

Legal Gaps and Human Rights: Examining Marital Dissolution in the Philippines in Light of International Human Rights Law

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ABSTRACT

In the Philippines, marriage is legally regarded as an inviolable social institution and a permanent union, shaping a restrictive framework for marital dissolution under the Family Code (Executive Order No. 209). This study examined the statutory framework governing the declaration of absolute nullity, annulment, and legal separation, assessing its alignment with the Philippines' obligations under international human rights treaties, particularly the ICCPR, CEDAW, and UNCRC. It further explored the socio-legal consequences of existing dissolution mechanisms and the various institutional insights on the continued absence of divorce legislation. Utilizing a descriptive qualitative approach complemented by content analysis, the study analyzed lived experiences, institutional perspectives, legal and academic texts, and international human rights instruments through thematic analysis. Findings revealed that financial and procedural barriers severely limited access to legal remedies, disproportionately forcing lower and middle-income individuals into informal separation. Furthermore, religious institutions significantly shaped moral norms and public attitudes, heavily influencing policy discourse. Ultimately, the study concluded that the framework remained misaligned with international human rights standards.

Keywords: marital dissolution, annulment, absolute nullity, legal separation, international human rights treaties, divorce, human rights, political institutions, religious institutions, Philippines.

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The Problem and Its Background

This chapter presents the problem and its background, which includes the discussion of its rationale and purpose of this study, with the following sections: introduction, theoretical framework, research paradigm, statement of the problem, significance of the study, scope and limitations, and the definition of terms.

INTRODUCTION

Article 1 of Executive Order No. 209, otherwise known as “The Family Code of the Philippines,” defines marriage as “a special contract of permanent union between a man and a woman entered into in accordance with the law for the establishment of conjugal and family life.” Marriage is therefore regarded as a permanent and legally binding union that serves as the foundation of the family and, by extension, the basic unit of society. This legal framework reflects the deeply rooted cultural and religious values in Filipino society, where marriage is viewed as sacred, lifelong, and ideally indissoluble. These beliefs are reinforced by the strong influence of the Catholic Church, which regards marriage as a sacrament that creates a permanent bond between spouses. Despite conflict, hardship, or emotional strain, couples are encouraged to reconcile and preserve the sanctity of their vows rather than dissolve the union (Blanco, 2025). However, these ideals often differ from reality, as not all marriages remain harmonious, safe, or sustainable. Marital conflict, incompatibility, psychological incapacity, financial strain, domestic violence, and emotional breakdowns drive many couples to seek separation to protect their well-being. Despite this, the Philippines remains the only secular country outside Vatican City without a generalized legalized divorce, excluding provisions under the Code of Muslim Personal Laws. Instead, the majority of Filipino couples must rely on annulment, declaration of nullity, and legal separation under the Family Code. Although these mechanisms were intended to protect the institution of marriage while addressing untenable relationships, they are often criticized for being costly, lengthy, and inaccessible to many Filipinos.

The consequences of these limited policies are profound, as evidenced by the Philippine Commission on Women, annulment and nullity proceedings can cost hundreds of thousands of pesos and take years to complete, effectively limiting access to more affluent individuals (Philippine Commission on Women, 2019). As a result, many Filipinos, particularly those from lower-income backgrounds, resort to informal separation without legal recognition of their dissolved relationship (Abalos, 2017). While these arrangements often arise out of necessity, they leave individuals without clear legal protections regarding property, custody, and support unless validated through formal legal processes. Consequently, many experience legal insecurity, social marginalization, and prolonged economic and emotional hardship, underscoring marital dissolution in the Philippines as not only a family policy issue but also a significant human rights concern. These social and legal consequences underscore how the continued absence of accessible and effective mechanisms for dissolving irreparably broken marriages raises serious questions regarding the State’s compliance with international human rights obligations. As a State Party to major international human rights instruments such as the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC), the Philippines is obligated to uphold rights related to equality before the law, personal autonomy, access to effective remedies, and the protection of human rights (Gonzales & Hung, 2011). Although the Philippine legal framework on the indissolubility of marriage is grounded in cultural and religious values, it must also conform to the State’s international human rights obligations. The tension between domestic family law and international human rights standards, therefore, highlights a significant normative gap that necessitates legal and policy reassessment.

The debate surrounding marital dissolution in the Philippines also reflects a critical intersection of state sovereignty, religious tradition, and international legal obligations (Aglam, 2024). As a highly restrictive legal framework primarily limited to legal separation and declarations of nullity, the current system transforms marital dissolution from a private familial concern into a broader public policy and civil liberties issue, placing significant structural pressure across the legislative, judicial, and executive branches of government. Within the legislative branch, the continued influence of conservative religious lobbies has contributed to persistent

statutory deadlock, repeatedly hindering the passage of divorce legislation despite efforts from progressive lawmakers. As a result, many citizens rely on Article 36 of the Family Code on psychological incapacity, which was not originally intended to function as a substitute for no-fault divorce (Divorce in the Philippines, 2024; House Bill No. 4945). In the judicial branch, courts are tasked with addressing the human consequences of restrictive marital laws through costly and lengthy annulment and nullity proceedings. Although landmark rulings such as *Tan-Andal v. Andal* (2021) have broadened the interpretation of psychological incapacity as a legal rather than medical concept, the judiciary remains constrained by existing legislation (*Tan-Andal v. Andal*, 2021; *Georfo v. Republic*, 2023). Meanwhile, the executive branch bears the administrative and socioeconomic consequences of unresolved marital disputes. Agencies such as the Department of Social Welfare and Development (DSWD) and law enforcement institutions must manage issues involving domestic violence, economic instability, and informal separations, while also addressing international criticism regarding the country's compliance with global human rights standards (House Bill No. 4945; *Abel v. Rule*, 2021).

In light of these concerns, the present study seeks to examine the existing marital dissolution policies in the Philippines and assess their conformity with international human rights obligations. Specifically, it aims to analyze the consequences of limited marital dissolution mechanisms on affected individuals, explore the factors contributing to the continued absence of divorce legislation, and evaluate the institutional and policy implications of the current legal framework. Ultimately, the study seeks to contribute to evidence-based policy discourse by providing insights that may inform legal reforms and promote a more inclusive, equitable, and rights-responsive approach to marital dissolution that protects the dignity, welfare, and rights of Filipino families.

THEORETICAL FRAMEWORK

This study is grounded in Structural Functionalism, a sociological perspective that conceives society as an organized system of interrelated institutions, norms, and roles, each contributing to the maintenance of social order and stability (Turner, 2022). Rooted in the works of Emile Durkheim and further elaborated by Talcott Parsons, this theory emphasizes that institutions such as the family, law, religion, and the state are functionally interconnected (Inglehart, 2021). In this theory, law, particularly international human rights, functions as a regulatory and corrective mechanism that stabilizes social relations when domestic institutions fail to perform effectively (Santos, 2023). Social arrangements governing marriage are therefore understood as regulatory mechanisms intended to preserve cohesion, regulate behavior, and sustain societal equilibrium (Giddens & Sutton, 2021).

Within this framework, marriage and the family are viewed as foundational social institutions that fulfill essential functions, including socialization, emotional support, economic cooperation, and moral regulation (UNICEF, 2023). In the Philippine context, marriage is legally and culturally upheld as a permanent institution, reinforced by a restrictive legal framework that does not recognize divorce (Quilala, 2021). Instead, marital breakdown is addressed through limited mechanisms such as annulment, legal separation, and declaration of nullity. From a structural-functionalist perspective, these laws are designed to preserve family cohesion and maintain social stability by discouraging marital dissolution (Medina, 2022). However, structural functionalism also acknowledges that institutions must evolve to respond to structural strain and changing social conditions to continue fulfilling their stabilizing role (Parsons, 2021). In the case of marital dissolution in the Philippines, the restrictive nature of existing laws increasingly fails to accommodate contemporary social realities, such as persistent domestic conflict, shifting perceptions of marriage, and the growing social demand for rights-based protection and individual welfare (Philippine Commission on Women, 2023). Rather than restoring equilibrium, the current legal framework may generate unintended consequences, including prolonged legal uncertainty and limited access to protection for vulnerable spouses and children. From a functionalist perspective, the prevalence of informal separations can be understood as a form of social adaptation to institutional inadequacy. When formal remedies are inaccessible due to high costs or restrictive standards, individuals develop alternative arrangements to cope with marital breakdown. While these informal solutions may temporarily address personal distress, they operate outside the formal system and consequently weaken its regulatory function. This erosion of legal authority produces secondary dysfunctions, particularly in

child custody, access to social services, and protection from abuse, thereby undermining the system’s capacity to maintain social order (UNICEF, 2023).

The theory also distinguishes between manifest and latent functions. The manifest function of restrictive marital laws is the protection of the sanctity and stability of marriage, reflecting deeply rooted cultural and religious values (Bulanda, et al., 2018). However, the latent dysfunction lies in the unintended consequences of forcing families into informal and legally unsupported arrangements that undermine the welfare of spouses and children (UN Women, 2023). This disjunction between institutional intent and social outcome signals a failure of functional integration. Comparatively, societies that provide accessible and regulated divorce mechanisms demonstrate more functional outcomes within a structural-functionalist lens (World Bank, 2022). Divorce, in these contexts, operates as a formal regulatory institution that manages marital breakdown, restores social order, and safeguards individual and family welfare (Cherlin, 2022). The absence of such a mechanism in the Philippines intensifies social strain, contributing to long-term consequences. Thus, structural functionalism highlights how the persistence of restrictive marital dissolution laws, while intended to promote stability, may paradoxically generate dysfunctions that challenge the overall functioning of Philippine society.

Finally, the incorporation of international human rights norms into domestic legal systems may be interpreted, through a structural functionalist lens, as a process of institutional evolution aimed at restoring balance (Freeman, 2022). Treaties such as the ICCPR, CEDAW, and CRC introduce normative standards centered on dignity, equality, autonomy, and access to effective remedies (UN Women, 2023). These instruments function to realign domestic legal systems with evolving social expectations and to correct dysfunctions produced by rigid or exclusionary institutions. When domestic marital laws fail to align with these evolving expectations, tension arises between legal institutions and broader societal values, underscoring the need for reform (Philippine Commission on Women, 2023).

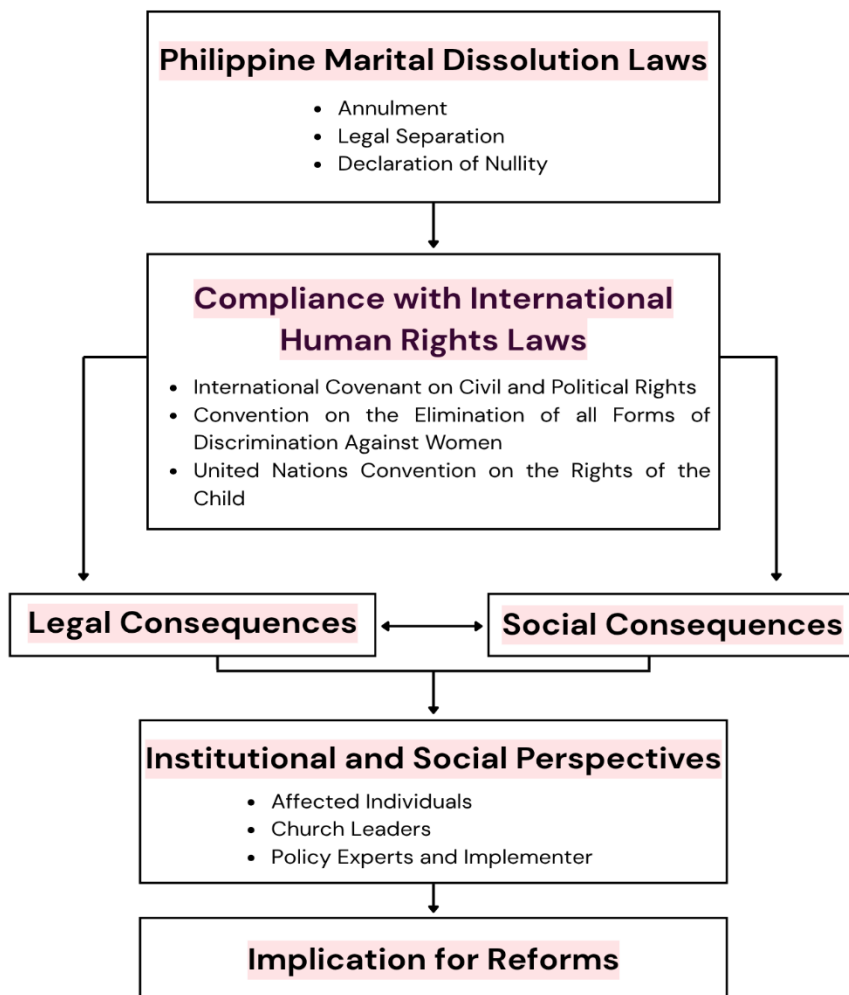


Figure 1. The Conceptual Framework

CONCEPTUAL FRAMEWORK

The conceptual framework begins with an analysis of the domestic legal mechanisms for marital dissolution

under the Family Code of the Philippines, focusing on the distinct grounds for annulment, legal separation, and declaration of nullity. From this foundation, the study assesses how well these domestic legal mechanisms align with international human rights standards, specifically those found in the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC). This comparative assessment highlights areas of convergence and divergence, thereby identifying legal gaps and structural limitations within the Philippine framework.

The interaction between domestic marital dissolution laws and international human rights obligations leads to both legal and social consequences that are inherently interconnected. These consequences are analyzed from both institutional and social perspectives, where the experiences of affected individuals intersect with the views of church leaders, policymakers, and legal implementers. Within this broader context, the operation and interpretation of marital laws are continuously shaped by moral, religious, cultural, and legislative influences.

From the perspective of Structural Functionalism, marriage and family are understood as essential institutions that contribute to social stability. However, when legal structures remain rigid and fail to adapt to evolving social realities and global human rights standards, they can lead to systemic dysfunction rather than maintaining equilibrium. Ultimately, the dynamic interplay among Philippine marital dissolution laws, compliance with international human rights standards, and their resulting legal and social consequences has significant implications for reform. By situating these dynamics within an integrated institutional and social framework, the study emphasizes the need for legal and policy reforms that are more responsive to international human rights obligations and the changing needs of the modern Filipino family.

Statement of the Problem

This study aims to explore the complexities of Philippine marital dissolution laws through the lens of their conformity with international human rights standards and their corresponding implications. Specifically, it seeks to address the following questions:

1. What are the regulations governing marital dissolution under Philippine law, including annulment, legal separation, and declaration of nullity?
2. What are the international human rights treaties that the Philippines is a signatory to regarding marital dissolution, and to what extent do Philippine laws align with these international obligations?
3. What are the consequences of limited marital dissolution options to affected individuals, including those who resort to informal remedies?
4. How do church leaders and policy experts perceive the causes behind the continued absence of divorce legislation in the Philippines?
5. How can Philippine marital dissolution laws be strengthened to align more closely with international human rights standards and the needs of Filipino families?

Assumptions of the Study

This section presents the assumptions that guided the conduct, analysis, and interpretation of this study.

1. The Philippine laws governing marital dissolution, including annulment, separation, and declaration of nullity, are sufficiently defined in existing statutes and jurisprudence and are appropriate for doctrinal legal analysis.
2. The Philippines, as a signatory to international human rights treaties relating to marriage and family life, carries legal obligations under these instruments, and the degree of alignment between Philippine laws and these international commitments is capable of systematic legal evaluation.
3. The limited availability of formal marital dissolution mechanisms in the Philippines produces significant legal, social, and human rights consequences for affected individuals, including the tendency to resort to informal or extralegal remedies.
4. Church leaders, policy experts, and implementers possess influential perceptions regarding the continued absence of divorce legislation in the Philippines, and these perspectives reflect broader moral, cultural, and institutional factors affecting legislative policy.
5. The Philippine marital dissolution laws are capable of reform in ways that enhance conformity with international human rights standards while responding to the evolving needs and welfare of the Filipino family.

Significance of the Study

This study aimed to contribute to legal and human rights scholarship by examining Philippine marital dissolution laws through the lens of international human rights standards, thereby contributing to ongoing discussions on family law reform.

Decision Makers and Lawmakers. The findings of this study may serve as a legal and analytical foundation for policy and legislative reforms aimed at addressing deficiencies in existing marital dissolution mechanisms. The insights generated may support the development of more inclusive, accessible, and rights-responsive legal frameworks that protect the interests of all family members, particularly children.

Legal and Social Welfare Sectors. The study highlighted the importance of harmonizing formal and informal remedies to ensure access to justice, emphasizing how limited legal options can lead individuals—especially women and children—to rely on informal separations.

Families and Individuals. This research sought to raise awareness of the available legal remedies for marital dissolution and their limitations, enabling more informed decision-making and encouraging advocacy for reforms that balance family stability.

