

REPUBLIC ACT NO. 11596

**AN ACT PROHIBITING THE PRACTICE OF CHILD MARRIAGE
AND IMPOSING PENALTIES FOR VIOLATION THEREOF**

SECTION 1. *Declaration of Policy.* — Consistent with Section 13, Article II of the Philippine Constitution, the State recognize the vital role of the youth in nation-building and promotes and protects their physical, moral, spiritual, intellectual, and social well-being. In the pursuit of this policy, the State shall abolish all traditional and cultural practices and structures that perpetuate discrimination, abuse and exploitation of children such as the practice of child marriage.

Further, the State recognizes the role of women in nation-building and shall therefore protect and promote their empowerment. This entails the abolition of the unequal structures and practices the perpetuate discrimination and inequality.

The State affirms the human rights of children consistent with its obligations under (1) international conventions to which the Philippines is a State Party, including the (a) Universal Declaration of Human Rights; (b) Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages; (c) UN Convention on the Rights of the Child; (d) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); (e) Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; and (f) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and (2) domestic laws like Republic Act No. 7610, otherwise known as the “Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.”

The State affirms that marriage shall be entered into only with the free and full consent of capacitated parties, and child betrothal and marriage shall have no legal effect.

Pursuant to these policies, the State thus views child marriage as a practice constituting child abuse because it debases, degrades, and demeans the intrinsic worth and dignity of children.

SECTION 2. *Interpretation of this Act.* — In the interpretation of this Act, the best interests of the child shall be the primary consideration.

SECTION 3. *Definition of Terms.* — As used in this Act:

(a) Child refers to any human being under eighteen (18) years of age, or any person eighteen (18) years of age or over but who is unable to fully take care and protect oneself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition;

(b) Child marriage refers to any marriage entered into where one or both parties are children as defined in the paragraph above, and solemnized in civil or church proceedings, or in any recognized traditional, cultural or customary manner. It shall

include an informal union or cohabitation outside of wedlock between an adult and a child, or between children;

(c) Guardians refer to relatives or individuals taking custody of a child in the absence of the parents, or anyone to whom a child is given or left for care or custody, whether permanent or temporary; or persons judicially appointed by a competent court as guardians;

(d) Parents refer to biological parents or adoptive parents; and

(e) Solemnizing officers refers to any person authorized to officiate a marriage under Executive Order No. 209, otherwise known as “The Family Code of the Philippines,” or recognized to celebrate marriages by reason of religion, tradition, or customs.

SECTION 4. *Unlawful Acts.* — The following are declared unlawful and prohibited acts:

(a) Facilitation of Child Marriage. — Any person who causes, fixes, facilitates, or arranges a child marriage shall suffer the penalty of *prision mayor* in its medium period and a fine of not less than Forty thousand pesos (P40,000.00): *Provided, however,* That should the perpetrator be an ascendant, parent, adoptive parent, step parent, or guardian of the child, the penalty shall be *prision mayor* in its maximum period, or fine of not less than Fifty thousand pesos (P50,000.00), and perpetual loss of parental authority: *Provided, further,* That any person who produces, prints, issues and/or distributes fraudulent or tampered documents such as birth certificates, affidavits of delayed registration of birth and/or foundling certificates for the purpose of misrepresenting the age of a child to facilitate child marriage or evade liability under this Act shall be liable under this section, without prejudice to liability under other laws: *Provided, finally,* That if the perpetrator is a public officer, he or she shall be dismissed from the service and may be perpetually disqualified from holding office, at the discretion of the courts;

(b) Solemnization of Child Marriage. — Any person who performs or officiates a child marriage shall suffer the penalty of *prision mayor* in its maximum period and a fine of not less than fifty thousand pesos (P50,000.00): *Provided, however,* that if the perpetrator is a public officer, he or she shall be dismissed from the service and may be perpetually disqualified from holding office, at the discretion of the courts; and

(c) Cohabitation of an Adult with a Child Outside Wedlock. — An adult partner who cohabits with a child outside wedlock shall suffer the penalty of *prision mayor* in its maximum period and a fine of not less than Fifty thousand pesos (P50,000.00): *Provided, however,* That if the perpetrator is a public officer, he or she shall likewise be dismissed from the service and may be perpetually disqualified from holding office, at the discretion of the courts: *Provided, finally,* That this shall be without prejudice to higher penalties that may be imposed in the Revised Penal Code and other special laws.

SECTION 5. *Public Crimes.* — The foregoing unlawful and prohibited acts are deemed public crimes and be initiated by any concerned individual.

SECTION 6. *Legal Effect of a Child Marriage.* — Child marriage is void *ab initio*, and the action or defense for the declaration of absolute nullity of a child marriage shall not prescribe in accordance with Articles 35 and 39 of the Family Code of the Philippines. Articles 50 to 54 of the Family Code of the Philippines shall govern on matters of support, property relations, and custody of children after the termination of the child marriage.

