

Republic Act 11596

An Act Prohibiting the Practice of Child Marriage

This law prohibits the practice of child marriage in the Philippines, which is defined as a marriage entered into where one or both parties are children and solemnized in civil or church proceedings, or in any recognized traditional, cultural, or customary manner. Under this law, child marriage shall also include an informal union or cohabitation outside of wedlock (live-in) between an adult and a child, or between children.

Why is this law needed?

To ensure that child marriages, as well as cohabitations outside of wedlock between children and/or between children and adults, their facilitations and/or solemnizations be eradicated and the violators be penalized.

What are the effects of early marriage to children?

- Child marriage ends childhood.
- It negatively influences children's right to education, health and protection.
- A girl who is married as a child is more likely to be out of school and not earn money and contribute to the community.
- She is more likely to experience domestic violence and become infected with HIV/AIDS.
- She is more likely to have children when she is still a child.
- There are more chances of her dying due to complications during pregnancy and childbirth.

Who is a child?

Any person under eighteen (18) years old or over but who is unable to fully take care and protect oneself because of physical or mental disability or condition.

What is the legal effect of child marriage?

Child marriage is not valid from the start and the child does not have the same rights and responsibilities as a married couple. A petition for the court to declare the absolute nullity of marriage may be filed at any time. Once the marriage is terminated, Articles 50 to 54 of the Family Code of the Philippines shall govern matters of support, property relations, and custody of children.



What are the unlawful acts and penalties under this law?

The table below shows the unlawful and prohibited acts and corresponding penalties under R.A. 11596. These acts are considered public crimes, which means that anyone who has personal knowledge of the crime can file a complaint against someone who violates the law.

Acts	Penalties
Facilitation of Child Marriage -causing, fixing, facilitating, or arranging the child marriage of contracting parties that leads to their marriage and cohabitation -producing, printing, issuing, and/or distributing 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	If committed by any person: - prision mayor in its medium period (from 8 years and 1 day to 10 years); and -a fine of not less than Forty Thousand Pesos (PHP 40,000) If committed by parent, ascendant, adoptive parent, step-parent or guardian: - prision mayor in its maximum period (from 10 years and 1 day to 12 years) -a fine of not less than Fifty Thousand Pesos (PHP 50,000) ; and -perpetual loss of parental authority If committed by a public officer, in addition to the applicable penalties as stated above: -dismissal from service; and -possible perpetual disqualification from holding office, at the discretion of the courts
Solemnization of Child Marriage - performing or officiating a ceremony, in accordance with the prescribed forms or religious rites, which leads to child marriage and/or cohabitation of contracting parties, within the purview of the Act	If committed by any person: - prision mayor in its maximum period (from 10 years and 1 day to 12 years); and -a fine of not less than Fifty Thousand Pesos (PHP 50,000) If committed by a public officer, in addition to the applicable penalties as stated above: -dismissal from services; and -possible perpetual disqualification from holding office, at the discretion of the courts

	Imam as solemnizing officer for Muslim marriage and Tribal Leaders as solemnizing officers for Indigenous Peoples (IP) marriage may also be liable if found guilty of officiating a child marriage.
Cohabitation of an adult with a child outside wedlock -the act of living together in an informal union between an adult and a child outside wedlock	If committed by an adult partner: - prision mayor in its maximum period (from 10 years and 1 day to 12 years); and -a fine of not less than Fifty Thousand Pesos (PHP 50,000) If committed by a public officer: -dismissal from services; and -possible perpetual disqualification from holding office, at the discretion of the courts

Under the Implementing Rules and Regulations of RA 11596, solemnizing officer refers to any person authorized to officiate a marriage under the Family Code of the Philippines (Executive Order No. 209), the Local Government Code of 1991 (RA No. 7160), and the Code of Muslim Personal Laws of the Philippines (Presidential Decree No. 1083, s. 1977), and all other customary laws or practices. Based on the laws enumerated, this includes but is not limited to:

Under Article 7 of the Family Code of the Philippines

- any incumbent member of the judiciary within the court's jurisdiction
- any priest, rabbi, imam, or minister of any church or religious sect duly authorized by his church or religious sect and registered with the civil registrar general, acting within the limits of the written authority granted by his church or religious sect and provided that at least one of the contracting parties belongs to the solemnizing officer's church or religious sect
- any ship captain or airplane chief only in cases of marriage at the point of death between passengers or crew members [in relation with FCP Article 31]
- any military commander of a unit to which a chaplain is assigned, in the absence of the latter, during a military operation, only in cases of marriage at the point of death between persons within the zone of military operation, whether members of the armed forces or civilians [in relation with FCP Article 32]
- any consul-general, consul or vice-consul in the case of marriages between Filipino citizens abroad [in relation with FCP Article 10]

