

AN ACT TO AMEND SECTIONS ONE, FIVE, SIX, SEVEN, EIGHT, AND FIFTEEN OF GENERAL ORDERS, NUMBERED SIXTY-EIGHT.

Act No. 3412, December 19, 1927

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Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section one of General Orders, Numbered Sixty-eight, is hereby amended to read as follows:

"SECTION I. Any male of the age of sixteen years or upwards, and any female of the age of fourteen years or upwards, not disqualified by law, may contract marriage."

SEC. 2. Section five of General Orders, Numbered Sixty-eight, is hereby amended to read as follows:

"SEC. V. Marriage may be solemnized by a judge of any court inferior to the Supreme Court, justice of the peace, or priest or minister of the gospel of any denomination or religion, provided the latter are duly registered in the Philippine Library and Museum, as provided in this section. Every priest or minister of the gospel authorized by his church, sect, or religion to solemnize marriage shall send to the Philippine Library and Museum, together with a copy of his appointment or authorization, a sworn statement setting forth his full name and domicile, and that he is authorized by his church, sect, or religion to solemnize marriage. The Director of the Philippine Library and Museum, upon receiving such sworn statement containing the information required, and after satisfying himself that the church, sect, or religion of the applicant operates in the Philippine Islands and is in good repute, shall record the name of such priest or minister in a suitable register and issue to him a certificate of registration which such priest or minister shall be obliged to exhibit to contracting parties demanding the same or to their parents, grandparents, guardians, or persons in charge. No priest or minister not registered as hereinbefore provided may solemnize marriage.

"Except when either of the contracting parties is at the point of death, no marriage shall be solemnized in the Philippine Islands without a license first being issued by the municipal secretary of the municipality where the woman has her habitual residence, or by the clerk of the municipal court in the City of Manila. Said officials shall issue the proper license if each of the contracting parties swears separately to an application in writing setting forth that such party has the necessary qualifications for contracting marriage in conformity with this Act. Such application shall in so far as possible contain the following data:

"1. Full name of the contracting party

"2. Place of birth

"3. Age; date of birth

"4. Single, widow or widower, or divorced?

"5. If divorced, how and when the previous marriage was dissolved
.....

"6. Present residence

"7. Degree of relationship of contracting parties

"8. Full name and birthplace of father

"9. Residence and occupation of father

"10. Full name and birthplace of mother

"11. Residence of mother

"12. Full name and residence of guardian or person having charge (if the contracting party has neither father nor mother and is under the age of twenty years if a male or eighteen years if a female)

"The municipal secretary or clerk of the municipal court of the City of Manila, as the case may be, upon receiving such application, shall require the exhibition of the original baptismal or birth certificates of the contracting parties or copies of such documents duly attested by the persons having custody of the originals. If either of the contracting parties is unable to produce his baptismal or birth certificate or a certified copy of either because of the destruction or loss of the original, such party may furnish in lieu thereof an instrument drawn up before a justice of the peace or notary public and containing the sworn declaration of two witnesses of lawful age, of either sex, setting forth the full name, profession, and residence of such contracting party and of his or her parents, if known, and the place and date of birth of such party. The parents or nearest of kin of the contracting parties shall be preferred as witnesses, and in their default persons well known in the province or the locality for their honesty and good repute.

"The municipal secretary or clerk of the municipal court of Manila, as the case may be, shall post during ten days in a conspicuous place in the building where he has his office, a notice setting forth the full names and domiciles of the applicants for marriage licenses, their respective ages, and the names of their parents if living or of their guardians if otherwise. At the expiration of this term, a license shall issue: Provided, however, That in case any such applicant states in writing and under oath that the rules and practices of the church, sect, or religion under which such applicant desires to contract marriage require banns or publications prior to the solemnization of the marriage, it shall not be necessary for the municipal secretary to make the publication required in this paragraph, and in this case the license shall issue immediately after the filing of the application and shall state the church, sect, or religion in which the marriage is to be solemnized.