SECTION 7. *Enabling Social Environment.* — To reinforce the prohibition and criminalization of child marriage, the government shall create an enabling social environment where the practice of child marriage shall not thrive, and for such purpose, the following policies shall be implemented, particularly for girls: (a) empowerment of children through the provision of information, skills and support networks; (b) enhancement of children's access to and completion of quality education; (c) provision of economic support and incentives to children and their families; and (d) application of strategic interventions to influence and empower parents and community leaders to discourage and eradicate the practice of child marriage.

Culturally-appropriate and comprehensive programs and services shall be formulated by the Department of Social Welfare and Development (DSWD) in coordination with the government agencies identified in Section 8 of this Act as duty bearers and with concerned civil society organizations (CSOs) and nongovernment organizations (NGOs). This shall be made and initiated by the DSWD within six (6) months from the effectivity of this Act.

SECTION 8. *Implementing Government Agencies as Duty Bearers.* — The provisions of this Act shall be fully and promptly implemented by the following government departments and agencies within their respective jurisdictions:

(a) DSWD – shall take the lead in the implementation of this Act and create programs that will address the prevalence of child marriage and provide appropriate services, including but not limited to legal services, health services, psychosocial services, counseling, educational, livelihood and skills development, temporary shelter and all other assistance necessary to protect victims of child marriage and their offspring. It shall include awareness campaigns on the negative effects of child marriage;

(b) Council for the Welfare of Children (CWC) – shall work closely with the DSWD in strengthening policies and creating programs to prohibit and end child marriage. It shall include the advocacy to prevent child marriage in the Philippine Plan of Action to End Violence Against Children (PPAEVAC);

(c) Department of Justice (DOJ) – shall ensure that the penal provisions of this Act are carried out and provide access to justice and legal services to victims through the Public Attorney's Office (PAO);

(d) Department of the Interior and Local Government (DILG) – shall institute a systematic information and prevention campaign against child marriage through barangay-level education programs and initiatives that are culturally-sensitive and child-centered. The DILG shall also mandate local government units (LGUs) to provide basic intervention for the rescue, recovery, rehabilitation and support of

victim of child marriages and their offspring; and establish a system of reporting cases of child marriage;

(e) Department of Education (DepEd) – shall include culturally-sensitive and age-appropriate modules and discussions on the impacts and effects of the child marriage in its comprehensive sexuality education curriculum;

(f) Department of Health (DOH) – shall ensure access to health services for the prevention of child marriage by providing sexual and reproductive health services and mental health services for children in child marriages, and appropriate health services for their offspring;

(g) Supreme Court of the Philippines – shall organize training programs for all relevant courts on the prevention of child marriage and other provisions of this Act and shall ensure strict application of the law and its interpretation in the best interests of the child;

(h) Philippine Commission on Women (PCW) – shall integrate dissemination of the provisions of this Act in programs on public awareness and behavior-change communications;

(i) Commission on Human Rights (CHR) – shall monitor the implementation of this Act as Gender Ombud and through its Child Rights Center/Desk;

(j) National Commission on Muslim Filipinos (NCMF) – shall include in its program of action awareness-raising campaigns within Muslim communities on the impacts and effects of child marriage in the overall health and development of children, monitor and report cases of child marriages in communities under its jurisdiction, ensure the faithful implementation of this Act and its interpretation in the best interests of the child; and

(k) National Commission for Indigenous Peoples (NCIP) – shall include in its program of action awareness-raising campaigns within indigenous cultural communities/indigenous peoples on the impacts and effects of child marriage in the overall health and development of children, monitor and report cases of child marriages in communities under its jurisdiction, ensure the faithful implementation of this Act and its interpretation in the interests of the child.

SECTION 9. *Participation of Women, Girls, Youth Organizations, and Civil Society Organizations.* — Implementing government agencies shall ensure continuing consultations with women, girls, and youth organizations as well as CSOs, whose full and active participation shall be guaranteed in every step and stage of decision-making processes.

SECTION 10. *Implementing Rules and Regulations.* — Within sixty (60) days from the effectivity of this Act, the DSWD as lead agency shall, in coordination with the DOH, the DepEd, the CWC, the NCMF, the NCIP, and one (1) representative each from CSOs representing women, children, Muslim Filipinos, and indigenous cultural communities/indigenous peoples, and in consultation with other concerned government agencies and stakeholders, promulgate rules and regulations to implement this Act.

SECTION 11. *Transitory Provision.* — Within one (1) year from the effectivity of this Act, the NCMF and NCIP shall extensively undertake measures and programs in their respective jurisdictions to assure full compliance with this Act. During the transition period of one (1) year, the applications of Section 4(a) and (b), and Section 5 of this Act to Muslim Filipinos and indigenous cultural communities/indigenous peoples shall be suspended.

SECTION 12. *Separability Clause.* — If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

SECTION 13. *Repealing Clause.* — All laws, decrees, executive orders, and issuances, rules and regulations, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 14. *Effectivity.* — This Act shall take effect immediately after fifteen (15) days after its publication in the Official Gazette or in one (1) newspaper of general circulation.

Approved: December 10, 2021.

Not yet published in any newspaper.