Under Chapter 3, Article 1 of the Local Government Code

- Municipal and City Mayors [Section 444 (b) (1) (xviii) and Section 455 (b) (1) (xviii) respectively]

Under Article 18 of the Code of Muslim Personal Laws

- the proper wali of the woman to be wedded
- upon authority of the proper wali, by any person who is competent under Muslim law to solemnize marriage
- the judge of the Shari'a District Court of Shari'a Circuit Court or any person designated by the judge, should the proper wali refuse without justifiable reason, to authorize the solemnization

Did you know?

Can an older child who marries another child (both of them still minor) be held liable under this law?

No. Only adults who commit any of the prohibited and unlawful acts identified in the law are considered as perpetrators. Children are treated as victim-survivors whether they become a child bride or bridegroom.

Are Filipino Muslims who are children or minors still allowed to get married?

No. This law explicitly states that decrees (e.g. Article 16 of Presidential Decree or the Code of Muslim Personal Laws) that are inconsistent with it are repealed or modified.



Are tribal or indigenous peoples exempt from the application of this law?

No. Section 2 of RA 11596 states that 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.



Can a tribal datu or leader or village elder who officiates a child marriage be penalized under this law?

Yes. The law states that any person who performs or officiates a child marriage which includes tribal datu/leader of village elder shall be held liable under the law. This also supports the provision of the law that abolishes all traditional and cultural practices that are detrimental to the rights, dignity, and welfare of children.

Can a mother or father who arranges the marriages of her minor son/daughter to an adult woman or man in accordance with tribal, and cultural traditions be penalized?

Yes. Parents who arrange the marriages of their minor son or daughter in accordance with tribal, and cultural traditions at the time of the passage of the law and beyond the transitory period shall be held liable under the law.



Can the Punong Barangay file a case for violation of this law if the parents of the child refuse to file?

Yes. Section 5 of RA11596 designates Child Marriage or any unlawful and prohibited acts under this law are considered public crimes. Therefore, filing a case for violation of this law can be initiated by any person with personal knowledge, including the Punong Barangay.

Can the aunt or uncle of a minor who was married, file a case against the mother or father who fixed or arranged the said marriage?

Yes. Since child marriage is a public crime, the law provides that any person who has personal knowledge of the child marriage may file a case against the perpetrator which may include the parents of the child who fixed the said marriage.

Can a social worker "rescue" a minor child from a consummated child marriage?

Yes. Based on the report received by Department of Social Welfare and Development (DSWD) wherein a rescue operation is necessary, the social worker together with the police shall immediately meet to plan the rescue and determine the action plan necessary to protect the child.



What happens to child marriages that took place before RA 11596?

Child Marriages that took place before RA 11596 will not be covered by this law. However, this will not stop the offended parties from filing for any legal action in accordance with existing laws prior to the passage of RA 11596 in 2021. The law also provides for a transitory period of one year, wherein the National Commission on Muslim Filipinos (NCMF) and National Commission on Indigenous Peoples (NCIP) shall extensively undertake measures and programs in their respective jurisdictions to assure compliance with this Act. (The transitory period runs from January 2022 to January 2023 immediately following the effective date of the law.)



Can a child conceived and born out of "child marriage carry the surname of the father?

Yes. Applying RA 9255 which provides that under Article 176 of the Family Code, illegitimate children shall use the surname of the father and shall be under the parental authority of their mother, and the support of both parents.

What are the programs and services that the government will set up to address the issue of child marriage?



Under this law, government departments and agencies are mandated to provide relevant programs and services in addressing the concern of child marriage, as follows:

1. Department of Social Welfare and Development (DSWD)



- Development of an effective and efficient reporting and monitoring of cases of child marriage;
- Utilization of an electronic case management system for reportorial and monitoring of cases of child marriage;
- Provision of psychosocial, financial, capacity-building, and livelihood support services to victim-survivors of child marriage;
- Conduct awareness campaigns, capacity-building activities, and technical assistance for vital stakeholders;
- Utilization of social media and provision of IEC materials for information dissemination; and
- Provision of other services necessary.



