of marriage.
- Marriages of Filipinos abroad shall be reported to the Philippine Embassy/Consulate.
When to Register marriage?

❖ Ordinary Marriage - time for submission of ordinary marriage is within fifteen (15) days

❖ Marriage exempt from license requirement or marriage of exceptional character - the prescribed period is thirty (30) days
Where to Register marriage?

❖ Generally accepted principle of registration – the place of occurrence is the place of registration

❖ Marriage solemnized while in transit within Phil. territory - registrable at place of destination or usual residence of either party

❖ Marriage of Filipino nationals abroad must be reported at the Phil. Embassy or Consulate
Delayed Registration of Marriage

- Delayed registration – report of vital event made beyond the reglementary period
- Can still be registered provided it is reported by the interested party to the concerned C/MCR and all supporting papers required are complied with
Delayed Registration of Marriage

- Basic requirement for late or delayed registration of marriage
  - Filing of affidavit in support to COM
  - Copy of the submitted AML
  - Certification of Non-availability of COM
Out-of-town Registration of Marriage

Out-of-town reporting of marriage occurs when the COM is presented to the civil registrar of a city/municipality which is not the place of marriage.

Duty of accepting the COM for out-of-town reporting may also be performed by the Civil Registrar General or by his authorized representatives.
The following requirements shall be complied for Out-of-town reporting:

- Party reporting shall execute affidavit attested by at least two (2) witnesses
- If the application is for delayed registration, the requirements shall also be complied pursuant to Circular 96-1
- Presentation of other supporting papers as maybe required by C/MCR or CRG representative to establish facts of marriage
Dissolution of Marriage

- ANNULMENT
- DIVORCE
- DECLARATION OF NULLITY
Dissolution of Marriage

- **ANNULMENT**

- Court proceeding which cancels marital relations between husband and wife

- Applicable only to void marriages or those which are valid from the beginning but can be declared void on various grounds
Marriage Dissolution

DECLARATION OF ABSOLUTE NULLITY OF MARRIAGE

Grounds for a Judicial Declaration of Nullity of Marriage

Absence of essential or formal requisites of marriage

Grounds enumerated in Article 35 of the Family Code of the Philippines (Marriages that are void from the beginning)

Psychological incapacity

Incestuous marriages

Contrary to law or public policy
Dissolution of Marriage

Grounds for annulment (Article 45, Family Code of the Philippines)

01 Fraud
02 Serious Sexually Transmitted Disease
03 Impotence
04 Lack of Parental Consent (if either party is at least 18 but <21 years old)
05 Consent for Marriage Obtained By Force, Intimidation, or Undue Influence
06 Psychological Incapacity/Insanity
Termination of a marital union of husband and wife but recognizes that the marriage between the parties existed

Not allowed in the Philippines but if divorce secured abroad by a non-Filipino and subsequently recognized under Philippine laws

The Code of Muslim Personal Laws specifically recognizes Islamic divorce
Code of Muslim Personal Laws recognizes Islamic divorce, which is to be granted only after all possible means of reconciliation have been exhausted between the spouses.
Marriage Dissolution

**FOREIGN DECREE OF DIVORCE**

1. The divorce decree granted by a foreign country must first be filed for recognition in the Philippine Regional Trial Court (RTC).

2. Once the local court recognized the foreign divorce decree, it is registered in the LCRO of the place of jurisdiction of the RTC which granted the petition.

3. A copy of the registered court decree and certificate of finality to the LCRO are provided to where the marriage was registered for annotation in the certificate of marriage.
Thank you