Future researchers. The study provided a foundation for further research on the intersection of family law, human rights, and social justice. It contributes to a deeper understanding of how legal, socio-economic, and cultural factors influence marital dissolution practices in the Philippine context.

Scope and Delimitations of the Study

This study examines marital separation in the Philippines through a socio-legal and human rights-informed perspective, focusing on how the absence of an absolute divorce law shapes both lived experiences and institutional positions. It explores the experiences of Filipino families who have undergone marital separation through either formal legal processes or informal arrangements, situating these experiences within the Philippine legal framework on marital dissolution, particularly legal separation, annulment, and declaration of nullity. While relevant international human rights standards inform the study on marriage, family life, and the protection of women and children, it does not undertake a full doctrinal or comparative analysis of international human rights instruments.

The study also involved a total of nine (9) participants: four (4) individuals who experienced marital separation through formal and informal arrangements, three (3) church leaders from three (3) different religions, one (1) policy expert, and one (1) policy implementer. Specifically, the religious leaders consisted of one representative each from the Roman Catholic Church, Iglesia ni Cristo, and Islam. As well as one policy expert from the House of Representatives Committee on Populations and Family Relations, along with one policy implementer from Mandaluyong City Social Welfare and Development Department. The inclusion of church leaders, policy experts, and implementers provides institutional and normative perspectives on marital dissolution, particularly on moral, religious, and legislative considerations that influence the continued non-enactment of divorce legislation. All participants are based in Metro Manila, which is selected due to its demographic diversity and accessibility to legal, religious, and policy institutions. The sample size aligns with qualitative research standards, which recognize small, purposive samples as appropriate for in-depth qualitative inquiry (Dahal et al., 2024).

This study is subject to several delimitations. First, the focus on Metro Manila limits the representation of experiences from other regions of the Philippines, where cultural, social, and economic conditions may differ. Second, the sensitive nature of marital separation and divorce-related issues may affect participants' willingness to disclose personal or institutional views, potentially limiting the depth of data obtained. Third, the study does not employ quantitative methods, surveys, or statistical analysis, and its findings are not intended to be generalizable. Rather, the research is exploratory and interpretive, aiming to generate contextualized socio-legal insights into marital separation, institutional attitudes, and family well-being in the continuing absence of an absolute divorce law.

Definition of Terms

The following key terms are operationally and conceptually defined for a clear understanding of the study:

Absolute Divorce. A legal process that completely dissolves a valid marriage, allowing both parties to remarry. Unlike legal separation, it terminates the marital bond and restores the parties to single status under the law.

Annulment. A formal legal remedy that declares a marriage voidable. It is initially valid but later invalidated based on specific legal grounds such as psychological incapacity, fraud, or lack of parental consent. It dissolves the marital bond and allows both spouses to remarry.

Declaration of Nullity of Marriage. A legal remedy declaring a marriage void from the beginning. This applies to marriages that were never legally valid due to the absence of essential or formal requisites, such as bigamous marriages.

Family Law. The branch of law that regulates marriage, family relationships, parental authority, support, property relations between spouses, and legal processes such as annulment, declaration of nullity, and legal separation, is primarily governed in the Philippines by the Family Code of the Philippines (Executive Order No. 209, s. 1987), as amended.

Human Rights. Fundamental rights and freedoms are inherent to all individuals.

Informal Separation. Non-institutional solutions to marital breakdown are used by couples who cannot access or afford legal processes.

International Human Rights. A body of international norms, treaties, and principles designed to protect fundamental human rights and freedoms.

Legal Separation. A legal remedy that allows a married couple to separate legally without dissolving the marriage bond itself.

Marital Dissolution. The breakdown or termination of a marital union through legal or social means. This includes both formal legal remedies and informal separation practiced in Philippine communities.

Marital Rights and Obligations. The legal duties and entitlements of spouses under the Family Code of the Philippines.

REVIEW OF RELATED LITERATURE

This chapter provides a comprehensive review of literature and studies on marital dissolution, focusing on both the Philippine context and the global landscape. It presents gaps in existing research and explores the perspectives and methodologies used in previous studies. Recognizing these gaps is essential for positioning the current study within the larger academic discourse and for highlighting the unique contributions this research intends to make to the field.

Marriage

Marriage is a multifaceted concept that encompasses a wide range of interpretations across various disciplines. Merriam-Webster (2025) outlines three definitions: a) the state of becoming spouses in a consensual and contractual relationship that the law recognizes, b) the mutual relation of married people, and c) the institution where individuals marry one another. It is also legally defined as the legal union of individuals, comprising the corresponding basic elements: the parties' legal ability to marry each other, mutual consent of the parties, and, lastly, a marriage contract as required by law (Legal Information Institute, 2025). Religion also offers its varied definition of marriage. Christianity views marriage as a covenant between a man and a woman ordained by God, signifying a lifelong commitment characterized by faithfulness and sacrificial love (Zlotnick, 2025). Judaism, on the other hand, considers marriage a spiritual bond fulfilling God's commandment (Mackey, 2025). Hinduism recognizes various types of marriages, each a sacred union that unites two individuals into a joint entity, leading to a fulfilling life (Majumder, 2023). A widely accepted definition encompasses marriage as a formal union and a social and legal contract between two individuals, legally, economically, and emotionally integrating their lives (Stritof & Blomquist, 2025).

In light of all this, the Philippines has its own definition of marriage, as outlined in Section 2, Article XV of the 1987 Constitution, where it states that Marriage, as an inviolable social institution, is the foundation of the family." This definition is further elaborated upon in Article 1 of Executive Order No. 209, otherwise known as "The Family Code of the Philippines", where it states that marriage is "a special contract of permanent union between a man and a woman entered into accordance with the law for the establishment of conjugal and family life. It is the foundation of the family and an inviolable social institution whose nature, consequences, and incidents are governed by law and not subject to stipulation, except that marriage settlements may fix the property relations during the marriage within the limits provided by this Code." Under the Family Code, all the essential requisites and formal requisites are pointed out. The two essential requisites for a valid marriage are: contracting parties must be male and female and have the legal capacity to enter into marriage, and consent of the contracting parties must be freely given before a solemnizing officer. The formal requisites, on the other hand, are the presence of authority of the solemnizing officer, a valid marriage license, and an actual marriage ceremony where the contracting parties appear before the solemnizing officer, with no less than two witnesses of legal age. The absence of any of these essential or formal requisites renders the marriage void ab initio. While a defect in any of the essential requisites does not affect the validity of the marriage, the party or parties responsible for the irregularity may be held civilly, criminally, and administratively liable (P&L Law, 2020).

Marital Dissolution

Article 16 of the United Nations' Universal Declaration of Human Rights affirms that "men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage, and at its dissolution" (Philippine Commission on Women, 2019; UN, 1948). Marital dissolution is broadly defined as an action where the parties mutually agree to terminate their marriage, where either party has to prove grounds to end a marriage

by dissolution (Ohio Bar, 2018). In legal terms, dissolution refers to the termination of a legal relationship or contract, including marriage, which can occur through divorce, annulment, or other legal actions, depending on the jurisdiction (Hassan et al., 2017). In many countries, divorce is the primary legal means of ending a valid marriage, allowing spouses to terminate the marital contract and address related matters such as property distribution and child custody. In the Philippines, marital dissolution has a unique character due to the absence of absolute divorce for most citizens. The Family Code permits only declaration of nullity, annulment, and legal separation, each with specific grounds and stringent procedural requirements. This creates a narrow and often cumbersome path for legally ending marriages (Respicio & Co., 2025). Consequently, many couples face challenges in accessing or affording these remedies. As a result, local literature highlights the prevalence of de facto separations, where marital relationships deteriorate socially and physically without formal legal termination (Aglam et al., 2024).

Annulment

Annulment in the Philippines is a formal legal remedy that applies to voidable marriages, or marriages that were valid at the time of celebration but contain defects that legally justify invalidation. As outlined by De Borja (2025), annulment may be granted on grounds such as lack of parental consent, psychological incapacity, fraud, force or intimidation, incurable sexually transmitted disease, or physical incapacity to consummate the marriage. These grounds reflect conditions that undermine consent or essential marital obligations. However, the annulment process is widely recognized as complex, requiring strict adherence to procedural rules and substantial evidentiary support, particularly for psychological incapacity, which often involves expert psychological evaluation and court testimony. Furthermore, it is emphasized that annulment is not a uniform or automatic process; rather, it relies heavily on judicial interpretation, documentation, and the credibility of presented evidence (YKC Law, 2022). Beyond legal requirements, cost and accessibility are significant challenges associated with annulment. Annulment expenses can range from moderate to significantly high, influenced by factors such as attorney's fees, psychological assessment costs, court fees, and the overall complexity of the case. These financial burdens often discourage couples, especially those in low-income households, from pursuing formal dissolution even when grounds exist. Additionally, the duration of annulment proceedings can stretch to several years, further limiting access and reinforcing socio-economic disparities in who can realistically obtain legal relief (Montana Flamiano, 2024).

Declaration of Nullity of Marriage

A declaration of nullity of marriage in the Philippines refers to a court-ordered determination that a marriage is void ab initio, meaning it was invalid from the very beginning because one or more essential or formal requisites for a valid civil marriage were missing. Under this ground, the law treats the union as though it never legally existed, and a nullity decree formally removes any presumption of a valid marriage (Nicholas & De Vega Law Offices, 2019). The statutory grounds for a void marriage include: lack of a valid marriage license; contracting parties under age (below 18), even with parental consent; solemnization by an officer without legal authority; bigamous or polygamous marriages; mistaken identity of one party; incestuous or otherwise prohibited marriages; and other prohibited unions under public policy. Among these, another often-invoked ground is psychological incapacity, under which a party's severe, antecedent, and incurable psychological condition prevents compliance with essential marital obligations, rendering the marriage void (Saklaw, 2016). The effects of a declaration of nullity are legally significant. Since the marriage is deemed never to have existed, the property regime tied to a valid marriage (such as conjugal or absolute community of property) does not arise or must be dissolved. Instead, property relations are governed by rules applicable to co-ownership under void unions (Respicio & Co., 2025). As for children from such void marriages, their legitimacy and rights depend on the particular ground. In general, children are considered illegitimate, except in cases where nullity is based on psychological incapacity or where legitimation statutes apply. Their status affects inheritance, succession, and parental rights. Additionally, the action for declaration of nullity does not prescribe, meaning that a petition may be filed at any time, regardless of how much time has passed since the marriage was celebrated (Respicio & Co., 2025).

Legal Separation

Legal separation in the Philippines is a judicial decree that permits married spouses to live separately and

dissolve their property relations without ending their marital bond. This means spouses remain legally married and cannot remarry even after the separation becomes final. Legal separation differs from annulment or nullity in that it doesn't void the marriage but instead modifies the obligations, cohabitation, and property between spouses. (Legal Resource, 2025). Under the Family Code of the Philippines, Article 55–67, a petition for legal separation can be filed on various grounds committed by one spouse against the other. These grounds include repeated physical violence or grossly abusive conduct, moral pressure to change religion or political affiliation, attempts to corrupt or induce prostitution, a final judgment imprisoning a spouse for over six years, drug addiction or habitual alcoholism, sexual infidelity or perversion, bigamous marriage, an attempt on the life of the petitioner, and abandonment without justifiable cause for over one year. (Respicio & Co., 2024). Once legal separation is granted, the spouses can live apart. Their conjugal or community property regime is dissolved and liquidated. The court may also decide on custody of minor children, support, and property division. However, the marriage remains legally intact. (Salenga Law, 2023).

International Human Rights Law

Human rights are fundamentally defined as rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. According to the Office of the United Nations High Commissioner for Human Rights (2025), these rights are universal, inalienable, indivisible, and interdependent, and are grounded in the recognition that every person deserves to live free from discrimination and harm. As noted by the United Nations (2025), human rights serve as the moral and legal bedrock for ensuring human dignity and protecting individuals from state overreach, establishing a standard of living that allows every person to participate fully in society. When these principles are codified into global agreements, they become international human rights law. International human rights law outlines the obligations of Governments to act in certain ways or to refrain from specific acts, in order to promote and protect the human rights and fundamental freedoms of individuals or groups. These obligations are formalized through international instruments such as conventions and covenants, which establish minimum standards for the treatment of individuals and provide mechanisms for monitoring state compliance. By ratifying these treaties, states voluntarily assume legal responsibilities to align domestic laws and policies with international human rights norms. International human rights law thus serves as a framework for evaluating whether national legal systems adequately protect individual rights and provide effective remedies for rights violations (USCIS, 2024).

The cornerstone of this modern human rights system is the Universal Declaration of Human Rights (UDHR), which was adopted by the UN General Assembly in 1948 as a common standard of achievement for all peoples and all nations. The UDHR was the first document to set out the fundamental human rights to be universally protected and has since been translated into over 500 languages. It underpins all international human rights law and inspires states to translate its principles into domestic constitutions and legislation. The Declaration emphasizes that all human beings are born free and equal in dignity and rights, providing a comprehensive list of civil, political, economic, social, and cultural rights that governments must uphold to ensure a just and peaceful world (OHCHR, 2018).

The International Covenant on Civil and Political Rights (ICCPR) codifies these foundational liberties into a binding treaty, explicitly addressing the breakdown of the marital unit to preserve individual autonomy. Under Article 23(4) of the Covenant, States Parties are legally required to guarantee the absolute equality of rights and responsibilities between spouses "as to marriage, during marriage, and at its dissolution." A scholarly study observes that this specific mandate serves as a jurisdictional benchmark, legally requiring signatory nations to dismantle domestic legal barriers that place disproportionate burdens on individuals attempting to exit a marriage (Yefet, 2020). The ICCPR operates on the principle that a lack of accessible, effective legal mechanisms for marital breakdown directly violates substantive equality. Furthermore, the Center for Reproductive Rights (2020) notes that international human rights standards increasingly interpret the right to marry as inherently including the right to dissolve a marriage, given that forcing individuals to remain in broken unions frequently triggers ancillary violations of their right to health, personal liberty, and safety.

Complementing the general protections of the ICCPR, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) targets systemic, gender-based disparities embedded within traditional family law. Article 16 of CEDAW explicitly compels state parties to eliminate discrimination against women in all matters related to marriage and family relations, ensuring they enjoy identical rights as men regarding marital dissolution. The CEDAW Committee has consistently affirmed that restrictive or non-existent divorce frameworks disproportionately trap women in cycles of domestic abuse, thereby failing the state's proactive duty to eradicate gender-based discrimination (International Development Law Organization & UN Women, 2021). Because women are statistically more vulnerable to the economic and physical fallout of a failed marriage, CEDAW positions accessible legal divorce not merely as a civil option, but as an essential mechanism for human rights protection and gender equity.

While adult autonomy is protected under the ICCPR and CEDAW, the Convention on the Rights of the Child (CRC) introduces vital protections for the youth during family breakdowns. Article 3 of the CRC establishes the "best interests of the child" as the primary, overriding consideration in all administrative, legislative, and judicial actions. Although the CRC does not explicitly command states to legalize divorce, it mandates rigorous procedural safeguards to protect children during domestic separation or family dissolution. The treaty ensures that children maintain regular, meaningful contact with both parents unless it is detrimental to their well-being, while also guaranteeing their right to express their own views in legal proceedings that affect their welfare. By doing so, the CRC ensures that the legal dissolution of a marriage prioritizes minimizing psychological and structural disruption for dependent minors.

The intersection of these global mandates with the domestic landscape of the Philippines reveals a profound legal friction, driven by deeply entrenched religious traditions and rigid statutory boundaries. Although the Philippines is a state party to the ICCPR, CEDAW, and the CRC, its domestic framework remains a global anomaly due to the complete absence of a comprehensive civil divorce law. The Philippine Commission on Women (2020) characterizes this as a critical "compliance gap," wherein the state fails its international obligation to harmonize municipal laws with ratified human rights treaties. This legislative stagnation is largely perpetuated by influential religious institutions and a conservative legislative ethos prioritizing a rigid interpretation of familial sanctity (Blanco, 2024).

This gap becomes particularly problematic concerning Article 23 of the ICCPR and Article 16 of CEDAW. Current domestic avenues for marital relief, such as legal separation or civil annulment, are heavily criticized for being procedurally convoluted, lengthy, and financially prohibitive, which effectively denies economically marginalized citizens their right to equality at dissolution (Billing, 2018). The lack of legal exit options leaves marginalized demographics, specifically women, without the safety nets guaranteed by international regimes (Gupta, 2024). While the judiciary has attempted to alleviate some of these gaps, most notably in *Republic v. Manalo* (2018), where the Supreme Court recognized foreign divorce decrees in alignment with the ICCPR's anti-discrimination tenets, systemic issues remain. The ongoing reliance on informal or extralegal separations highlights a persistent failure to adequately secure the structural protections outlined for children under the CRC (Paquibut & Malaya, 2025). Ultimately, legal human rights advocates argue that instituting a formal mechanism for marital dissolution is not merely a domestic policy choice, but an urgent, non-negotiable step toward fulfilling the Philippines' legal duties under international law.