2. Commission on Human Rights (CHR)

- Conduct of promotion and advocacy activities including the production of IEC materials on the Act and the adverse effects of child marriage on children;
- Ensure the participation of children in the development of programs and activities in relation to the Act and monitor government agencies' compliance with the Act's requirements on child participation;
- Provide guidelines and mechanisms that will facilitate access to legal remedies for children who may be involved in child marriages; and
- Assists in the filing of cases against individuals, agencies, institutions, or establishments that violate the provisions of the Act.



How can we support the effort to end child marriage?

As a citizen

- Help create an enabling community (social environment) which discourages the practice of child marriage;
- Prevent further victimization of the child by providing proper care and gender-sensitive support to child-survivor;
- We empower children through the provision of information, skills, and a support network;
- Educate girls by enhancing children's access to and completion of quality education; and
- Influence and empower parents and community leaders to discourage and eradicate the practice of child marriage.

As duty bearers

- Guarantee the implementation of programs and services that will aid children and their families, and provide strategic interventions to empower the parents and community leaders to eradicate the practice of child marriage;
- Encourage non-governmental organizations (NGOs) and civil society organizations (CSOs) to implement programs and services for the protection of the rights of children and their families involved in child marriage;
- Adopt a “whole of society approach” in providing programs and services for the victim-survivors of child marriage, including their offspring;
- Monitor the implementation of the Act;
- Guarantee the participation of children and youth, NGOs, and CSOs in the implementing agencies' decision-making process;
- Strengthen the bridging roles of all duty bearers, particularly in the vulnerable sectors; and
- Strengthen the monitoring roles of all relevant government agencies in cases of child marriage and other related unlawful practices that violate the rights of children.

3. Department of Health (DOH)

a) Ensure access to mental, emotional, and physical health services to victim-survivors of child marriage and appropriate health services for their offspring. To this end, the DOH shall:

- Provide non-discrimination, comprehensive, and appropriate sexual and reproductive health care, information, services, and contraceptives for victim-survivors of child marriage;
- Disseminate information to children, parents, legal guardians, household members, community, and school personnel about adolescent health and development and the mental health aspects of reproductive health, including the available health services;
- Coordinate with the local government units, partner organizations, and other concerned stakeholders to enhance the competencies of non-specialists and primary care providers in the community, particularly in providing Psychological First Aid and basic psychosocial services to the victim-survivors of child marriage;
- Integrate and update existing health training modules on topics relating to the risks and effects of child marriage, gender-based violence, violence against women and children, and sexual and reproductive health rights; and
- Accelerate sexual health and reproductive rights education and services, especially in areas where there is demonstrable evidence of increased and disproportionate risks of child marriage due to but not limited to:

- 1) Natural hazards and human-induced disasters, such as armed conflict;
- 2) Persistent poverty; and
- 3) High incidence of child marriage, gender-based violence, and violence against women and children

b) Conduct health promotion and advocacy activities using school and community platforms to raise awareness of the general public particularly the parents and children on the effects of child marriage on the health and welfare of children, families, and communities and the quality of future generations in general.



4. Council for the Welfare of Children (CWC)

a) Work closely and support programs and policies of the DSWD including the crafting of the Social and Behavioral Change Communication (SBCC) plan

b) Incorporate in its list of programs, activities, or projects ways to assist in the prevention or the eventual elimination of the practice of engaging in child marriages such as the creation of programs and/or activities during National Children's Month and Girl-Child Week Celebration

c) Distribution and production of updated IEC materials to partner national government agencies etc.

5. Department of Education (DepEd)

Integrate into its curriculum complete, accurate, and relevant age and development-appropriate information on child marriage, respectful of culture and religious convictions, and all subjects on key areas, such as:

- Rights of the child;
- Child health and nutrition;
- Child and adolescent development;
- Gender and development;
- Age-appropriate sexuality education;
- Child marriage and family; and
- Recognition and elimination of gender-based violence

b) Institute regular monitoring and reporting on the integration of child marriage in the formal, non-formal, community-based education and indigenous learning systems; and

c) Conduct capacity building for both teaching and non-teaching personnel on the issue of child marriage in reference to DepEd's Child Protection Policy.



