

Office of the President of the Philippines
COMMISSION ON FILIPINOS OVERSEAS



"Responding to the Challenges of Migration and Development"

3 February 2016

SENATOR PIA S. CAYETANO

Committee on Women, Children, Family Relations and Gender Equality
Senate of the Philippines
Pasay City

Dear Senator Cayetano:

The Commission on Filipinos Overseas is pleased to transmit herewith for your perusal our position paper on Senate Bill No. 1158, An Act Amending Article 26 of Executive Order No. 209, otherwise known as the Family Code of the Philippines as Amended and House Bill No. 5907, An Act Recognizing the Capacity of the Filipino Spouse to Remarry when the Alien Spouse has Obtained a Foreign Judicial Decree of Absolute Divorce, Amending for the Purpose Executive Order No. 209, otherwise known as the Family Code of the Philippines.

We hope that this will be given your preferential attention. For more information about the position paper, your office may get in touch with Ms. Janet B. Ramos or Mr. Eumarlo Tolosa from the CFO-Migrant Integration and Education Division at telephone numbers 552-4744 or 552-4713 or email addresses jramos@cfo.gov.ph or etolosa@cfo.gov.ph, respectively.

Thank you and best regards.

Very truly yours,

SECRETARY IMELDA M. NICOLAS

Chairperson

Office of the President
COMMISSION ON FILIPINOS OVERSEAS

POSITION PAPER ON SENATE BILL 1158 AND HOUSE BILL NO. 5907

SB No. 1158 An Act Amending Article 26 of Executive Order No. 209, otherwise known as the Family Code of the Philippines as Amended; and

HB No. 5907 An Act Recognizing the Capacity of the Filipino Spouse to Remarry when the Alien Spouse has Obtained a Foreign Judicial Decree of Absolute Divorce, Amending for the Purpose Executive Order No. 209, otherwise known as the Family Code of the Philippines

The Commission on Filipinos Overseas (CFO) is an agency of the Philippine government under the Office of the President. It was established through *Batas Pambansa Bilang 79* which is tasked to promote and uphold the interests, rights and welfare of overseas Filipinos, and strengthen their ties with the Motherland.

Batas Pambansa Bilang 79 specifically states that one of the functions of the CFO is to initiate and directly undertake the implementation of projects and programs that will promote the welfare of overseas Filipinos. Part of the programs and services of the CFO for the protection of overseas Filipinos is the conduct of pre-departure registration and orientation seminars to Filipino emigrants including spouses and other partners of foreign nationals. The mandatory pre-departure registration of Filipino emigrants serves as an information resource of Filipino migration, which in turn, provides accurate reference for policy formulation and program development for the interests of overseas Filipinos.

With the steady increase of Filipino emigrants, the issue on human trafficking in the guise of intermarriages emerges. In 1989, the government addressed the issue on mail-order bride scheme through the conduct of the CFO Guidance and Counseling Program (GCP) for spouses and other partners of foreign nationals. The GCP was strengthened with the passage of the Republic Act 10364 or the Expanded Anti-Trafficking in Persons Act of 2012, which mandated CFO to become a permanent member of the Inter-Agency Council Against Trafficking (IACAT) and shall conduct a pre-departure counseling services for Filipinos in intermarriages. A guidance and counseling certificate is issued upon compliance of the program and the same is use as a pre-requisite for regular passport application of Filipinos leaving the country as spouses and partners of foreign nationals as provided by the Department of Foreign Affairs' Department Orders No. 15-89, 28-94 and 11-97. Upon leaving the country to join their foreign partners or spouses overseas, Filipinos are likewise required to present the said certificate to the Philippine's Bureau of Immigration counter at the airport.

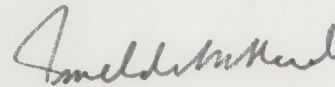
The CFO records show that from 1989 to 2014, majority of the marriage migrants are female (92%). Out of the 477,834 marriage migrant registrants, 436,854 or 91% are female while 40,980 or 9% are male. The United States consistently emerged as the top destination of spouses and partners accounting to 43%, followed by Japan (25%) and Australia (8%). More than half or 54% of the Filipino spouses or partners have limited knowledge about the country of their foreign spouses or partners; while 11%

of them have no knowledge at all. Only 35% professed to have sufficient prior knowledge of their destination country. This shows that less than half of Filipino spouses or partners are adequately prepared for the way of life in the country of their foreign spouses or partners. Most of spouses and partners are from the age bracket of 25-29 years old which is 31% of the total number, followed by 20-24 years old (24%) and 30-34 years old (20%). Although we don't have an official data of divorced Filipinos in intermarriages, we received reported cases of Filipinos divorced or abandoned by their foreign spouses.

The CFO supports the proponents of the bills in safeguarding the rights of Filipino women, which is one of the most vulnerable sectors of our society. These bills aim to ease the psychological and emotional abuse of our women and help them move on with their lives. Furthermore, the State values the dignity of women and guarantees full respect for human rights.

The CFO proposes an additional provision that will give considerations for survivors of mail-order bride scheme and trafficking in the guise of intermarriage. We are proposing an inclusion, as an additional option, on the presentation of a **final judgment of a court in the Philippines finding him/her a victim of mail-order bride scheme or trafficking in the guise of marriage** which can be enough to dissolve the marriage from the foreign spouse. The CFO handled a case wherein a court in the Philippines rendered a judgment finding a Filipina a victim of mail-order bride scheme but even after judgment, the marriage between her and the foreign spouse still exists. The law requires that she files another case in court praying to nullify the marriage and undergo another traumatic process. Removing the judicial process in nullifying their marriage would be of great help for their complete "healing".

The CFO appreciates the effort of the proponents in passing the bill. We hope that the information, comments and suggestions will help the Committee in coming up with a good bill that will promote the rights Filipinos divorced by their foreign spouses.



SECRETARY IMELDA M. NICOLAS
Chairperson
Commission on Filipinos Overseas
3 February 2016