Implications of Restrictive Marital Dissolution Laws

The restrictive legal mechanisms governing marital dissolution in the Philippines have produced significant social and legal consequences, most notably the widespread reliance on informal and legally precarious alternatives. Many spouses in troubled marriages choose to live apart without pursuing formal legal remedies, a situation commonly referred to as "informal separation" or "separation in fact." While prevalent, this arrangement does not dissolve the marriage or alter the couple's legal status under Philippine law, regardless of its duration. The marriage remains legally valid, and all associated rights and obligations continue to apply unless formally modified or terminated by a court (Respicio, 2025). Despite the absence of marital cohabitation, informal separation frequently results in legal ambiguities and unenforceable arrangements concerning custody, parental authority, inheritance, and property rights, creating vulnerabilities for both

spouses and children (Abalos, 2017; Agliam et al., 2024; Engo, Castro, & San Jose, 2022). Because informal separation occurs outside the judicial system, the protections provided by the Family Code—such as custody guidelines and property regimes—do not automatically apply (Buhisan, et al., 2026). Although some spouses attempt to regulate their affairs through private agreements, these arrangements often lack legal certainty and may be unenforceable, particularly when they fail to meet statutory requirements or contravene public policy (Respicio & Co., 2025).

As a result, informal separation exposes spouses and children to heightened risks, including unclear custody arrangements, insufficient documentation, and limited access to legal protections. These risks are further compounded by the high costs and lengthy procedures associated with formal marital dissolution, which discourage recourse to the courts and compel many families to rely on informal arrangements despite their limitations (Engo et al., 2022; Agliam et al., 2024). The consequences of informal separation extend beyond legal uncertainty to affect access to social benefits and overall family welfare. Parents often encounter difficulties in securing government assistance, child support, financial entitlements, healthcare, and educational documentation (Agliam et al., 2024; Engo et al., 2022). Children are particularly vulnerable, facing challenges in establishing paternity, asserting identity, and claiming inheritance—difficulties that are exacerbated by the absence of formal legal recognition (Engo et al., 2022). Women, especially single mothers, are disproportionately affected, as they must navigate economic insecurity, cultural expectations, legal expenses, inconsistent child support, and complex asset division, all of which intensify their long-term vulnerability (Amri, 2022). Taken together, these disparities demonstrate how legal invisibility in marital dissolution translates into material and institutional disadvantages, underscoring the interconnectedness of legal rights, social welfare, and family dynamics within the Philippine context.

Religious Perspectives in Shaping Divorce Discourse

Marital dissolution in the Philippines remains a deeply contested issue due to the institutional soft power of religious organizations on family law and public policy. As one of the few countries without a general divorce law, the Philippines relies on annulment, legal separation, and declaration of nullity, which represent a unique form of legalism rooted in the protection of the nuclear family as a basic social institution (Jaballas, 2024). Highly religious couples are less likely to dissolve their marriage than less religious couples, but both are equally likely to dissolve a cohabitation, suggesting that religiosity functions as a primary variable in social stratification and marital stability (Vermeulen et al., 2023). The Catholic Church, Iglesia ni Cristo (INC), and Islam play a decisive role in shaping the domestic political landscape and societal attitudes toward marital dissolution. While some argue that the absence of divorce raises concerns regarding equality and autonomy, these perspectives often collide with the state's mandate to protect the sanctity of marriage (Agliam et al., 2024). These concerns are further complicated by the plural legal system in the Philippines, where the state exercises a form of legal pluralism as secular law coexists with religious norms, particularly in Muslim communities governed by Sharia law. Public opinion research shows that Filipinos view divorce as morally unacceptable, a stance reflective of a deeply embedded national identity that prioritizes communal religious values over secular individualism (Tamir et al., 2019).

The Catholic Church maintains a theological hegemony that marriage is a sacrament and inherently indissoluble. Divorce is therefore rejected, and annulment is framed not as the dissolution of a valid marriage but as a declaration that no valid marriage existed from the beginning (Sta. Ana, 2024). This doctrinal consistency has significantly influenced Philippine family law, acting as a conservative check against liberal legislative shifts (Jaballas, 2024). While scholars note that annulment proceedings are often expensive and lengthy, proponents of the current system argue these barriers serve as a safeguard for the state's interest in marital permanence (Bongoc, 2025). From an international human rights standpoint, the tension between the ICCPR and domestic policy highlights the ongoing struggle for legislative sovereignty in the face of globalized legal norms (Blanco, 2025). Recent research finds that religious and cultural barriers remain the most cited reasons for resistance to divorce, suggesting a strong grassroots mandate for the current legal status quo (Salinas et al., 2025).

The Iglesia ni Cristo (INC) similarly upholds the non-negotiable sanctity of marriage, emphasizing reconciliation and obedience to biblical teachings (Sta. Ana, 2024). While INC does not directly shape state law to the same extent as the Catholic Church, its bloc-voting potential and cohesive political capital reinforce legislative inertia regarding divorce reforms (Bongoc, 2025). INC's ethical framework treats marital breakdown as a moral and spiritual matter, prioritizing ecclesiastic intervention over state-led litigation (Daud, 2025). This perspective focuses on restorative spiritual discipline, though some argue this can overshadow secular concerns such as domestic violence (Aglam et al., 2024). Ultimately, INC's position contributes to a political environment that favors traditionalist family preservation (Aglam et al., 2024).

In contrast to Christian doctrines, Islamic law recognizes divorce as a pragmatic legal remedy when marital harmony cannot be sustained. Under the Code of Muslim Personal Laws, Muslims may access divorce mechanisms such as *talaq*, *khul'*, and *faskh*, demonstrating a form of religious decentralization within the Philippine state (Respicio, 2024). Islamic marital dissolution frameworks provide a culturally nuanced approach to rights, particularly regarding the recognition of irreparable marital breakdown (Aglam et al., 2024). However, procedural bottlenecks and patriarchal interpretations may still constrain women's access to these rights in practice (Daud, 2025).

The coexistence of restrictive Christian-based laws and flexible Islamic mechanisms creates asymmetric legal protections that challenge the constitutional principle of equal protection under a plural legal system (Blanco, 2025). This policy-practice gap highlights how theological hegemony and the political capital of religious institutions prioritize cultural preservation over secular, rights-based frameworks (Jaballas, 2024). Consequently, scholars advocate for a legislative reconciliation that addresses socio-political demands for reform while maintaining respect for religious sovereignty.

Policy and Legal Perspectives on the Absence of Divorce

Prior to colonization, pluralistic ancestral communities practiced forms of marital dissolution. This was particularly evident among the Tagbanwans of Palawan, the Gadangs of Nueva Vizcaya, the Sagadans and Igorots of the Cordilleras, and various indigenous and Muslim communities across the Visayas and Mindanao (House Bill 1799, 2010). However, the advent of Spanish colonial rule (1565–1898) enforced a paradigm shift. Marriage became strictly governed by Spanish civil law (*Las Siete Partidas*) and Catholic canon law, which prohibited absolute divorce and allowed only legal separation (*divorce a mensa et thoro*) without dissolving the marital bond (Prill-Brett et al., 2016).

Subsequent geopolitical shifts briefly altered this framework. Act No. 2710 (1917) permitted divorce under highly restrictive grounds during the American period, and Executive Order No. 141 (1943) temporarily expanded these grounds under the Japanese occupation. However, this legal evolution was abruptly reversed. The enactment of the New Civil Code of 1950 reinstated the absolute prohibition on divorce, provisions that were later anchored firmly into the Family Code of 1988 (Philippine Commission on Women, 2020; House Bill 3843, 2022).

The contemporary resistance to divorce legislation in the Philippines exposes a profound institutional power play between the enduring hegemony of the Catholic Church and the legislative mechanisms of the State. Secular policy-making is consistently overshadowed by religious interventionism, with the Catholic Church operating not merely as a spiritual guide but as a formidable political veto player (Cornelio & Medina, 2019). Through the Catholic Bishops' Conference of the Philippines (CBCP), the Church frames absolute divorce not as a civil right or a legal remedy for broken families, but as an existential threat to the nation's moral fabric and social cohesion (Blanco, 2025; Vatican, 2024). This framing has significant legislative consequences, as lobbying by the Church—representing roughly 80% of the population—exerts strong pressure on legislators, often persuading them to withdraw support for divorce bills (Abalos, 2017; Bongoc, 2025). Such influence undermines the constitutional principle of separation of Church and State, illustrating how doctrinal loyalty and political survival frequently outweigh secular policymaking. Committee-level gatekeeping further compounds this stalemate, with bills often blocked before reaching plenary, reflecting a broader pattern of

legislative inertia where religious influence and procedural structures combine to stall progressive reforms (Dölek, 2025).

Beyond religious lobbying, the absence of divorce legislation creates a functional gap between public necessity and policy. Annulment, the only available legal remedy, is prohibitively expensive, ranging from half a million to one million pesos, effectively commodifying justice and excluding indigent couples from access to remedies (Dayag, 2025; Blanco, 2025a). This socio-economic filter transforms marital dissolution into a privilege reserved for the wealthy, violating international standards on equality and access to justice. Consequently, many couples unable to afford annulment are forced into informal arrangements such as “common law” partnerships or extramarital relationships, which often lack legal protections for women and children. Terminology itself compounds resistance, as the word “divorce” carries a negative connotation, with opponents equating legalization to moral decline and promiscuity. Yet comparative studies demonstrate that divorce laws in other countries provide structured remedies for dysfunctional unions without eroding family values (Blanco, 2025b). Taken together, the literature highlights how economic exclusivity, religious lobbying, terminological stigma, and procedural blockages converge to prevent the passage of divorce legislation, leaving vulnerable families trapped in cycles of dysfunction and violence due to the absence of a human-rights-responsive reform.

This religious influence exerts direct structural pressure on state actors through what scholars describe as “electoral blackmail,” the implicit threat of block-voting or pastoral condemnation of pro-divorce legislators in upcoming elections. Bongoc’s (2025) sequential exploratory study demonstrates that Catholic teachings on the sanctity and permanence of marriage are deeply internalized within the electorate, translating directly into constituent pressure on politicians. Consequently, lawmakers succumb to this institutional power play by weaponizing secular structures to achieve religious ends. This is primarily executed through constitutional conservatism; it is observed that legislative resistance is routinely anchored in Article XV, Section 2 of the 1987 Philippine Constitution, which defines marriage as an “inviolable social institution.” By interpreting “inviolable” as an absolute, permanent ban rather than a mandate for structural protection, conservative lawmakers align state policy with Catholic dogma. To maintain a façade of secular progression, the State relies on existing Family Code remedies such as legal separation, annulment, and declarations of nullity. However, these remedies function as costly, protracted, and highly elitist substitutes that keep the poor legally bound while appeasing religious hierarchies (Titan, 2025).

The efficacy of progressive political advocacy is further blunted by the nuanced nature of public opinion, which itself becomes a battleground for religious and secular messaging. Ingles Jr. (2024) notes that while statistical support for divorce is steadily growing, particularly among younger, secularized, and urban populations, this support remains conditional, fragmented, and easily swayed by conservative rhetoric. Aggressive pastoral campaigns warning against moral decline and family destabilization often fracture public sentiment, preventing the formation of a unified grassroots movement. Without a cohesive and sustained public mandate, secular advocacy groups struggle to mount the necessary political leverage to counteract the highly organized and well-funded lobbying efforts of religious institutions. This ambivalence in public opinion underscores the difficulty of translating growing statistical support into tangible legislative outcomes, as the electorate remains vulnerable to moral framing that reinforces the Church’s veto power (Ingles Jr., 2024).

The direct consequence of this power asymmetry is a repeating cycle of legislative stagnation. This dynamic was starkly illustrated by the trajectory of House Bill No. 9349 (The Absolute Divorce Act), which achieved a historic milestone by passing its third reading in the House of Representatives but immediately stalled in the Senate due to fierce opposition from conservative lawmakers aligned with religious interests (Philippine House of Representatives, 2024). Because both the executive and legislative branches view divorce as a politically volatile issue with immense electoral risks and minimal short-term rewards, lawmakers routinely engage in strategic inaction or procedural postponement (Ingles Jr., 2024). Bills such as HB 9349, HB 108, and HB 210 are buried in perpetual committee reviews or debates, allowing the State to avoid confrontation with the Church. This systemic deferral ensures the preservation of the status quo, cementing the Philippines’ anomalous global position as one of the final holdouts against general divorce legislation, where political

survival and doctrinal preservation consistently outweigh secular demands for human-rights-responsive reform.

Comparative Perspectives on Divorce and Family Law Reform

Divorce is a legal process that varies significantly between jurisdictions, with each state's laws embodying its distinct cultural, social, and political values. Over time, many legal systems have evolved to reflect shifting family dynamics and an increasing emphasis on individual rights. However, some areas continue to uphold stringent regulations grounded in cultural or religious traditions. These discrepancies underscore how divorce laws are influenced not only by local social and political contexts but also by international human rights standards.

Europe offers some of the earliest and most extensively studied examples of liberalized divorce regimes (González & Viitanen, 2024). Reforms in several countries have introduced modifications allowing for unilateral divorce, either implicitly after a period of separation or explicitly at the request of either spouse. Denmark enacted a divorce law reform permitting unilateral divorce after a separation period. Following this, in the 1970s and 1980s, five countries—Belgium, France, Germany, the Netherlands, and the UK—implemented similar provisions, allowing divorce after a couple had lived apart for a specified duration. Norway adopted this approach in the 1990s, followed by Switzerland in 2000. Only Finland and Sweden fully recognize unilateral divorce, enabling either spouse to initiate the divorce process without mutual consent or fault requirements (González-Val & Marcén, 2024). Today, no European countries rely solely on fault-based grounds for divorce. Hybrid systems, such as those in Turkey, Japan, and the United States, illustrate the diversity of modern divorce frameworks. Turkish law combines fault-based, no-fault, and consensual divorce, allowing both parties to initiate divorce under different circumstances (Rusinova et al., 2023). In Japan, there are five methods of divorce: mutual consent, Family Court mediation, Family Court determination, reconciliation, and litigation in Family Court, with over 80% of divorces occurring by mutual consent. This method is efficient and minimizes financial and procedural burdens, but it may complicate post-divorce arrangements, including child support and visitation, sometimes resulting in inequitable outcomes for children (Aotake, 2019). In the United States, divorce laws are determined at the state level rather than federally, with no-fault divorce gradually adopted from California in 1969 to New York in 2010 (Jackson, 2022). Africa presents a complex legal landscape characterized by pluralism, where statutory, customary, and religious legal systems coexist. Many countries operate under civil or common law, while others uphold strong Islamic traditions, and personal law provisions may vary for communities of Indian origin and Christians (Polavarapu, 2016). In Nigeria, statutory marriages are governed by the Matrimonial Causes Act (MCA) of 1970, which outlines grounds such as adultery, cruelty, desertion, and irretrievable breakdown. Customary and Islamic laws offer alternative divorce processes, often prioritizing community or familial interests over individual rights, which can disadvantage women seeking divorce. Islamic principles, such as talaq (repudiation) and khul' (mutual consent divorce), also govern dissolution, with specific implications for child custody (Ruwandoruwa & Umaru, 2025).

These global disparities in divorce laws highlight the interplay between legal frameworks, social values, gender equality, and public policy in shaping marital dissolution. The evolution of progressive divorce mechanisms indicates both legal and institutional advancements while revealing persistent policy gaps that impact social, economic, and family outcomes. As a result, countries with restrictive divorce systems are encouraged to adopt reforms that incorporate international human rights standards, address cross-generational impacts, and align with the ongoing global trend toward more equitable and inclusive frameworks for marital dissolution.

Relevant Theories

International Relations

The study of legal frameworks and domestic policy shifts can be analyzed through International Relations Theory, particularly Liberalism and Constructivism, which focus on how global norms influence national

legislation (Griffiths, 2019). Liberalism suggests that a state's domestic political structure and the preferences of societal groups drive its compliance with international standards, allowing domestic coalitions to form around the benefits of aligning national law with global rules. This perspective emphasizes that the state is not a unitary actor but a representative institution constantly shaped by the lobbying efforts of civil society and legal advocacy groups seeking to harmonize local statutes with global benchmarks (Moravcsik, 2020). Constructivism further posits that states do not merely comply with international norms for material gain, but rather internalize these rules to maintain their identity as modern and civilized members of the international community (Pohjola, 2021). This transition from micro-level sociological perspectives to macro-level IR theory highlights the "transmission belt" that translates global human rights expectations into the domestic legal fabric.

In the context of marital dissolution in the Philippines, IR theory reframes the issue as a matter of state compliance with international human rights obligations. The Philippine state faces mounting pressure to bridge the legal gap between its domestic regulations and international standards regarding autonomy, equality, and dignity. Under Liberalism, this pressure is intensified by domestic human rights organizations that leverage the state's international commitments to challenge conservative status quos in local courts (Jacob, 2025). From an IR perspective, the persistence of legal gaps that fail to protect vulnerable spouses represents a conflict between domestic religious resistance and the nation's commitments under various international standards. Constructivism suggests that this conflict is a struggle over the very identity of the Philippine state, caught between traditional religious values and its desire to be seen as a champion of human rights on the world stage (Ezer, 2023). Consequently, the call for a rights-based reexamination of marital laws is an effort to bring domestic policy into alignment with these global benchmarks.