"A license shall not issue if the male is less than twenty years or the female less than eighteen years of age, unless the father or in his default the mother, guardian, or person having charge of the infant consents thereto in writing, or if the applicants are related to each other within the degrees specified in section two of this General Order. In case the father, mother, guardian, or person having charge of the infant does not appear to give such consent, the municipal secretary or clerk of the municipal court of Manila shall accept a certificate of consent signed before two witnesses by such father or mother, guardian, or person having charge of the infant and acknowledged under oath before an officer authorized to administer oaths.

"Said form shall be more or less as follows:

"THE GOVERNMENT OF THE PHILIPPINE ISLANDS

"PROVINCE OF

"MUNICIPALITY OF

"TO ANY PERSON AUTHORIZED TO SOLEMNIZE MARRIAGE:

"You are hereby authorized to solemnize the marriage of and in accordance with the rites and ceremonies of your church, sect, or religion and the laws of the Philippine

Islands.

"Herewith are copies of the applications of the contracting parties and of the consent of the of and of the of

" , 19

" "

" Municipal Secretary (or Clerk of the Municipal Court of Manila)

"The municipal secretary or clerk of the municipal court of Manila, as the case may be, shall charge two pesos for each license so issued and the fee so collected shall accrue to the school funds of the municipality concerned. The license shall be good for no more than sixty days from the date on which issued and shall be deemed cancelled at the expiration of said period if the interested parties have not made use of it.

"Any priest or minister solemnizing marriage without being registered in the Philippine Library and Museum or who, upon solemnizing marriage, refuses to exhibit his registration certificate when called upon to do so by the parties or parents, grandparents, guardians, or persons having charge; and any officer, priest, or minister solemnizing marriage in violation of the provisions of this section; and any municipal secretary or clerk of court unlawfully issuing a marriage license or maliciously refusing to issue a license to persons entitled thereto, shall be punished by imprisonment for not less than six months nor more than five years or a fine of not less than two hundred pesos nor more than five thousand.

"Any municipal secretary or clerk of the municipal court in of Manila who directly or indirectly attempts to influence any contracting party to marry or refrain from marrying in any church, sect, or religion, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by imprisonment for not more than four months and a fine of not more than four hundred pesos."

SEC. 3. Section six of General Orders, Numbered Sixty-eight, is hereby amended to read as follows:

"SEC. VI. No particular form for the ceremony of marriage is required, but the parties must declare, in the presence of the person solemnizing the marriage and of two witnesses of lawful age, that they take each other as husband and wife. This declaration shall be made of record in an instrument which shall be issued in triplicate and signed by signature or mark by the parties and the aforesaid two witnesses and attested by the person solemnizing the marriage: Provided, however, That the marriage shall be solemnized publicly in the office of the court or municipal government or in the church, chapel, or temple, according to whether the marriage is solemnized by an official or by a priest or minister of any denomination or religion, and not elsewhere, except in cases of marriages contracted on the point of death or when the parents or guardians of the female request it in writing, in which cases the marriage may be solemnized at the house or place designated by said parents of the female.

"Any violation of this section by any officer, priest, or minister shall be punished by a fine of not less than twenty-five pesos nor more than two hundred and fifty, or by imprisonment for not less than five days nor more than thirty, or both, in the discretion of the court."

SEC. 4. Section seven of General Orders, Numbered Sixty-eight, is hereby amended to read as follows:

"SEC. VII. The document referred to in the last preceding section shall set forth, further:

"1. The full names of the parties and their places of residence;

"2. Their ages;

"3. The consent of the father, mother, or guardian, or of one having the charge of such person, if any such be given, if the male be under the age of twenty or the female under the age of eighteen; and

"4. That the proper marriage license was issued in accordance with section five of this General Order.