6. Department of the Interior and Local Government (DILG)

a) Issue memorandum circulars/advisories to City, Municipal, and Provincial Local Government Units enjoining the implementation of the following actions through their respective Social Welfare and Development Officers:

- Devise information education campaigns (IECs) to spread awareness against child marriage;
- Create a protection protocol for victim-survivors of child marriage and those who will report cases of child marriage, based on the standard guidance and protocols of the DSWD;



- Facilitate the conduct of regular parenting/counseling sessions relative to the matter of child marriages;
- Coordinate with Barangay and Local Councils for the Protection of Children and Violence Against Women and Children Desks in handling reports or cases of child marriage;
- Take reference to the reporting and referral mechanism that will be developed by the DSWD; and
- Maintain a database for cases of child marriage

b) Institute a systematic information and prevention campaign against child marriage through barangay-level education programs and initiatives that are culturally sensitive and child-centered; and

c) Mandate local government units (LGUs) to provide basic interventions for the rescue, recovery, rehabilitation and support of victim-survivors of child marriage and their offspring; and establish a system of reporting cases of child marriage.



7. Department of Justice (DOJ)

- Ensure that the penal provision of the law is carried out and provide access to justice and legal services to victim-survivors through the Public Attorney's Office (PAO) or the Integrated Bar of the Philippines (IBP), as well as the non-government organizations and volunteer legal groups;
- Establish a mechanism for free legal assistance for victim-survivors of child marriage;
- Conduct training and continuing education program on the investigation and prosecution of child marriage; and
- Review and recommend policies and measures to enhance the protection of victim-survivors of child marriage.

8. National Commission on Muslim Filipinos (NCMF)

- Shall include in their program of actions awareness-raising campaigns within Muslim communities on the impacts and effects of child marriage;
- Monitor and report cases of child marriages in communities under its jurisdiction; and
- Ensure the faithful implementation of the law and its implementation in the best interest of the child.



9. National Commission for Indigenous Peoples (NCIP)

Shall include in their program of actions awareness raising campaigns within indigenous communities on the impacts and effects of child marriage.



10. Philippine Commission on Women (PCW)

- Ensure the inclusion of the issue of child marriage in its advocacy campaigns for the elimination of violence against women and children;
- Enjoin concerned government agencies to allocate funds using the GAD budget for the conduct of gender and development (GAD) programs, projects, and activities to implement the provisions of the law and advocate for its inclusion in the annual GAD plans and budgets of agencies as aligned with their respective agency mandates;
- Provide referral assistance to victim-survivors of child marriage and undertake monitoring of the cases received through the Inter-Agency Council on Violence Against Women and their Children (IACVAWC) Secretariat;
- Integrate child marriage concerns in relevant periodic assessment reports prepared by the Commission; and
- Shall integrate dissemination of the provisions of this Act in programs on public awareness and behavior-change communication.



Where to seek help?

- Department of Social Welfare and Development (DSWD)
- Commission on Human Rights (CHR)
- Council for the Welfare of Children (CWC)
- Department of Health (DOH)
- Public Attorney's Office (PAO)
- National Commission on Indigenous Peoples (NCIP)
- National Commission on Muslim Filipinos (NCMF)
- Philippine Commission on Women (PCW)



References:

- Ending child marriage and adolescent empowerment. UNICEF. <https://www.unicef.org/india/what-we-do/end-child-marriage#:> Date accessed: June 5, 2023
- RA 11596 otherwise known as An Act Prohibiting the Practice of Child Marriage and Imposing Penalties for Violations Thereof and its Implementing Rules and Regulations
- Protocol for Case Management of Child Victims of Abuse, Neglect, and Exploitation (including child marriage, page 22) of the Department of Justice
- RA 11596 link: <https://www.officialgazette.gov.ph/downloads/2021/12dec/20211210-RA-11596-RRD.pdf>
- RA 11596 IRR link: <https://pcw.gov.ph/assets/files/2022/12/RA-11596-Child-Marriage-Implementing-Rules-and-Regulations.pdf>
- Local Government Code link: <https://www.officialgazette.gov.ph/downloads/1991/10oct/19911010-RA-7160-CCA.pdf>
- Family Code of the Philippines link: <https://www.officialgazette.gov.ph/1987/07/06/executive-order-no-209-s-1987/>
- Code of Muslim Personal Laws link: <https://www.officialgazette.gov.ph/1977/02/04/presidential-decree-no-1083-s-1977-2/>

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Your feedback matters

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