This theoretical lens illuminates how the Philippine state negotiates its identity within the international system while balancing internal cultural pressures. The desire to adhere to international human rights norms, especially those concerning the recognition of irreparable marital breakdown and protection from harm, acts as a catalyst for legislative reform (Melitante, 2026). As scholars increasingly advocate for a system that respects religious freedom while ensuring compliance with international obligations, the focus shifts from individual subjective experiences to the state's role as a duty-bearer in the global arena. This shift underscores the state's fundamental responsibility under *pacta sunt servanda* to provide legal remedies that meet the minimum standard of protection expected by the international community (Ricker et al., 2023). Ultimately, this provides a robust framework for understanding how international pressure and global human rights discourse shape the evolving legal landscape of divorce in the Philippines.

Human Rights-Based Approach

A human rights-based approach is a conceptual framework for human development that is fundamentally rooted in international human rights standards and geared towards the promotion and protection of these rights. It aims to analyze the inequalities at the core of development challenges and to address discriminatory practices and the unequal distribution of power that hinder development progress. Under this approach, the development plans, policies, and processes are founded on a system of rights and corresponding obligations defined by international law, encompassing all civil, cultural, economic, political, and social rights, as well as the right to development. This approach has two main objectives: to empower rights-holders to claim and exercise their rights, and to enhance the capacity of duty-bearers who are obligated to respect, protect, promote, and fulfill these rights (Australian Human Rights Commission, 2013).

In this context, the human rights-based approach provides a normative framework for assessing whether the local translation of marital dissolution laws and policies aligns with the international human rights commitments undertaken by the State parties. The Philippines, as a State party to multiple international human rights instruments that embrace a human rights-based approach (HRBA), is bound to ensure that its legal frameworks, including those governing marital dissolution, reflect the principles of equality, non-discrimination, accountability, and access to effective remedies in line with international human rights standards. Consequently, this study utilizes this approach to evaluate the extent to which Philippine marital dissolution laws adhere to international legal standards and reflect the commitments undertaken by the State.

Synthesis

The reviewed literature presents marriage as a legal, social, and religious institution whose meaning differs across fields but is consistently seen as the foundation of family life. Globally, marriage is understood as a consensual legal union based on equality and personal choice, with rights that apply during marriage and upon its end. In the Philippines, however, marriage is constitutionally defined as an “inviolable social institution” and a permanent union between a man and a woman under the Family Code. This definition leads to a very strict system for ending marriages. While annulment, declaration of nullity, and legal separation exist, they are often difficult, expensive, and limited in effect. Unlike most countries, the Philippines does not have a general divorce law, which leaves many broken marriages without formal legal recognition.

The literature also shows that this restrictive local framework must be viewed in light of the Philippines’ international human rights obligations. Key instruments like the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) all affirm that spouses must have equal rights in marriage and when it ends. Article 23(4) of the ICCPR and Article 16 of CEDAW specifically require states to ensure equality during and after marriage. Similarly, the Convention on the Rights of the Child (CRC) calls for the protection of children’s best interests, participation, and continued care in cases of family breakdown. Despite ratifying these treaties and passing gender-focused laws like the Magna Carta of Women, studies point to a gap between these international commitments and the current Philippine system. The absence of divorce, combined with the high cost and complexity of annulments or nullity cases, raises concerns about equality, access to remedies, and non-discrimination issues that especially impact women and low-income spouses.

Research further highlights the real-life effects of this legal gap. Many couples opt for informal separation because formal remedies are inaccessible, leaving questions of custody, support, and property unresolved. This legal invisibility often harms women and children, leading to financial insecurity, irregular child support, inheritance issues, and limited state support. From the CRC perspective, informal arrangements weaken the consistent use of the best-interests-of-the-child principle. From the lens of CEDAW and the ICCPR, restrictive dissolution laws can reinforce structural inequality by making it harder for women to leave unsafe or irreparable marriages. Comparative studies show that most countries, even those with strong religious traditions, allow regulated forms of divorce, whether fault-based, no-fault, or mixed, to balance family protection with individual rights. This makes the Philippine legal approach stand out as an exception in the global shift toward rights-based marital dissolution.

The literature also emphasizes the strong influence of religion, culture, and history on Philippine family law. Catholic and Iglesia ni Cristo teachings highlight the indissolubility of marriage, shaping much of the legislative resistance to divorce. In contrast, Islamic law under the Code of Muslim Personal Laws allows divorce for Muslims, creating a situation of legal pluralism that raises questions of equal protection. Historical studies show that pre-colonial communities practiced forms of marital dissolution, suggesting that today’s restrictions stem more from colonial and religious influence than from native traditions. Policy discussions reveal growing but divided public support for divorce, stalled legislative initiatives, and continued political caution. These dynamics highlight the tension between religious freedom, constitutional interpretation, and international human rights standards.

International Relations Theory serves as a vital analytical framework for these issues, particularly through the prisms of Liberalism and Constructivism. Within this framework, the Philippine state’s adherence to the principle of “inviolability” is scrutinized as a conflict between domestic political actors and the normative pressures of the international system. Through the “logic of appropriateness,” the state must reconcile its traditional identity with its obligations as a “norm-compliant” actor in the global human rights regime. Meanwhile, the Human Rights-Based Approach (HRBA) offers a standard for assessing whether Philippine marital dissolution laws meet international norms of equality, accountability, access to remedies, and protection for vulnerable groups. Together, these perspectives connect the lived experiences of individuals to the broader legal and human rights framework.

In sum, the literature points to a key problem: there is a clear mismatch between the Philippines' strict marital dissolution laws and its international human rights duties. Domestic law strongly protects marriage but offers narrow and unequal paths for its dissolution, causing social, gendered, and intergenerational impacts. This institutional inertia creates a significant "compliance gap" between the state's rhetorical commitment to human rights and its actual legislative output. Still, there is a lack of comprehensive analysis that unites ICCPR, CEDAW, and CRC standards in reviewing Philippine marital dissolution. This thesis aims to fill that gap by examining how current laws meet, or fail to meet, international norms of equality, autonomy, dignity, and access to effective legal remedies, contributing to the ongoing debate on divorce and family law reform in the country.

RESEARCH METHODOLOGY

This chapter presents the research method used, sampling, participants, research setting, instrument, and data collection.

Research Method Used

The study employed a qualitative methodology to explore how the mechanisms of marital dissolution in the Philippines align with international human rights law. This approach is effective for examining complex social and legal issues, as it offers a deeper understanding of the experiences, attitudes, and behaviors of individuals, as well as institutional perspectives. Such insights are often challenging to quantify using quantitative methods (Tenny et al., 2022). Within this qualitative framework, the study adopted a descriptive research design to examine the challenges and experiences surrounding marital dissolution. Concurrently, a qualitative content analysis was employed to assess the current Philippine marital dissolution mechanisms and to what extent that it conforms to the international human rights treaties to which the country is a signatory.

A descriptive qualitative approach is particularly suitable for documenting the specific challenges, realities, and perspectives surrounding marital dissolution, offering a clear and comprehensive overview of the issue. This method allows the study to gain insights into participants' actions and motivations while challenging established assumptions, potentially informing policy changes or adjustments in institutional responses. Complementing this approach, qualitative content analysis is a systematic and interpretive method employed to review relevant documents such as laws, treaties, and policy papers. It provides insight into the extent to which Philippine laws and policies reflect the commitments, values, and standards outlined in international human rights frameworks. Together, these methods facilitated a comprehensive examination of marital dissolution, integrating the practical experiences of affected individuals with institutional and legal analyses. This combination enhanced the study by situating personal realities within broader legal and policy contexts.

Population

The target population for this study encompassed the broader macro-demographic landscape of individuals, institutions, and legal-policy agents bound by the matrimonial laws of the Republic of the Philippines, representing an expansive socio-legal backdrop from which the study's parameters were drawn. Reflecting the immense scale of this demographic, most of the population had no equal opportunity to participate since its population, as determined by the 2024 Census, was approximately 14,000,000 within the highly urbanized target areas and corresponding institutional sectors. Because a qualitative inquiry prioritizes depth of meaning, experiential nuance, and structural insight over statistical generalization, managing this massive population as a singular, homogenous group is methodologically unfeasible; thus, this extensive baseline population serves as the vital context from which a highly specific, information-rich sample was purposively extracted to evaluate the alignment of the family code with international human rights standards. This methodological approach is consistent with Palinkas et al. (2015), who emphasize that qualitative research relies on purposive sampling of information-rich cases rather than statistical representativeness, ensuring depth and rigor when working with large demographic baselines.

Sampling

Participants were selected using purposive sampling, a non-probability technique that involves the intentional selection of individuals, cases, or events based on their relevance to the research question (Tajik, Golzar, & Noor, 2024). This method is well-suited for the study, as it facilitates the deliberate choice of participants who can offer in-depth and pertinent insights. Such an approach is particularly apt for exploring the complexities of marital dissolution mechanisms in the Philippines and their associated implications, as it enables researchers to attain a comprehensive understanding of intricate phenomena through individuals with firsthand experiences that might be challenging to access via probability sampling methods.

Participants

This study aimed to explore the experiences of individuals who have undergone marital dissolution through legal processes such as annulment, legal separation, or declaration of nullity, and those who resort to informal separation. The primary participants included four individuals: two who successfully dissolved their marriage through formal mechanisms and two who chose informal separation.

Beyond these individual participants, the research engaged key institutional informants to gain a broader understanding of the social and policy perspectives surrounding marital dissolution. The study included one religious leader from the Roman Catholic Church, Iglesia ni Cristo, and Islam, to represent the diverse viewpoints of each faith regarding existing marital dissolution mechanisms. Additionally, one policy expert from the House of Representatives Committee on Populations and Family Relations, along with one policy implementer from Mandaluyong City Social Welfare and Development Department, was included to provide insights into legislative and policy perspectives. The data collected from these informants served as valuable secondary sources of qualitative insights. The selection of participants was carefully designed to ensure a balanced representation across family dynamics, religious affiliations, and socio-legal perspectives, thereby enriching the analysis with multiple and complementary viewpoints.

Ethical Considerations

The researchers adhered to Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012. The respondents were thoroughly informed about the purpose of the study, and their consent was obtained before data collection. All personal and sensitive information shared during the surveys was kept confidential and used solely for research purposes.

Privacy and Confidentiality

All personal and sensitive information shared during the surveys was kept confidential and used solely for research purposes. Codes or pseudonyms were employed to protect anonymity, and all identifiable information was excluded from research outputs. Data was securely stored and accessed only by the researchers, guaranteeing the privacy and security of participants.

Informed Consent

Respondents were thoroughly informed about the purpose of the study before data collection. Their consent was formally obtained, and they were made fully aware of their rights regarding participation. Research questions were carefully designed to minimize emotional distress, avoid legal risk, and respect participants' beliefs and circumstances.

Risk Analysis

Given the sensitive nature of marital dissolution in the Philippine context, the researchers carefully assessed potential risks. Measures were taken to ensure that the study would not compromise participants' physical, psychological, social, or legal safety. Particular care was given to address vulnerabilities of those relying on informal marital remedies or constrained by religious norms.

Inclusion and Exclusion

The study included only participants who voluntarily agreed to take part, ensuring that involvement was purposeful and consensual. Respondents were informed that their data would be stored securely and used exclusively for academic purposes. They retained the right to withdraw at any time, thereby minimizing risks and safeguarding their confidentiality and autonomy.

Research Setting

The study was conducted in Metro Manila, the National Capital Region of the Philippines. The location was chosen for its large and diverse population, which provided a wide range of perspectives on marital dissolution across socioeconomic, religious, and cultural contexts. Conducting the research in this setting allowed for an in-depth understanding of individuals' experiences with marital dissolution, as well as the collection of institutional and policy perspectives on its mechanisms and consequences in the Philippines.

Research Instrument Used

The study utilized two primary qualitative research instruments: content analysis and semi-structured interviews. Content analysis involved a systematic review of Philippine statutes and jurisprudence on marriage and marital dissolution, relevant international human rights treaties, general comments and reports of treaty bodies, policy papers, official legal documents, and related academic literature. These materials were reviewed to identify statements that serve as evidence of compliance and gaps between domestic law and international human rights standards. Semi-structured interviews were conducted with individuals who successfully dissolved their marriage, including those who have relied on informal separation, religious leaders from the Catholic Church, Iglesia ni Cristo, and Islam, and policy experts and policy implementers. This interview format allowed flexibility while ensuring consistency in exploring perspectives on marriage, annulment, family stability, and informal remedies. These instruments enabled a comprehensive examination of how legal, human rights, and religious frameworks shape lived experiences of marital dissolution in the Philippines.

A semi-structured interview does not strictly follow a predetermined set of questions. Instead, it uses open-ended prompts that encourage participants to elaborate on their experiences and perspectives. This approach also relies on follow-up and probing questions to clarify responses, explore emerging themes, and capture deeper insights. The strength of semi-structured interviews lies in their balance between structure and flexibility, allowing researchers to adapt questions in response to participant narratives (Reyngaard, 2025). Zhang et al. (2026) further show that well-crafted follow-up questions enhance engagement and reveal nuanced perspectives, underscoring their role in producing authentic and rich qualitative data.

The interview structure varied by participant category. For the affected individuals, the researchers designed a five-question interview to capture the lived experiences and viewpoints of those who have undergone marital dissolution. The policy expert was asked three curated questions aimed at gathering insights into the legislative landscape, while the interview with the policy implementer comprised five questions exploring how state mechanisms function to assist individuals navigating marital breakdowns. Lastly, three questions were posed to church leaders to assess religious teachings regarding the nature, purpose, and permanence of marriage, as well as their perspectives on marital dissolution mechanisms.

Data Gathering Procedures

Data were gathered through a combination of content analysis and interviews to capture both the legal framework and the lived experiences surrounding marital dissolution in the Philippines. The first phase involved the systematic compilation and review of legal and human rights documents, including statutes, jurisprudence, international human rights treaties, policy papers, government reports, and related academic literature, from which relevant statements were gathered to identify gaps and conformity of existing marital dissolution mechanisms. The second phase consisted of conducting semi-structured interviews with the

affected individuals, as well as key informants with relevant expertise. All interviews were conducted with informed consent, observed strict confidentiality, and were audio-recorded and transcribed verbatim for analysis. Lastly, findings from the content analysis and interview data were analyzed and interpreted, and therefore were triangulated to strengthen validity and provide a more comprehensive understanding of the current dynamics of marital dissolution in the Philippines, particularly its conformity with international human rights standards and consequently how it affects Filipino families.

Data Analysis

To systematically interpret the qualitative data gathered from semi-structured interviews and textual data, the study employed thematic analysis to identify and report recurring patterns across the dataset. Researchers immersed themselves in the material through iterative reading and verbatim transcription, followed by open coding in which meaningful text segments were labeled and clustered into broader candidate themes. These themes were refined against both coded extracts and the entire dataset to ensure validity, consistent with Braun and Clarke's (2016) six-phase framework. Recent scholarship reinforces this approach emphasizes the importance of reflexivity and integrating participant quotations to strengthen thematic coherence (Polat, 2025), while Ahmed et al. (2025) propose a structured checklist to enhance rigor and reliability in coding and theme development. Ultimately, the finalized themes were integrated with qualitative content analysis, using direct participant narratives to construct an empirically supported account of how lived experiences of marital dissolution intersect with Philippine statutory frameworks and international human rights standards.

Presentation, Analysis, And Interpretation Of Data

This chapter presents the findings derived from a systematic content analysis of the Philippine Family Code and key international human rights instruments, complemented by qualitative narratives gathered from stakeholders across Metro Manila. The presented data provide the significant results of the study and interpretations based on the data collected from affected individuals, policy experts, institutional implementers, and church leaders. The presented data provide the significant results of the study and interpretations based on the data collected and questions answered by the participants.

For Theme 1, data were collected through a content analysis of Executive Order No. 209, or the "Family Code" of the Philippines, focusing on marital dissolution provisions, relevant jurisprudence, and academic studies to examine the current legal landscape. Theme 2 employed a direct comparison of the Family Code against international human rights law, specifically the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC), to evaluate the "compliance gap" between domestic and global standards.

Theme 3 addresses the consequences of the current marital dissolution mechanism by capturing the narratives of four affected individuals, two who successfully pursued annulment and two who remain in informal separation arrangements, to illustrate the socio-economic and psychological impact of the current system. Theme 4 addresses institutional perspectives regarding the absence of divorce by capturing the views of three church leaders from the Catholic Church, the Iglesia Ni Cristo, and Islam, alongside a policy expert from the Committee on Population and Family Relations and a policy implementer from the Mandaluyong City Social Welfare and Development Department. Finally, Theme 5 addresses the proposed strengthening of Philippine marital dissolution laws to better align with international human rights standards and meet the needs of Filipino families as captured throughout the study.

