

AN ACT TO AMEND THE MARRIAGE LAW, SO AS TO GRANT FACILITIES FOR SECURING MARRIAGE LICENSES, AMONG OTHER PURPOSES.

Commonwealth Act No. 114, November 03, 1936

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Be it enacted by the National Assembly of the Philippines:

SECTION 1. Sections seven, eight, ten, eleven and sixteen of Act Numbered Thirty-six hundred and thirteen, known as the Marriage Law, are hereby amended to read as follows:

"SEC. 7. Formal requisites—Marriage license.—With the exception of the marriages of an exceptional character authorized in Chapter II of this Act, no marriage shall be solemnized in the Philippines without a license first being issued by the Local Civil Registrar where the female has her habitual residence. Said local civil registrar shall issue the proper license if each of the contracting parties swears separately before him or before any public official authorized to administer oath or any priest or minister authorized to solemnize marriage, to an application in writing setting forth that such party has the necessary qualifications for contracting marriage in conformity with this Act. The applicants, their parents or guardians shall not be required to exhibit their personal cedula in any formality in connection with the securing of the marriage license. Such application shall in so far as possible contain the following data:

"(a) Full name of the contracting party.

"(b) Place of birth.

"(c) Age, date of birth.

"(d) Civil status (single, widow or widower, or divorced).

"(e) If divorced, how and when the previous marriage was dissolved.

"(f) Present residence.

"(g) Degree of relationship of contracting parties.

"(h) Full name of father.

"(i) Residence of father.

"(j) Full name of mother.

"(k) Residence of mother.

"(l) Full name and residence of guardian or person having charge (in case 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)."

"SEC. 8. Baptismal certificate—Instrument in lieu thereof.—The Local Civil Registrar, 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. These certificates or

certified copies of the documents required by this section need not be sworn to and shall be exempt from the documentary stamp tax. The signature and official title of the person issuing the certificate shall be sufficient proof of its authenticity.

"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, or if it is shown by an affidavit of such party or of any other person that such baptismal or birth certificate has not yet been received though the same has been requested of the person having custody thereof at least fifteen days prior to the date of the application such party may furnish in lieu thereof his personal cedula for the current year or previous years, to show the age stated in his application or, in the absence thereof, an instrument drawn up and sworn to before the local civil registrar concerned or any public official authorized to solemnize marriage. Such instrument shall contain 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 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 exhibition of baptismal or birth certificates shall not be required if the parents of the contracting parties appear personally before the local civil registrar concerned and swear to the correctness of the lawful age of said parties, as stated, in the application, nor when the local civil registrar shall, by merely looking at the applicants upon their personally, appearing before him be convinced that both or either of them have the required age.

"SEC. 10. Issuance of marriage license.—The local civil registrar shall post during ten consecutive days at the main door of the building where he has his office a notice the location of which shall not be changed once it has been placed, 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. The license applied for shall be issued at the expiration of said period; but if either of the applicants and a priest or minister of the religion professed by such applicant state 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, and that said church, sect, or religion complies with said rules and practices and has obtained the proper certificate from the Director of the Philippine National Library, it shall not be necessary for the local civil registrar 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. Neither shall such publication be necessary if the father, mother, guardian, or person in charge of each of the contracting the latter be over or under twenty, if male, or eighteen years of age, if female accompany the same when they apply for the license, or if both contracting parties have the appearance of having the required age, in the discretion of the local civil registrar, and the female asks for the immediate issuance of the license, in which case such license shall be issued immediately, after preparation of a document in duplicate signed by the persons above mentioned, the duplicate to be attached to the license and the original to be filed."

"SEC. 11. Fees—Validity of license.—The local civil registrar shall require the previous payment of two pesos for each license issued, which fee shall accrue to the school funds of the municipality in which it is paid. No other sum shall be collected, in the nature of a fee or tax of any kind, for the issuance of a marriage license, in addition to the two pesos required by this section. Marriage licenses shall be issued free of charge to indigent parties, i. e., when both male and female do not each own assessed real property in excess of two hundred pesos, a fact certified to, without cost, by the provincial treasurer, or in the absence thereof, by a statement duly sworn to by the contracting parties before the local civil registrar. The license shall be valid in any part of the Philippines; but it shall be good for no more than one hundred and twenty days from the date on which it is issued and shall be deemed cancelled at the expiration of said period if the interested parties have not made use of it."

"SEC. 16. Certificate to be sent to authorities.—It shall be the duty of the person solemnizing the marriage to furnish to either of the contracting parties one of the three copies of the marriage contract in triplicate referred to in section three of this Act, and to send another copy of said document not later than fifteen days after the marriage took place to the local civil registrar concerned, whose duty it shall be to issue the proper receipt to any person sending a marriage contract solemnized by him, including marriages of an exceptional character. The official, priest, or minister solemnizing the marriage shall retain the third copy of the marriage contract, the marriage license and the affidavit of the interested party regarding the solemnization of the marriage in a place other than those mentioned in section five of this Act, if there be any such affidavit, in the file that he must keep."

SEC. 2. This Act shall take effect upon its approval.

Approved, November 3, 1936.

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