"It shall be the duty of the person solemnizing the marriage to require the exhibition of the marriage license required in section five of this General Order except when either of the parties is on the point of death, in which case the marriage may be solemnized without the aforesaid license; but the official, priest, or minister solemnizing the same shall state in an affidavit made before a person authorized by law to administer oaths that he solemnized the marriage in articulo mortis. The original of this affidavit shall be sent by the person who solemnized the marriage to the clerk of the municipal court of Manila or to the municipal secretary of the municipality where the marriage was performed, as the case may be.

"Any officer, priest, or minister violating any of the provisions of this section shall be punished by imprisonment for not less than three months nor more than two years or by a fine of not less than three hundred pesos nor more than two thousand, or both, in the discretion of the court."

SEC. 5. Section eight of General Orders, Numbered Sixty-eight, is hereby amended to read as follows:

"SEC. VIII. It shall be the duty of the person solemnizing the marriage to furnish to either of the parties one of the three copies of the marriage contract in triplicate referred to in section six and to send another copy of said instrument not later than forty-eight hours after the solemnization of the marriage to the clerk of the municipal court of Manila or the municipal secretary of the municipality where the marriage was performed, as the case may be. The third copy shall be retained by the person solemnizing the marriage, for the files that he must keep.

"Any officer, priest, or minister violating the provisions of this section shall be punished by imprisonment for not more than two months or by a fine of not more than two hundred pesos, or both, in the discretion of the court."

SEC. 6. Section fifteen of General Orders, Numbered Sixty-eight, is hereby amended to read as follows:

"SEC. XV. The documents or certificates required by the foregoing provisions may be substantially in the following form:

"MARRIAGE CONTRACT

"Province of

"(City or municipality of)

"This is to certify that I, ..., residing in, aged years and months, and I, ..., residing in, aged years and months, do this day of, 19..., in the office of the (or house of or church of) in said city or municipality of, of our own free will and accord, and in the presence of, residing in, and, residing in, both of age, take each other as man and wife.

"And I, ..., (title), certify: That on the date and at the place above written, the aforesaid and were with their mutual consent lawfully joined together in holy matrimony by me in the presence of and, above named, as attesting witnesses; and I do further certify that the said parties are personally known to me (or were identified under oath by , known to me); that the marriage license required by law was exhibited; that previous to the solemnization of the marriage, the legal requirements were fulfilled and I ascertained that each of said parties was of lawful age to contract the same; that consent to such marriage was duly given, as required by law, by, the father, mother, or person having charge of said

infant, ...; (and should both parties be infants, add 'and by the father, mother, or person having charge of said infant'); and that upon due inquiry by me made, there appeared no lawful impediment to the marriage.

"In witness whereof we sign (or mark with our fingerprint) this certificate in triplicate, this day of, 19

"

(Contracting party) (Contracting party)

"

(Priest, Minister, Justice of the Peace, etc.)

"Witnesses:

"

"

"Within the foregoing certificate may be included such additional averments as may be required by or be conformable to the rules or customs of particular churches or religions.

"CONSENT TO MARRIAGE OF A PERSON UNDER AGE

"Province of

"(City or town of)

"This is to certify that I, the undersigned, residing in, Province of (father, mother, or person in charge of, infant, residing in), hereby freely consent to said marrying, of, and that I know of no legal impediment to such marriage.

"

"Witnesses:

"

"

"Within the foregoing certificate may be included any averments it may be necessary to include under the rules or customs of particular churches or religions.

"AFFIDAVIT OF WITNESS TO CONSENT

"Province of

"(City or town of)

"Before me personally appeared, the person subscribing the foregoing document, who, being by me duly sworn, deposes and says, that he acknowledges the foregoing instrument as his free act and deed.

"Witness my hand this day of, 19

"

(Notary Public, etc.)

"Such oath may be administered by any member of the Supreme Court, by any judge of First Instance, justice of the peace, notary public, or by the person solemnizing such marriage; or by any person duly authorized by law to administer oaths."

SEC. 7. This Act shall take effect on April first, nineteen hundred and twenty-eight.

Approved, December 7, 1927.

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