Presentation And Analysis Of Data

Legal Framework and Judicial Mechanisms for Marital Dissolution in the Philippines

The dissolution of marriage in the Philippines is governed by Executive Order No. 209, signed on July 6, 1987, by President Corazon Aquino, which established the Family Code of the Philippines. This code serves as the central regulatory pillar, codifying the essential requisites of marriage, the legal processes for dissolution, property relations, and the reciprocal rights and obligations between spouses and their children. While this code applies to the majority of the population, it is important to note that the Code of Muslim Personal Laws, Presidential Decree No. 1083, provides a separate legal framework for Filipino Muslims, which explicitly recognizes absolute divorce.

Table 1 Marital Dissolution Mechanism and Critique Matrix: Declaration of Absolute Nullity

Legal Mechanism	Socio-Legal Critique	Jurisprudential Benchmarks	Critical Framework
Declaration of Nullity (Articles 35, 36, 37, 38, 40)	Rigidity of Absolute Formalism vs. Socio-Economic Realities	Republic v. Dayot: Rules that a deficit in an essential requisite automatically invalidates a marriage ex tunc, barring judicial discretion or deep factual inquiry. Tilar v. Republic / Maliwat-Melad v. Melad: Affirm that statutory grounds for nullity are mandatory boundaries that cannot be expanded via judicial equity. Aranes v. Occiano / Vitug v. Abuda / Abbas v. Abbas: Rule that a marriage license is a non-negotiable formal requirement immune to cure via long cohabitation or good faith.	Moral Paternalism: Exposes how strict age and formal parameters enforce a uniform moral blueprint that denies youth agency and penalizes survival-driven early unions. Institutional Over-Formalism: Reyes (2022), Cruz (2024), and Respicio (2026) attack the prioritization of bureaucratic registration over substantive relationship capacity and lived informal partnerships. Geographic Exclusion: Rivera (2021), Dela Cruz (2023), and Santos (2020) reveal that technical rules punitively penalize rural populations with limited access to official state figures.
	High Financial and Procedural Barriers to Legal Relief	Nollora v. People / Terre v. Terre / Mercado v. Tan: Mandate a final judicial decree of nullity as an indispensable prerequisite before remarrying, reinforcing the state's monopoly on civil status. Beltran v. People: Confirms that subsequent unions without a decree incur criminal bigamy, and subjective good faith is no legal defense.	Procedural Red Tape: Dela Peña (2023), Reyes (2020), and Santos (2022) frame mandatory decrees as artificial administrative barriers valuing abstract doctrinal consistency over fundamental fairness. Class Privilege & Exclusion: The Philippine Commission on Women (2020) demonstrates that costly, protracted proceedings turn marital freedom into an elite resource, trapping subaltern populations in legal limbo.

	Evidentiary Instability and the De Facto Divorce Substitute	Ngo Te v. Yu-Te / Marcos v. Marcos: Downscale strict medicalized barriers by ruling that formal psychiatric expert testimony is not mandatory if the totality of evidence proves incapacity. Tan-Andal v. Andal: Reclassifies psychological incapacity as a purely legal-interpretive paradigm rather than a medical pathology, lowering the evidentiary burden.	Evidentiary Volatility: Cruz (2024) and Reyes (2023) expose an unstable court subsystem characterized by deep institutional disequilibrium and asymmetric judicial expectations. Strategic Distortion: Garcia (2022) notes that chronic legislative inertia regarding divorce forces couples to over-psychologize ordinary friction, weaponizing Article 36 as a substitute tool.
	An Outdated Scope in Addressing Modern Family Structures	People v. Manzano / People v. Ignacio / Republic v. Albios: Limit mistake strictly to physical identity, rejecting petitions based on fraud regarding a partner's character or Traits. Supapo v. De Jesus / Sempio v. CA / Besolo v. Belarmino: Enforce absolute bans across collateral, affinity, and adoptive lines, treating legal fictions with the exact same weight as biological bloodlines.	Digital Deception Gap: Garcia (2024) and Navarro (2022) argue identity rules are obsolete artifacts of an early-modern disciplinary state, failing to protect against cybernetic fraud. Normative Symmetry: Bautista (2020), Reyes (2022), and Cruz (2024) challenge permanent barriers in blended and adoptive lines for prioritizing bureaucratic legibility over personal autonomy.
	Punitive Financial and Property Penalties	Agapay v. Palang / Arcaba v. Tabancura: Mandate the strict stripping away and coercive extraction of assets acquired or donated within bigamous or bad-faith structures. Statutory Forfeiture Mandate: Applies automatic, non-discretionary revocation of all property donations and testamentary dispositions under mutual bad faith conditions.	Institutional Sanctity: Sempio-Diy (2019) and Pineda (2020) argue that property rules favor abstract institutional purity over individual labor, stripping economic security built via community efforts. Due Process Deficit: Sta. Maria (2022) details how instantaneous property revocations without rigorous judicial verification trigger prolonged, destabilizing litigious warfare between heirs. Collateral Damage: Balane (2025) and Pineda (2020) condemn the blind rigidity that punishes manipulated parties as severely as primary instigators while financially devastating blameless children.

Declaration of Absolute Nullity

Rigidity of Absolute Formalism vs. Socio-Economic Realities

An analysis of literature study of the legal rules for absolute nullity shows a tough conflict between the strictness of state legalism and changing socio-economic conditions. The state strongly uses its regulatory power by enforcing strict standards, declaring marriages by those under eighteen as void from the start due to lack of legal capacity, leaving the judiciary without discretion or the ability to validate once a minority is confirmed. This strict legal approach is solidified in *Republic v. Dayot*, where the Supreme Court states that missing formal or essential criteria leads to automatic, backward-looking invalidation, ignoring detailed factual investigations or fairness. Similarly, *Tilar v. Republic* and *Maliwat-Melad v. Melad* protect the Family Code from judicial changes, emphasizing the absolute importance of statutory text and institutional control over judicial fairness. This firm foundation is further shown in *Aranes v. Occiano*, *Vitug v. Abuda*, and *Abbas v. Abbas*, where the lack of a marriage license is a fatal administrative flaw that cannot be fixed by long-term living together or the genuine intentions of the parties.

From a critical view, scholars argue that these strict age rules are a form of state-imposed moral control and optimization that erase the survival strategies and cultural reasons for early unions in marginalized, remote areas, failing to adjust to modern youth independence, where young people already take on adult duties. Additionally, critics like Reyes (2022) highlight these rigid licensing and solemnization rules as bureaucratic tools of state-imposed marginalization, creating administrative barriers that unfairly exclude low-income groups from civil recognition. This system prioritizes state clarity and paperwork over what Respicio (2026) calls the real ability to perform marital roles, while pushing informal, socially recognized partnerships into legal invisibility and civic exclusion (Cruz, 2024). Moreover, technical rules on who can solemnize marriages are heavily criticized by Rivera (2021), Dela Cruz (2023), and Santos (2020) for punishing marginalized actors for lack of access to official state offices in remote areas.

High Financial and Procedural Barriers to Legal Relief

The structure of absolute nullity also serves as a tool for elite control and procedural exclusion, using a state-controlled monopoly over civil status to trap marginalized people in broken partnerships. Under Articles 35(6) and 40, the state strongly enforces its exclusive power over defining and ending civil status, stopping citizens from independently ending a relationship or assuming a previous marriage is void without a clear, formal court order. The courts require a final judicial declaration of nullity as a necessary, non-negotiable step before remarrying, a rule strongly protected in cases like *Nollora v. People*, *Terre v. Terre*, and *Mercado v. Tan*. Entering a new marriage without this state approval activates the state's enforcement through criminal charges for bigamy, where, as stated in *Beltran v. People*, personal beliefs about ending a relationship do not protect against the state's punishment.

Research by Dela Peña (2023), Reyes (2020), and Santos (2022) describes this required judicial process as unnecessary administrative hurdles and government bureaucracy that prioritize strict legal consistency over real justice and human safety. The high financial costs needed to navigate this legal system create a clear division of citizenship rights. This criticism is supported by the Philippine Commission on Women (2020), which shows that without a rights-focused, absolute divorce law, the remaining options of nullity and annulment act as a highly commercialized resource costing hundreds of thousands of pesos and taking years of lengthy legal battles. As a result, this creates a system of class exclusion: the wealthy can afford legal separation, while less privileged citizens are stuck in permanent legal uncertainty or risky informal separations, risking bigamy charges if they try to find family stability elsewhere.

Evidentiary Instability and the De Facto Divorce Substitute

The ongoing lack of a clear divorce law leads to a heavy focus on legal decisions in personal matters, marked by significant changes in legal principles and the strategic misuse of Article 36 as a substitute for divorce. The methods used to prove psychological incapacity show an unstable history influenced by changes in the views

of legal leaders. Initially, the Supreme Court set strict Molina guidelines, requiring absolute proof that psychological incapacity was medically or legally incurable, severe, and existed before the contract was made. Later, the state relaxed these requirements in *Ngo Te v. Yu-Te* and *Marcos v. Marcos*, allowing that formal psychiatric expertise was not necessary if all evidence was clear enough for the state. This led to a major change in *Tan-Andal v. Andal*, where the court redefined psychological incapacity as a legal interpretation rather than a medical issue, seemingly lowering the entry point for legal separation.

Despite this change meant to ease the tension in broken families, studies show that the family court system still faces significant imbalance. Political-legal experts like Cruz (2024) and Reyes (2023) note that decentralized courts have very different evidence standards, leading to unpredictable and local legal decisions. Additionally, Garcia (2022) criticizes this as an “over-psychologization” of normal family conflicts. Because the legislative branch is slow to act on divorce laws, people are pushed to label normal relationship issues as psychological problems to meet the high state standards for ending a contract. This misuse of Article 36 weakens legal clarity, turning a formal capacity law into a manipulated, hidden method for leaving a marriage due to institutional gaps.

An Outdated Scope in Addressing Modern Family Structures

The Family Code’s legal text is still based on outdated, state-imposed kinship models that ignore the democratization of digital spaces and the rise of modern blended families. Under Article 35(5), the courts limit the concept of “mistake” to only physical identity, rejecting nullity petitions based on significant socio-behavioral deception or fraud about a partner’s personal traits, financial status, or social standing, as shown in *People v. Manzano*, *People v. Ignacio*, and *Republic v. Albios*.

At the same time, concerning the public policy and affinity bans of Articles 37 and 38, the state strictly enforces complete marriage bans across collateral degrees, affinity ties, and adoptive lines, giving the same legal force to artificial legal constructs as it does to biological bloodlines, as seen in *Supapo v. De Jesus*, *Sempio v. CA*, and *Besolo v. Belarmino*.

Critical socio-legal scholars criticize these identity rules as outdated remnants of an early-modern disciplinary state, completely disconnected from modern digital interactions. The narrow legal definition leaves citizens fully vulnerable to predatory, advanced forms of digital deception and social misrepresentation in the cybernetic public sphere (Garcia, 2024; Navarro, 2022). Similarly, studies from Bautista (2020), Reyes (2022), and Cruz (2024) challenge the permanent, inflexible extension of marital barriers to step-relationships and indirect adoptive lines. They argue this strict stance favors bureaucratic clarity, rigid institutional balance, and state-approved moral standards over individual freedom and the real experiences of blended families, unnecessarily limiting personal self-determination even when no genuine social, moral, or biological link exists between the parties.

Punitive Financial and Property Penalties

The legal system carries out forceful state extractions and harsh economic sanctions that cause significant structural harm and unintended damage to vulnerable domestic dependents. The state often imposes severe financial penalties to punish those who challenge its monogamous legal dominance, leading to the strict confiscation and expropriation of assets obtained or given within bigamous or bad-faith arrangements, as seen in *Agapay v. Palang* and *Arcaba v. Tabancura*. Under this punitive economic system, Article 43 allows an innocent spouse to unilaterally cancel insurance beneficiary designations, even if they were declared irrevocable in the contract, while Article 44 states that if mutual bad faith is proven, the union is nullified from the start, automatically revoking all testamentary gifts and donations made in contemplation of marriage by law.

Critics like Sempio-Diy (2019) argue that this property liquidation system strongly favors the abstract, state-approved sanctity of the institution over the logical protection of individual labor and assets. The statutory rules give an innocent party the absolute power to remove a guilty counterpart from entire economic security

networks, completely ignoring whether the disputed assets were created through community funds or the direct physical labor of the marginalized spouse (Pineda, 2020). Similarly, Sta. Maria (2022) identifies a serious due process issue where these immediate property revocations happen without thorough judicial review, sparking prolonged, destabilizing legal battles between surviving spouses and heirs.

Ultimately, Balane (2025) criticizes this doctrine for its complete institutional inflexibility, applying the same harsh punishments to a vulnerable individual who was coerced or manipulated into bad faith as it does to a main, malicious instigator. Most destructively, as analyzed by Pineda (2020), the automatic property forfeitures required by Article 44 cause severe collateral damage, stripping innocent children of financial security and placing them in areas of legal illegitimacy and economic vulnerability to satisfy the state’s punitive disciplinary urges.

Table 2 Marital Dissolution Mechanism and Critique Matrix: Annulment

Legal Mechanism	Socio-Legal Critique	Jurisprudential Benchmarks	Critical Framework
Annulment (Articles 45, 46, 47, 48)	Paternalism, Age Anachronisms, and the Subversion of Marital Autonomy	Special Contract Standard: Dictates that the state's regulatory interest attaches at execution to enforce rigid capacity compliance. Cleansing Doctrine: Rules that free cohabitation after reaching the age of majority ratifies a voidable contract, prioritizing institutional continuity over initial consent deficits.	Moral Paternalism: Critiques the double standard where individuals capacitated for general civil contracts face state-enforced restrictions on marriage choices, denying youth political agency. Temporal Inflexibility: Reyes (2021) attacks strict prescriptive windows for assuming a sudden transition to full maturity, ignoring gradual developmental psychology.
	Binary Medicalization vs. The Clinical and Economic Realities of Mental Capacity	Temporal Soundness Rule: Decrees that cognitive incapacity must exist at the precise micro-moment of celebration to yield valid grounds. Sanity Presumption Threshold: Places a heavy burden on petitioners to prove the complete absence of a lucid interval via clear and convincing proof.	Retrospective Speculation: Dizon (2022) frames retrospective evaluation as an artificial legal fiction that fails to map the clinical realities of fluctuating mental health. Commodified Resource: Reyes (2024) exposes how reliance on expensive medical evidence creates class stratification, leaving low-income litigants invisible.
	The Narrow Scope of Marital Fraud and the Secondary Harm of Implied Condonation	Aquino v. Aquino / Anaya v. Palaroan: Form a strict wall restricting fraud to narrow statutory bounds, ruling that concealing prior marriages or relationships does not affect consent.	Formalistic Checklist: Delos Santos (2022) and Navarro (2021) challenge the narrow scope for ignoring devastating real-world deceptions and relying on ambiguous, shifting moral norms. Asymmetrical Power: Villanueva (2022) and Garcia (2021) show that treating constrained cohabitation as ratification ignores financial dependency and inflicts secondary harm.

		Implied Waiver Mandate: Dictates that continuing cohabitation after discovering fraud acts as an automatic waiver of the right to legal relief.	
	Evidentiary Blind Spots Regarding Non-Physical Coercion and Private Abuse	Overpowered Will Metric: Requires proof that external pressures left the party with no choice but to submit, setting an exceptionally high standard. Cessation Ratification Rule: Dictates that once overt intimidation is legally deemed to have stopped, subsequent cohabitation permanently ratifies the union.	Overt Force Bias: Mendoza (2021) and De Leon (2023) expose a structural blindness toward covert psychological domination, emotional manipulation, or private economic control. Cyclical Coercion Model: Challenges the assumption that victims can pinpoint the end of force, as abuse routinely persists in invisible, continuous forms.
	Doctrinal Imbalances and the Temporal Pathologization of Health	Jimenez v. Cañizares / Alcazar v. Alcazar: Mandate permanent, incurable physical incapacity and objective medical exams as strict predicates for relief. Temporal Affliction Standard: Dictates that serious STDs must explicitly exist at the time of marriage, verified through medical experts.	Institutional Evidence Bias: Lopez (2021) and Ramos (2023) reveal a stark bias that privileges tangible physical traits over highly destructive emotional and relational partnership breakdowns. Pathologization: Fernandez (2022) and Bautista (2024) argue that health rules reinforce social stigma and leave partners in a legal limbo if a disease is acquired post-ceremony.
	Procedural Bottlenecks and the Fragmented Execution of Post-Annulment Relief	State Intervention Safeguard: Requires the prosecutor's appearance to actively block summary judgments and collusion, enforcing public interest. Valdes v. RTC Forfeiture Hand: Mandates immediate delivery of presumptive legitimes in cash/securities and formal registry recording to bind third parties.	Administrative Roadblock: Reyes (2022) frames state intervention as a bottleneck causing delays and trapping families in prolonged financial instability. Coordination Issue: Exposes severe gaps between civil and property registries, leaving unrecorded judgments completely ineffective against aggressive creditors.

