

[Act No. 2710, March 11, 1917]

AN ACT TO ESTABLISH DIVORCE.

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. A petition for divorce can only be filed for adultery on the part of the wife or concubinage on the part of the husband, committed in any of the forms described in article four hundred and thirty-seven of the Penal Code.

SEC. 2. No person shall be entitled to a divorce who has not resided in the Philippine Islands for one year prior to the filing of the petition, unless the cause for which the divorce is claimed has taken place in said Islands.

SEC. 3. The divorce may be claimed only by the innocent spouse, provided there has been no condonation of or consent to the adultery or concubinage, as the case may be. Where both spouses are guilty, a divorce can not be claimed by either of them.

SEC. 4. An action for divorce can not be filed except within one year from and after the date on which the plaintiff became cognizant of the cause and within five years from and after the date when such cause occurred; but if such cause occurred prior to the date on which this Act takes effect, then only within one year from and after such date.

SEC. 5. An action for divorce shall in no case be tried before six months shall have elapsed since the filing of the petition.

SEC. 6. After the filing of the petition for divorce, the spouses shall be entitled to live separately from each other and manage their respective property.

The husband shall continue to manage the community property; but if the court deem it proper, it may appoint another to manage said property, in which case the administrator shall have the same rights and duties as a guardian and shall not be allowed to dispose of the income nor of the capital except in accordance with the orders of the court.

SEC. 7. During the pendency of divorce proceedings the court shall make provision for the care of the minor children, in accordance with the circumstances, and may order the community property or the income there from to be set aside for their support; and in default thereof said minor children shall be cared for in conformity with the provisions of the Civil Code; but the court shall abstain from making any order in this respect in case the parents have, by mutual agreement, made provision for the care of said minor children and these are, in the judgment of the court, well cared for.

SEC. 8. A divorce shall not be granted without the guilt of the defendant being established by final sentence in a criminal action.

SEC. 9. The decree of divorce shall dissolve the community of property as soon as