Annulment

Paternalism, Age Anachronisms, and the Subversion of Marital Autonomy

The legal rules about annulment show a clear contradiction in how the state views adult capability, supporting a mindset that values keeping institutions strong over individual political freedom. The state uses its power to regulate life by treating marriage as a “special contract,” where its interest begins right when valid consent is given. In this system, if parties aged eighteen to twenty-one don’t have parental consent, their marriage can be canceled. However, this legal flaw has strict rules for fixing it: if the affected person becomes an adult and continues to live freely with their spouse, the original flaw is automatically “fixed,” focusing on keeping the institution intact over its initial procedural issue. High court decisions confirm that for a marriage to be valid, this free living must happen clearly after the person turns twenty-one, acting as a mandatory mechanism that protects the union from being permanently canceled.

The University of the Philippines College of Law (2024) points out these rules as outdated tools of state control that clash with the legal recognition of adulthood at age eighteen. While the state sees individuals in this age group as fully capable of making civil contracts and exercising independent civil rights, it oddly limits their freedom in marriage decisions, a standard that needs urgent updating to align with modern social realities. Additionally, the set time to file a legal action under this framework is criticized by Reyes (2021) from a developmental viewpoint for its strict timing. This framework wrongly assumes a sudden, clear move to full decision-making capacity at age twenty-one, completely ignoring developmental psychology, which shows that maturity and personal autonomy grow gradually rather than suddenly.

Binary Medicalization vs. The Clinical and Economic Realities of Mental Capacity

The legal structure of annulment also considers mental health through a strict system of binary medicalization that does not match current psychiatric views of changing cognitive health. To annul a marriage due to mental unsoundness under the Family Code, the mental issue must be present exactly at the wedding ceremony; later insanity does not provide legal grounds for ending the marriage. In legal terms, the family court assumes everyone is mentally sound, requiring the petitioner to provide “clear and convincing evidence”—usually needing past psychological assessments and expert psychiatric testimony—to show there was no “lucid interval” during the ceremony. Additionally, if the couple lives together freely during a later period of sanity, the right to annulment is permanently lost.

Experts in family law and mental health, like Dizon (2022), argue that making courts depend on past psychological assessments is speculative, as it uses an artificial legal time frame that does not accurately reflect a person’s true mental state at the time of consent. This strict timing makes it hard to distinguish between pre-existing incapacity and conditions that appear or worsen after marriage, effectively labeling changing health conditions as pathological. Further analysis by Santos (2021) and Dela Cruz (2022) criticizes the law’s binary “capable vs. incapable” view, noting that modern mental health sees cognitive impairments as changing, episodic, and progressive rather than fixed categories. Moreover, Reyes (2024) uses a Socio-Economic Filter Model to highlight how the heavy reliance on costly expert testimony creates major structural and financial inequalities; wealthy litigants can afford thorough evaluations to get relief, while low-income spouses face a structural disadvantage and legal invisibility, unable to prove genuine claims due to the high costs of expert-driven litigation.

The Narrow Scope of Marital Fraud and the Secondary Harm of Implied Condonation

The study of the legal rules about marital fraud reveals a very strict set of laws where the process of approval acts as a bureaucratic barrier that unintentionally harms vulnerable spouses and limits their access to justice. The courts interpret fraud very narrowly, only considering specific situations like not revealing a past crime involving moral wrongdoing, or hiding a pregnancy by another man, drug addiction, regular alcoholism, or being homosexual/lesbian. The Supreme Court has clearly forbidden expanding these reasons, deciding in *Aquino v. Aquino* and *Anaya v. Palaroan* that hiding a previous marriage or past relationships is not considered fraud, thus valuing institutional stability over complete openness in relationships. Under this strict

system, if the wronged spouse continues to live with the deceptive spouse after finding out the truth, they are legally seen as having given up their right to seek help, effectively ending the case.

Critical views from Delos Santos (2022) strongly criticize this strict system for ignoring other serious real-world deceptions—like hidden debts or major personal secrets—that also undermine marital consent, turning a basic civil right into a bureaucratic list. The ongoing legal use of the vague idea of “moral turpitude” is also questioned by Navarro (2021) for being open to changing societal norms and inconsistent court interpretations. Additionally, modern analysis using the Asymmetrical Power Dynamics Framework points out that the idea of implied condonation is based on an outdated belief of equal power and free choice between spouses. In reality, a victim’s choice to stay in the marital home after discovering fraud is rarely a sign of true forgiveness; instead, it is a survival strategy influenced by financial needs, economic dependencies, or strong social pressure. By treating even short, forced cohabitation as immediate approval, the legal system causes additional harm to victims who just need time and resources to safely leave the relationship.

Evidentiary Blind Spots Regarding Non-Physical Coercion and Private Abuse

The qualitative content analysis of coercion thresholds reveals a significant operational gap between traditional legal definitions of force and modern views of ongoing psychological and economic manipulation. To cancel a marriage due to force, intimidation, or undue influence under the legal code, the petitioner must meet a very high evidentiary standard: they must prove that external pressures were so intense that they completely overpowered the will, leaving the party with no choice but to comply. Claims of invalid consent require clear, prompt action. However, once the overt intimidation or force is legally considered to have “stopped,” any later living together automatically confirms the union, supporting the state’s policy of maintaining marriages despite their coercive beginnings.

Key family law studies highlight that this statutory threshold is still too high because the legal standard is based on a traditional, narrow view of overt or physical force. This restrictive framework does not consider intimate relationships where undue influence appears secretly through long-term psychological control, emotional manipulation, or structural economic power. Since this type of abuse happens in private without external witnesses or formal records, De Leon (2023) points out that victims face a major structural disadvantage in family courts that prefer objective, verifiable proof over contextual signs. Moreover, using a Cyclical Coercion Model, socio-legal literature criticizes the state’s belief that a victim can easily identify the exact moment coercion has ended; in abusive cycles, coercion often continues in psychological and economic ways long after physical threats cease, making the strict prescriptive time limits structurally unfair.

Doctrinal Imbalances and the Temporal Pathologization of Health

A study of health-related reasons for marriage annulment shows strong institutional biases that favor physical proof over emotional distress, while using unfair methods to handle long-term illnesses. According to the Family Code, a permanent and incurable inability to have sex must be proven with mandatory medical exams to confirm impotence as a key reason for annulment. For sexually transmitted diseases, the condition must be serious and incurable at the exact time of marriage, confirmed by medical experts.

Research points out a clear inconsistency between these physical reasons and psychological ones. While clear, medically proven physical issues like impotence are seen as simple solutions for annulment, emotional breakdowns in marriage face much stricter and harsher legal challenges, showing a bias towards physical proof over equally harmful emotional problems. Regarding STDs, public health and human rights perspectives criticize the law for indirectly labeling individuals by using their medical condition as a direct reason for marriage annulment instead of considering informed consent and openness. This increases social stigma and creates a big obstacle to voluntary testing and treatment. Lastly, the strict rule that the disease must be present at the time of marriage creates a significant legal gap; if a spouse gets a life-threatening, incurable disease after marriage, the healthy partner is left in legal uncertainty, facing ongoing health risks without the option of annulment.

Procedural Bottlenecks and the Fragmented Execution of Post-Annulment Relief

The legal system uses strict procedures and divided administrative processes that cause long-lasting financial problems for families, even after a marriage is officially annulled. High courts enforce strict rules to prevent marriages from ending too easily by agreement. The law requires a state prosecutor to be involved to ensure no cheating or fake evidence. After the annulment, the final decision must handle all civil issues, like dividing properties, paying off third-party debts, and immediately giving children their presumed inheritances in cash or reliable securities. These property decisions must be officially recorded in civil and property registries to be valid against others.

Reyes (2022) suggests that while the state prosecutor's presence is meant to protect, it mainly acts as a bureaucratic delay, causing long court waits and blocking access to justice. These proceedings after annulment often continue long after the marriage ends, keeping spouses and children in financial instability. The strict need to give inheritance rights away in cash or securities also puts a heavy financial burden on parents whose assets are not easily converted to cash or are shared. Researchers also highlight major coordination issues, leading to incomplete enforcement of court orders. Many people lack ongoing legal help, so they can't finish the complex registration process, leaving them with a judgment valid between them but useless against aggressive creditors or innocent buyers. Ultimately, these long, complicated procedures push separated people into new, informal relationships before their legal status is settled, increasing their legal risks and leading to secondary systemic problems.

Table 3 Marital Dissolution Mechanism and Critique Matrix: Legal Separation

Legal Mechanism	Socio-Legal Critique	Jurisprudential Benchmarks	Critical Framework
Legal Separation (Articles 55, 56, 57, 58, 59, 60, 63)	Biopolitical Governance and the Structural Hegemony of State-Enforced Preservation	Bed-and-Board Doctrine: Restricts relief to physical parting while keeping the structural marital bond indissoluble. Ong Eng Kiam v. Ong / Go v. Go: Mandate an exceptionally high threshold of "miserable and hellish" or "hostile and intimidating" environments verified via aggregate behavior.	Biopolitical Regulation: Critiques the state's use of hyper-formal legal mechanisms to prioritize abstract institutional durability and containment over individual human security. Structural Hegemony: Analyzes the "preservation-at-all-costs" philosophy as an instrument that places state regulatory interests above basic human rights.
	Classist Disfranchisement, Commodified Justice, and the "Hierarchy of Suffering"	Repeated Violence Standard: Requires physical abuse to be continuous and "grossly abusive" rather than isolated. Abarquez v. People: Relies heavily on empirical, objective data and formal documentation to substantiate domestic friction claims.	Hierarchy of Suffering: PCW (2025) exposes how demands for repeated violence penalize rural victims lacking a paper trail due to isolation or fear. Commodified Access: Reyes (2022) and Santos (2024) show how reliance on costly expert evidence transforms a civil remedy into an exclusive middle-class privilege.

	Panoptic Blind Spots in Intimate Terrorism and Non-Physical Coercion	Overt Force Rule: Penalizes visible infractions against individual conscience and severe exploitation (e.g., forced political/religious conversion or prostitution). Estrada v. Escritor / German v. German / Valmonte v. CA / People v. Larin: Target documented criminal conduct that shatters family integrity.	Panoptic Surveillance: Cruz (2024) and UP (2025) argue that the state's gaze successfully targets macro infractions but suffers from blind spots regarding micro-oppressions. Evidentiary Vacuum: Bautista (2020) and Reyes (2022) demonstrate how psychological subversion and gaslighting devolve into unresolvable "he-said-she-said" deadlocks.
	Institutionalized Heteronormativity and Identity-Based Statecraft	Status-Based Ground Rule: Codifies the mere "discovery" of non-heteronormative orientation as an independent fault-based ground. Almelor v. RTC / Falcis v. Civil Registrar General: Separate identity from conduct, ruling orientation is an independent ground but does not per se equal psychological incapacity.	Heteronormative Statecraft: Bautista (2020) condemns the textual categorization of LGBTQ+ identity alongside behavioral pathologies (addiction, violence) as institutional prejudice. Identity Penalization: Cruz (2024) attacks the framework for violating non-discrimination regimes by penalizing orientation over contract breaches.
	Carceral Logics, Punitive Overreach, and the Rejection of Therapeutic Justice	Static Fault Standard: Enforces a criminal conviction over six years or substance addiction/habitual alcoholism as objective grounds for separation. People v. Pimentel / Garcia v. Garcia / Marcos v. Marcos / Republic v. Dagdag: Enforce cessation of cohabitation based on objective faults.	Carceral Logic: Cruz (2024) and UP CIDS (2025) critique the double penalization of dependent family units via the destruction of re-entry support systems. Therapeutic Justice: Reyes (2022) and PCW (2025) challenge the framing of addiction as a moral fault rather than a public health crisis, exposing gendered evidentiary burdens.
	Paternalistic Coercion, Structural Power Asymmetries, and Temporal Discipline	Mandatory Cooling-Off Window: Imposes a strict six-month delay under Article 58 before trial proceedings can commence. Ocampo / Jimenez / Santos Absolute Bars: Mandate denial of	Paternalistic Coercion: PCW (2025) frames the cooling-off period as an instrument that paternalistically dismisses a survivor's flight as a transient impulse. Temporal Discipline: Critiques rigid prescriptive windows for ignoring the "delayed disclosure"

		petitions showing condonation, consent, or connivance. De Leon v. De Leon / Republic v. Molina: Enforce a strict five-year prescriptive limit.	phenomenon common in trauma survivors.
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Legal Separation

Biopolitical Governance and the Structural Hegemony of State-Enforced Preservation

An analysis of the rules for Legal Separation shows that the law functions as a tool of the state's ideology and control over life. Instead of being a neutral system for civil relief, the legal system focuses on abstract, systemic stability over individual safety. The state exerts significant control over citizens' domestic lives and personal autonomy by using very formal legal methods to enforce a strict, traditional philosophy. According to the law, legal separation is seen only as a physical separation, where the state ensures the marital bond remains intact, legally preventing remarriage or complete dissolution of the marriage. To achieve even this limited separation, the courts require "clear and convincing evidence." High courts enforce this control by closely examining a respondent's overall behavior (Ong Eng Kiam v. Ong) to confirm that domestic conditions have reached a "miserable and hellish" level, or have created a "hostile and intimidating environment" (Go v. Go).

Critical theorists view this strict structure as a sign of state dominance, where the legal system follows a traditional "preservation-at-all-costs" approach that ignores the complexities of modern domestic issues. By treating marriage as an unbreakable social institution under strict regulation, the state prioritizes structural stability over the well-being and political freedom of its citizens. The need to prove that an environment has reached an arbitrarily high, judicial threshold of misery shows that the state values institutional stability over immediate human rights and personal safety, keeping traumatized individuals under the state's control.

Classist Disfranchisement, Commodified Justice, and the "Hierarchy of Suffering"

The state's strict evidence requirements create an uneven distribution of justice, turning a legal civil remedy into a privilege that excludes marginalized socioeconomic groups. To get physical relief, physical violence must not be seen as a one-time event; it must be legally shown to be "repeated" or "extremely abusive" to make living together unbearable. The family court system heavily depends on empirical, objective data to support claims of unbearable domestic conflict, requiring clear material evidence to challenge the legal assumption of marital stability (Abarquez v. People).

Socio-legal experts criticize this standard for creating a clear "hierarchy of suffering" where only those who can afford private investigators, medical evaluations, or psychiatric assessments can successfully navigate the state's evidence requirements. The legal need for "repeated" violence suggests that a single instance of severe, life-changing trauma is not enough to justify a decree. This creates a significant documentation challenge that unfairly affects rural and socioeconomically disadvantaged victims, according to the Philippine Commission on Women (2025). These vulnerable individuals often lack a formal "paper trail" of police reports or medical certificates due to geographic isolation, strong social stigma, or a valid fear of retaliation. As a result, the state engages in class-based exclusion, unintentionally penalizing those who suffer abuse in silence by later considering their claims unverified. Additionally, because proving subjective reasons requires costly expert testimony, Reyes (2022) and Santos (2024) observe that the legal system turns legal separation into an exclusive, commodified "middle-class remedy," leaving the poor structurally trapped and legally invisible in high-conflict marriages due to high transaction costs.

Panoptic Blind Spots in Intimate Terrorism and Non-Physical Coercion

The state's legal system lacks evidence for private, non-physical breaches of autonomy, making its surveillance unable to see modern, hidden forms of subversion and exploitation. The law punishes clear violations of personal beliefs and severe family exploitation, like using force to change religious or political views, or forcing a spouse or child into prostitution (*Estrada v. Escritor*, *German v. German*, *Valmonte v. CA*, *People v. Larin*). While the courts act firmly when family unity is broken by documented crimes or clear physical force, they overlook subtle, small-scale domestic oppressions.

As Cruz (2024) argues, coercion in today's relationships is often subtle, showing up as psychological manipulation, gaslighting, or economic control instead of direct physical threats. Research from the University of the Philippines (2025) shows that because these forms of "intimate terrorism" leave no physical marks and happen entirely in the private home, they are very hard to prove to a "clear and convincing" standard in court. This creates a paradox where the most widespread forms of marital harm are the least likely to lead to a successful case, as the law struggles to measure and validate non-physical, psychological subversion. This institutional lack of evidence often leads to the dismissal of cases because the specific intent behind the exploitation cannot be clearly documented. As noted by Bautista (2020) and Reyes (2022), discovery is nearly impossible without the victim's active help, which is often not given due to trauma or coercion, leaving cases to become unresolvable "he-said-she-said" situations that protect the abuser under the guise of domestic privacy.

Institutionalized Heteronormativity and Identity-Based Statecraft

The Family Code serves as a tool for promoting traditional heterosexual norms, using non-heterosexual identity as a reason for marital "fault" and state-approved separation. The law states that finding out a spouse is homosexual or lesbian after marriage is a valid reason for legal separation. The Supreme Court distinguishes between identity and actions, stating that while sexual orientation is a valid reason for separation (*Almelor v. RTC*, *Falcis v. Civil Registrar General*), it does not automatically mean a person cannot fulfill marital duties under the code's more permanent dissolution rules.

Scholars widely criticize this rule as a form of institutionalized bias embedded in the state's legal system. As Bautista (2020) argues, by equating homosexuality and lesbianism with serious behavioral issues and conditions like chronic drug addiction and domestic violence, the code strengthens harmful social stereotypes and views non-heterosexual orientations as moral or legal wrongdoings. Critics like Cruz (2024) argue that this approach directly opposes modern constitutional and international human rights principles on equality and non-discrimination. Instead of focusing on real breaches of the marital contract—such as actual cheating or desertion—the state labels and punishes the inherent identity and orientation of individuals, reinforcing traditional heterosexual dominance through the force of civil law.

Carceral Logics, Punitive Overreach, and the Rejection of Therapeutic Justice

The state handles internal conflicts with a strict approach of moral judgment, ignoring public health views and other restorative justice models. A final criminal conviction leading to over six years in prison, or a spouse's drug or alcohol addiction, is a clear reason for legal separation (*People v. Pimentel*, *Garcia v. Garcia*, *Marcos v. Marcos*, *Republic v. Dagdag*). The law sees these issues as unchanging flaws that justify ending living together completely.

Critical theorists argue that by letting a prison sentence automatically allow separation, the state's focus on punishment values retribution over helping prisoners rehabilitate and families reunite, a point made by Cruz (2024). Research by the University of the Philippines Center for Integrative and Development Studies (UP CIDS, 2025) indicates that this system punishes the dependent family twice: first by losing the incarcerated spouse's income and presence, and second by breaking the family bond, which is often crucial for a successful return to society. Similarly, Reyes (2022) notes that by treating substance addiction as a fixed moral "fault" instead of a treatable medical issue, the legal system ignores therapeutic justice principles. As highlighted by the Philippine Commission on Women (2025), the law focuses only on separation as the main solution and temporarily leaves the addicted spouse at their most vulnerable, worsening the addiction and destabilizing the

family's future. This focus on moral fault is also seen in infidelity laws; Cruz (2024) and the Philippine Commission on Women (2025) show that the legal standards for proving infidelity are often applied unfairly, usually reflecting deep gender biases that place a heavier burden on female petitioners.

Paternalistic Coercion, Structural Power Asymmetries, and Temporal Discipline

In essence, the legal system sets up strict rules and deadlines to limit personal freedom, forcing those who have experienced trauma to join state-mandated reconciliation processes and meet tight schedules. The law requires a six-month "cooling-off" period before a legal separation trial can start. Furthermore, the court must dismiss a petition if there is evidence of forgiveness, agreement, involvement, or shared fault (*Ocampo v. Ocampo*, *Jimenez v. Jimenez*, *Santos v. Santos*). Additionally, the law enforces a strict five-year limit for claims, making them invalid after this period ends (*De Jesus v. De Jesus*, *Jimenez v. Jimenez*, *Republic v. Molina*).

Human rights advocates and legal experts argue these barriers are forms of paternalistic control that uphold power imbalances. The Philippine Commission on Women argues that the mandatory cooling-off period assumes a survivor's decision to leave a harmful situation is just a temporary impulse. This delay could re-traumatize petitioners by keeping them in dangerous legal and physical proximity to their abusers. Similarly, absolute bars like consent or mutual blame are criticized by the Philippine Commission on Women (2025) for denying legal assistance in relationships with severe, coercive power imbalances where genuine consent is lacking. Lastly, scholars criticize the state's strict five-year limit for imposing an artificial time constraint that completely ignores the well-known "delayed disclosure" phenomenon in trauma victims, whose ability to seek legal help is often delayed for years by financial pressure, psychological trauma, and fear, leading to secondary systemic issues.

Alignment of Domestic Laws with International Human Rights Treaties

This theme provides a comparative analysis of the Philippine Family Code alongside the nation's international obligations under the ICCPR, CEDAW, and CRC to identify potential areas of alignment or divergence. It explores the relationship between the domestic framework and international mandates regarding individual autonomy, gender equality, and child rights. The following sections examine the statutory emphasis on marital permanence versus the right to dissolution, the joint administration model of property versus equal legal rights, and the use of marital status as a determinant for a child's legal identity. By mapping these domestic articles against treaty provisions, the theme investigates the extent to which Philippine law internalizes International human rights standards.

Table 4 Alignment Matrix of International Mandates and Domestic Law

International Mandates (ICCPR, CEDAW, CRC)	Domestic Law (Family Code)	Interpretation
ICCPR Art. 23(4). States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage, and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.	Art. 1. Marriage is a special contract of permanent union between a man and a woman entered into in accordance with law for the establishment of conjugal and family life. It is the foundation of the family and an inviolable social institution whose nature, consequences, and incidents are governed by law and not subject to stipulation, except that marriage settlements may	While ICCPR mandates equality "at dissolution," domestic law emphasizes "permanence". Legal relief is limited to specific pre-existing defects or behavioral grounds rather than a general right to dissolve a valid marriage based on spousal equality.

	fix the property relations during the marriage within the limits provided by this Code. Art. 35. The following marriages shall be void from the beginning: 1. Those contracted by any party below eighteen years of age even with the consent of parents or guardians; 2. Those solemnized by any person not legally authorized to perform marriages unless such marriages were contracted with either or both parties believing in good faith that the solemnizing officer had the legal authority to do so; 3. Those solemnized without a license, except those covered by the preceding Chapter; 4. Those bigamous or polygamous marriages not falling under Article 41; 5. Those contracted through mistake of one contracting party as to the identity of the other; and 6. Those subsequent marriages that are void under Article 53.” Art. 45. A marriage may be annulled for any of the following causes, existing at the time of the marriage: 1. That the party in whose behalf it is sought to have the marriage annulled was eighteen years of age or over but below twenty-one, and the marriage was solemnized without the consent of the parents, guardian or person having substitute parental authority over the party, in that order, unless after attaining the age of twenty-one, such party freely cohabited with the other and both lived together as husband and wife;	
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	2. That either party was of unsound mind, unless such party, after coming to reason, freely cohabited with the other as husband and wife; 3. That the consent of either party was obtained by fraud, unless such party afterwards, with full knowledge of the facts constituting the fraud, freely cohabited with the other as husband and wife; 4. That the consent of either party was obtained by force, intimidation, or undue influence, unless the same having disappeared or ceased, such party thereafter freely cohabited with the other as husband and wife; 5. That either party was physically incapable of consummating the marriage with the other, and such incapacity continues and appears to be incurable; or 6. That either party was afflicted with a sexually-transmissible disease found to be serious and appears to be incurable.; Art. 55. A petition for legal separation may be filed on any of the following grounds: 1. Repeated physical violence or grossly abusive conduct directed against the petitioner, a common child, or a child of the petitioner; 2. Physical violence or moral pressure to compel the petitioner to change religious or political affiliation; 3. Attempt of respondent to corrupt or induce the petitioner, a common child, or a child of the petitioner, to engage in prostitution, or connivance in such corruption or inducement; 4. Final judgment	
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	sentencing the respondent to imprisonment of more than six years, even if pardoned; 5. Drug addiction or habitual alcoholism of the respondent; 6. Lesbianism or homosexuality of the respondent; 7. Contracting by the respondent of a subsequent bigamous marriage, whether in the Philippines or abroad; 8. Sexual infidelity or perversion; 9. Attempt by the respondent against the life of the petitioner; or; 10. Abandonment of petitioner by respondent without justifiable cause for more than one year. For purposes of this Article the term "child" shall include a child by nature or by adoption.	
CEDAW Art. 13. States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular: . The right to family benefits...	Art. 63. The decree of legal separation shall have the following effects: 1. The spouses shall be entitled to live separately from each other but the marriage bonds shall not be severed;	Because the legal bond persists after separation, many economic family benefits remain legally tied to the registered spouse. This restricts a separated woman's ability to independently manage benefits for a new factual family unit.
CEDAW Art. 15(2). States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.	Art. 96. The administration and enjoyment of the community property shall belong to both spouses jointly. In case of disagreement, the husband's decision shall prevail, subject to recourse to the court by the wife for a proper remedy, which must be availed of within five years from the date of the contract implementing such decision" Art. 124. The administration and enjoyment of the conjugal	International law requires identical individual capacity, whereas domestic law mandates a "joint" model. This requires mutual consent even during separation, potentially tethering a woman's economic agency to an estranged husband.

	partnership poverty shall belong to both spouses jointly. In case of disagreement, the husband's decision shall prevail, subject to recourse to the court by the wife for a proper remedy, which must be availed within five years from the date of the contract implementing such decision...	
CEDAW Art. 16(1). State Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: . The same right to enter into marriage . The same right freely to choose a spouse and enter into marriage only with their free and full consent; . The same rights and responsibilities during marriage and at its dissolution;"	Art 2. No marriage shall be valid, unless these essential requisites are present: 1. Legal capacity of the contracting parties who must be a male and a female, and 2. Consent freely given in the presence of the solemnizing officer.	While Domestic Law defines consent as a formal, one-time procedural requisite for the validity of the marriage contract, International Law frames "free and full consent" as a substantive and continuous human right that encompasses both the autonomous choice of a partner and the equal right to withdraw that consent through dissolution.
CRC Art. 8(1). States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.	Art. 164. Children conceived or born during the marriage of the parents are legitimate. Art. 165. Children conceived or born outside a valid marriage are illegitimate, unless otherwise provided in this Code.	Domestic law uses marital status as the sole determinant of a child's legal identity. In cases of separation and new unions, this leads to the "illegitimate" label, which may conflict with the CRC's goal of preserving stable family relations.
CRC Art. 9(1). States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for	Art. 213. In case of separation of the parents, parental authority shall be exercised by the parent designated by the Court. The Court shall take into account all relevant considerations, especially in the choice of the child over seven years of age, unless the parent chosen is unfit.	Both frameworks prioritize the child's welfare during parental separation. Domestic law provides a specific age threshold (seven years) to fulfill the requirement of considering the child's preference in custody matters.

the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence. CRC Art. 12(1). States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.	No child under seven years of age shall be separated from the mother unless the court finds compelling reasons to order otherwise.	
CRC Art. 18(1). States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern."	Art. 209. Pursuant to the natural right and duty of parents over the person and property of their unemancipated children, parental authority and responsibility shall include the caring for and rearing them for civic consciousness and efficiency and the development of their moral, mental, and physical character and well-being. Art. 211. The father and the mother shall jointly exercise parental authority over the persons of their common children. In case of disagreement, the father's decision shall prevail, unless there is a judicial order to the contrary...	The Family Code codifies "joint parental authority" as a shared responsibility. While this aligns with the CRC, it can create practical challenges in high-conflict separations where "joint" decisions lead to legal deadlocks.
CRC Art. 19(1). States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental	Art. 55. A petition for legal separation may be filed on any of the following grounds: 1. Repeated physical violence or grossly abusive conduct directed against the petitioner, a common child, or	Domestic law provides robust mechanisms to suspend or permanently deprive authority in cases of abuse or neglect. This directly implements the CRC mandate to protect children while in the care of parents or guardians. However, nuanced non-conformity persists in the domestic use of

violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.	a child of the petitioner; Art. 231. The court in an action filed for the purpose or in a related case may also suspend parental authority if the parent or the person exercising the same: 1. Treats the child with excessive harshness or cruelty; 2. Gives the child corrupting orders, counsel or example; 3. Complex the child to beg; or 4. Subjects the child or allows him to be subjected to acts of lasciviousness. The grounds enumerated above are deemed to include cases which have resulted from culpable negligence of the parent or the person exercising parental authority If the degree of seriousness so warrants, or the welfare of the child so demands, the court shall deprive the guilty party of parental authority or adopt such other measures as may be proper under the circumstances. The suspension or deprivation may be revoked and the parental authority in a case filed for the purpose or in the same proceeding if the court finds that the cause therefor has ceased and will not be repeated. Art 232. If the person exercising parental authority has subjected the child or allowed him to be subjected to sexual abuse, such person shall be permanently deprived by the court of such authority.	the qualifier "excessive".
CRC Art. 27. 1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual,	Art. 194. Support comprises everything indispensable for sustenance, dwelling, clothing, medical attendance, education and transportation, in keeping with the financial capacity of	The Family Code provides a comprehensive definition of support (sustenance, education, etc.) to ensure a child's development. It mandates continued support even during annulment or separation proceedings to meet international standards.

moral and social development. 2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development. 3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing. 4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.	the family. Art. 195. Subject to the provisions of the succeeding articles, the following are obliged to support each other to the whole extent set forth in the preceding article: 1. The spouses 2. Legitimate ascendants and descendants 3. Parents and their legitimate children and the legitimate and illegitimate children of the latter 4. Parents and their illegitimate children and the legitimate and illegitimate children of the latter; and 5. Legitimate brothers and sisters, whether of the full- or half-blood. Art. 198. During the proceedings for legal separation or for annulment of marriage, and for declaration of nullity of marriage, the spouses and their children shall be supported from the properties of the absolute community or the conjugal partnership. After final judgment granting the petition, the obligation of mutual support between the spouses ceases. However, in case of legal separation, the court may order that the guilty spouse shall give support to the innocent spouse, specifying the terms of such order.	
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The Conflict of Permanence and the Right to Dissolution

The Jurisprudential Friction: Inviolability vs. Individual Rights

The Philippine legal system faces a fundamental tension between the right to dissolution, as supported by the International Covenant on Civil and Political Rights (ICCPR) and the inviolability of marriage, as outlined in the Family Code. The ICCPR, particularly Article 23(4), highlights the importance of equality of rights and responsibilities in marriage, during marriage, and at its dissolution, recognizing dissolution as a valid phase of

marital life. In contrast, the Family Code, Article 1, defines marriage as an “inviolable social institution” and a “permanent union,” prioritizing the preservation of the marital bond over personal autonomy. This difference creates a significant legal gap, as domestic law establishes a high threshold for ending a marriage that often surpasses the individual rights guaranteed by international standards.

By phrasing marriage as an “inviolable social institution” directly opposes the idea of individual self-determination. Under this domestic framework, the state claims a greater interest in maintaining the marriage intact, regardless of the quality of the relationship. This strict structure can trap individuals in irreparable or harmful unions that international human rights standards aim to address. This absence of a rights-based dissolution mechanism places the Philippines in a unique position of non-conformity with global human rights trends.

The Mechanism Gap: Remedies vs. Dissolution

Under the current domestic framework, the concept of “right to dissolution” is largely replaced by a limited set of legal options that mainly focus on whether the contract was valid from the start. Articles 35 and 45 of the Family Code deal with Void Marriages and Annulment, which address issues present before the marriage began rather than the breakdown of a valid marriage. This creates a major “legal gap” for spouses in valid but failing marriages who do not have a rights-based way to end their marriage. Although the International Covenant on Civil and Political Rights (ICCPR) requires protection “in the case of dissolution,” the Family Code limits relief to Legal Separation (Article 55), which lets spouses live apart but clearly states that the marriage remains. As a result, domestic law offers relief from living together but does not allow the final end of the marriage, leaving people without the equality at dissolution promised by international law.

The strict nature of Philippine marital remedies means that the legal status of marriage is almost unbreakable for most people. Annulment requires showing a defect at the exact time of the ceremony, which does not consider the gradual decline of marital consent over time. Legal separation is a temporary measure that provides physical safety but keeps the legal connection between the parties. This connection prevents individuals from getting a “clean break” and forming new, legally recognized family relationships. The lack of a real dissolution process is a clear departure from the standards set by the ICCPR and related international treaties.

Gender Equality, Economic Agency, and the Marital Bond

The Persistence of the Marital Bond and Its Impact on Family Benefits

A significant misalignment exists between CEDAW Article 13 and the domestic effects of legal separation regarding the enjoyment of family benefits. CEDAW mandates that States take appropriate measures to ensure the “right to family benefits” on a basis of equality between men and women. However, in the Philippines, this right is frequently obstructed for individuals who have undergone a legal separation under Article 63 of the Family Code. Because the decree of legal separation does not sever the marital bond, many economic benefits, such as social security and health insurance, remain legally tethered to the “registered spouse”. This persistence of the legal tie restricts a separated woman’s ability to independently manage benefits for her factual family unit, showcasing a gap between international social protection goals and domestic marital permanence.

The “inviolability” of the marital bond under domestic law translates into a rigid economic structure that favors the registered head of the household. When a marriage is legally separated but not dissolved, the state continues to recognize only the original marital union for benefit purposes. This effectively disenfranchises women who may be supporting children or new family units without access to their own accrued marital benefits. Furthermore, the complexity of navigating these administrative hurdles often discourages women from seeking the economic independence guaranteed by CEDAW.

Structural Inequality in Economic Agency and Property Administration

The mandate for women to have a "legal capacity identical to that of men" under CEDAW Article 15(2) is further challenged by the administrative provisions of the Family Code. CEDAW requires that women be given equal rights to conclude contracts and "administer property," yet the Philippine framework establishes a hierarchical "joint" administration model. Under Articles 96 and 124, administration belongs to both spouses jointly, but "in case of disagreement, the husband's decision shall prevail". While the wife may seek "recourse to the court for a proper remedy," this right is subject to a restrictive five-year prescriptive period from the date of the decision. This structural default to male authority compels the wife to undertake the burden of litigation to exercise her economic agency, a procedural barrier that misaligns with the CEDAW mandate for identical legal capacity.

The "paternal prevailing clause" in property administration represents an overt gender-based hierarchy within Philippine domestic law. By granting the husband the final decision-making power, the law institutionalizes a lack of parity in marital economic management. A wife who wishes to contest a decision must navigate a complex judicial system, which requires time, financial resources, and legal knowledge. This creates an inherent disadvantage that directly contradicts the principle of equal legal capacity outlined in CEDAW Article 15. The five-year limitation further restricts the window for justice, effectively cementing the husband's authority in long-term property disputes.

Paradox of Consent: Procedural Validity vs Substantive Autonomy

Procedural/Contractual Validity

Under Article 2 of the Family Code, consent is viewed as a procedural and "essential requisite" for the validity of a legal contract. The state's primary concern is the presence of the agreement at the specific moment of the marriage ceremony to ensure the entry into the union is technically valid. This model focuses on the absence of "vices of consent", such as fraud, force, or intimidation, at the inception of the contract. Once this procedural requirement is met, the consent is treated as a one-time, irrevocable entry into an "inviolable social institution". Consequently, the domestic framework treats marital consent as a historical fact of contractual entry rather than a lived experience of ongoing agency throughout the relationship.

The procedural focus of the Family Code limits the scope of consent to the threshold of the marriage ceremony. Once the exchange of "I do" is legally recorded, the state assumes that consent remains perpetually active until death. This legal fiction ignores the reality of marital breakdown, where consent to the union may be long since withdrawn. By failing to recognize the possibility of post-ceremony changes in will, the law treats individuals more as contractual objects than autonomous subjects. This approach serves the goal of institutional stability at the expense of individual human rights and evolving capacities.

Substantive Autonomy

In contrast, CEDAW Article 16(1)(b) mandates "free and full consent," which serves as a higher threshold treating consent as a continuous human right. This international standard is rooted in the individual's informed autonomy and socio-economic independence throughout the entire marital lifecycle. The CEDAW framework implies that for consent to be truly "full," the individual must necessarily possess the right to withdraw it when the relationship no longer aligns with their self-determination. This creates a significant non-conformity where the Philippine framework achieves formalistic alignment by requiring consent at the altar but diverges from the substantive standard by failing to recognize the ongoing right to autonomy. Because domestic law makes initial consent irrevocable and denies a rights-based path to dissolution, it effectively terminates the spouse's legal agency at the moment of marriage.

Substantive autonomy requires that a person's consent to a relationship remain a matter of ongoing choice. CEDAW envisions a woman as an agent who retains her rights and agency even after entering the marital state. When the law prevents a person from leaving a marriage, it essentially renders their initial consent a form of permanent surrender. This "lifecycle" model of agency is fundamental to modern human rights, yet it

is noticeably absent from the Philippine domestic code. Without a mechanism to acknowledge the withdrawal of consent, the state continues to enforce a union that may have lost its consensual foundation.

The Legal Identity and Agency of the Child

Child Legal Identity

The alignment between Articles 164 and 165 of the Family Code and Article 8(1) of the CRC shows a Structural-Functional Divergence. Domestic law aims to establish a child's legal lineage but differentiates this identity based on whether the parents are married. While the Family Code aligns with the CRC by providing a way to recognize "family relations" and a "name," it also creates a state-approved social hierarchy through labels of legitimacy. Children born outside of marriage often face reduced inheritance rights and limited legal recognition. Thus, while the Philippine state fulfills its duty to register identity, the labeling based on birth circumstances creates an "authorized interference" that challenges the equal preservation of a child's dignity.

The mandatory labeling of children as "legitimate" or "illegitimate" institutionalizes birth-based discrimination. According to the CRC, every child has the right to maintain their identity without unlawful interference or loss of dignity. By creating different levels of rights based on the parents' marital status, the state interferes with the child's equal standing in society. This differentiation often results in social stigma and lifelong economic disadvantage. Therefore, while the state may be functionally compliant in registering births, it remains structurally non-conformant in protecting a child's inherent equality.

Child Custodial Will

The alignment of Article 213 with Articles 9(1) and 12(1) of the CRC creates a Hybrid Model of Custodial Framework. The Family Code follows international standards by allowing judicial review and recognizing the child's opinion, but it still does not fully comply due to strict age and gender assumptions. The "Tender Years" rule and the age-seven rule for a child to express a preference replace personalized "best interests" standards with fixed rules. By setting a specific age and favoring maternal custody for young children, the law might overlook the maturity of younger children who can form opinions. Therefore, while the state ensures the child's right to a stable legal decision, it limits the child's full ability to participate, as supported by the CRC.

Using fixed age limits in custody cases leads to a mechanical application of the law that might overlook the child's real needs. According to the CRC, children should have the right to be heard in all matters affecting them, based on their growing abilities. The Philippine "age-seven" rule unfairly restricts this right, assuming children under that age do not have a valid viewpoint. Similarly, the preference for maternal custody assumes gender roles that may not suit the best interest of a particular child in a specific family situation. This mixed approach shows a continued reliance on tradition rather than the flexible, child-focused approach required by international law.

Protection, Responsibility, and the Social Safety Net

Parental Responsibility

Family Code Article 209 effectively codifies the CRC's principle of "common responsibilities" under Article 18(1), but Article 211's requirement for "joint exercise" of authority often leads to practical deadlocks. In these situations, the Philippine framework's use of the "paternal prevailing clause" to resolve disagreements represents a significant deviation from the CRC's principle of equal parental status. By giving the father default authority to break ties, the law prioritizes quick resolutions over the CRC's call for equal parental roles. This approach does not allow for a neutral, child-focused assessment of the child's best interests when parents disagree. Therefore, the Family Code formally aligns with the idea of shared responsibility but fails to offer a gender-neutral way to resolve the deadlocks caused by "joint authority."

Operational issues in parental authority often arise from separated parents being unable to reach an agreement. The CRC stresses that both parents share common responsibilities for raising and developing the child. When

domestic law automatically favors the father’s decision, it undermines the mother’s equal status in parenting. This default does not involve a judicial review of the child’s best interests but instead relies on a gender-based hierarchy to resolve disputes. This practice underscores a systemic failure to implement a truly fair and child-centered resolution process in cases of parental disagreement.

Compulsory Intervention and Child Protection

The alignment between Articles 55, 231, and 232 of the Family Code and Article 19(1) of the CRC creates a framework for the state to intervene and protect children from violence. By defining sexual abuse, severe cruelty, and negligent behavior as reasons to suspend or remove parental authority, the Code meets the legislative requirements of the CRC. However, there is still some inconsistency in how the term “excessive” is applied to harshness in the Philippines, indicating a possible legal acceptance of “moderate” physical punishment. This wording sets a standard for state intervention that may not fully align with the CRC’s aim of complete protection from all types of physical or mental violence. While the framework effectively addresses serious abuse, it is still evolving in terms of completely eliminating all forms of physical and mental discipline.

The state’s duty to protect children is evident in extreme abuse cases but less clear in everyday welfare. By permitting “moderate” punishment, Philippine law does not fully achieve the CRC’s goal of complete protection from all forms of physical or mental violence. Furthermore, the strong dependence on family support for a child’s well-being places a strain on poor relatives. The CRC expects the state to act as a backup provider when the family cannot ensure proper nutrition or housing. Without this support system, many Filipino children remain at risk despite the clear legal definitions of parental responsibilities.

Maintenance and the Right to a Standard of Living

The connection between Articles 194, 195, and 198 of the Family Code and Article 27 of the CRC creates a Compulsory Private Maintenance Framework that manages financial matters after parents separate. This system focuses on ensuring the child’s basic needs are met, such as food, housing, and education, by listing essential requirements. By applying this duty to all family relationships, the Philippine framework ensures that the obligation to provide continues even if the parents no longer live together. The law aims to recover financial support from the non-custodial parent, aligning well with the international goal of maintaining a child’s living standards. Ultimately, this framework is designed to protect the child from financial difficulties often caused by the end of the parents’ relationship.

However, despite these private enforcement methods, there is a significant gap in the State’s role once a family separates. While Article 27 of the CRC sees the State as a last-resort provider, offering help with nutrition and housing, the Family Code mainly depends on the financial ability of family members. After separation, the custodial parent often has to take legal action to get support from an incapable ex-spouse. This reliance on family resources may not fully meet the CRC’s idea of a State-provided safety net for the most vulnerable children. As a result, the Philippine legal system effectively enforces parental responsibility but does not offer public support for children when private maintenance is unavailable or inadequate.

The Multifaceted Consequences of Limited Marital Dissolution

This theme explores the practical, legal, and emotional repercussions experienced by affected individuals following the breakdown of their marriage and the dissolution of their marital ties. It highlights the challenges encountered during the process, which are often characterized by high financial costs, complex aftermaths regarding child custody arrangements, and the psychological weight of being “legally tied” to an irreparable union for those who resort to informal separation. Additionally, this section examines the interventions utilized in informal arrangements and the discourse surrounding property and documentation matters.

Table 5 Thematic Mapping of the Multifaceted Consequences of Limited Marital Dissolution

Master Themes	Code Categories	Corresponding	Exemplar Quotes
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		Initial Codes	
Economic Barriers and the Stratification of Legal Access	The Commodification of Legal Remedies	- Clientelist Networks Reliance - Institutional Cost Barriers	“For the price... 150k lang... the lawyer is my friend... So discounted...” “...nagastos niya is worth 150k... pero ngayon ata lampas na eh. Pero noon... 2016, mga 150k.”
	Prohibitive Costs and the Priority of Family Welfare	- Prohibitive Evidentiary Burdens - Welfare-closure Optimization	“nangangailangan ng matibay na evidence... it requires money and time.” “Hindi ko na sinubukan na dumaan sa legal na proseso dahil... hindi ko kaya na maglabas ng pera dahil ako nalang ang inaasahan ng mga anak ko
Custodial Dynamics and Financial Maintenance	Child Custody	- Default Maternal Hegemony - De Facto Customary Custody - Parajudicial dispute resolution	“...sa akin yung kustodiya ng bata... nasanay sila na ako yung kasama nila.” “Ako pa rin ang nanay kaya pipiliin ako...” “Ang naging usapan sa barangay, nanatili ang child custody sa aming dalawa na kung saan nagsasalit-salitan kami...”
	Child Support	- Post-separation economic neglect - Ad-hoc Un-enforced Remittances - Enforcement Structural Deficit	“Sa child support, nasunod naman, pero lately hindi na kasi may bago na siyang family, so nahahati na.” “Sustento ang isa sa naging hamon., wala pa siyang gana na magbigay para sa anak niya...”
	Property Division	- Conjugal Property weaponization - Unilateral Conjugal Liquidation - Strategic Pre-separation Indexing	“Lahat ng property ko naka “married to”... walang hatian.” “Yung bahay... nabenta na siya. Naka-declare yung lupa as conjugal. May consent dapat, kaso... ang katwiran niya siya raw yung may work nun.”
Legal Identity and the Psychological Burden of Indissoluble Ties	Personal Dignity and Autonomy	- Statutory Institutional Suffering - Enforced Identity Retention	“...may pumipigil para sa peace na gusto mo.” “Technically, dala ko pa rin ang last name niya... during job seeking and government process na hindi sabihin yung word na Mrs. kasi... nakakahiya...”
	Administrative Transitions to Post-Dissolution Legal Clarity	Civic Identity Reclamation	“...sa beneficiaries... ako wala na. Sa akin, ganoon din, inalis ko na rin siya...”
Procedural Adversarialism and Judicial Weaponization	Adversarial Nature of Annulment and the Distortion of Truth	- Fabricated fault requirements - Adversarial Fabrications	“...mga pangit lahat pero karamihan doon hindi totoo—para mapabilis lang siya.”
	The Disenfranchisemen	Geographical Disenfranchisement	“Sa La Union niyan finile. Hindi ako naka-attend... Hindi naging fair kasi ang

	t of the “Silent” Party in Distant Courts	Ex-parte Procedural Monopoly	layo niya.”
	The “Barangay Level” Stalemate: Local Mediation as a Legal Dead-End	Non-Binding Quasi-Judicial Deadlocks	“...separated in barangay level pero wala pang bisa para mapawalang bisa ang kasal...”

Economic Barriers and the Stratification of Legal Access

This section explores the economic determinants of marital dissolution in the Philippines, contrasting the experiences of those who successfully navigated the system with those who were unable to sever their marital ties. The findings indicate that utilizing the legal framework to dissolve a marriage is heavily associated with financial privilege. By examining the narratives of both groups, the findings illustrate how economic standing often dictates whether an individual can achieve formal relief or must remain trapped in an irreparable union.

The Commodification of Legal Remedies

Affected individuals who successfully dissolved their marriages (A1 and A2) underscored that achieving such a legal outcome requires significant financial capital. The results revealed that the cost of going through the legal process is not only high but is often only mitigated through personal networks and "discounted" rates.

For the price, alam mo kasi itong aking kababayan, isang non-government organization way back—150k lang. Cheap lang sa akin because she’s my friend, the lawyer is my friend, and one of the NGOs na kasama ko rin siya. So discounted. Wala siyang masyadong siningil sa akin. (A1)

Affected Individual 1 (A1) highlighted that their legal journey was financially manageable only because of a personal network consisting of an NGO and a legal professional who provided a discounted rate. Even with this advantage, an amount of ₱150,000 was still required to complete the marital dissolution process.

Affected Individual 2 (A2) emphasizes that as early as 2016, the average cost for an annulment was approximately 150,000 pesos. A2 stated, “Ang alam ko nagastos niya is worth 150k. Pero ngayon ata lampas na eh. Pero noon, noong time na iyon, 2016, mga 150k.”

This highlights that marital dissolution has become a commodified remedy, with baseline costs starting at 150,000 pesos. It is important to note that these individuals have previously undergone the procedure. This situation underscores the notion that the legal mechanisms for dissolving marriage ties are primarily accessible to the wealthy. Even with professional connections, the cost remains a significant barrier. This suggests that the current legal framework requires a considerable amount of “social and financial capital,” making the ability to end a marriage contingent upon economic status rather than the merits of the case.

Prohibitive Costs and the Priority of Family Welfare

Affected Individuals (A3 and A4), who neither pursued nor seriously considered formal legal remedies for dissolving their marriages, instead opted for informal separation. Both identified the high cost of legal proceedings as the primary deterrent to seeking a formal end to their marriage.

Unang-una, mas inisip ang kapakanan ng mga bata kaysa sa kung ano man ang problema naming dalawa. Pangalawa, nangangailangan magkaroon ng matibay na evidence to prove the point. It requires money and time. (A3)

A3 explained that prioritizing their children’s welfare outweighed addressing their marital issues. This decision was reinforced by the perceived need for substantial evidence, as well as the time and financial resources required for legal action.

Hindi ko na sinubukan na dumaan sa legal na proseso dahil una sa lahat, kailangan ng kaukulang pera para diyan, hindi ko kaya na maglabas ng pera dahil ako nalang ang inaasahan ng mga anak ko. Kaya bago ko unahin ang kahit anong legal na proseso... isinaalang-alang ko muna ang pera para sa mga anak ko. (A4)

Similarly, A4 chose not to engage in the legal process due to financial constraints. As the sole provider, they could not justify allocating limited resources to legal fees and instead focused on meeting their children's needs.

From the lived experiences of the formal group and the perceptions and decisions of the informal group, it is evident that the costs associated with legal processes are a major factor influencing their journeys. Economic capacity and personal networks have proven to be beneficial for those who successfully dissolved their marriages. Meanwhile, the informal group faces the challenging choice between "legal freedom" and "child welfare" as they navigate their situations.

Custodial Dynamics and Financial Maintenance

This section examines the outcomes of marital dissolution and separation in terms of child custody and support, division of property and assets, documentation, and access to government and employment benefits. The findings show no significant difference between the formal and informal groups in custody and support arrangements, with custody predominantly awarded to mothers, who also assume primary financial responsibility. Additionally, both groups reported minimal issues concerning documentation and access to employment and government-related benefits. However, notable differences and ongoing concerns emerged in relation to the division of property and assets.

Child Custody

The custody of children is often the most sensitive and vulnerable aspect of marital breakdown. The findings indicate that while custody is predominantly granted to or assumed by mothers, the specific arrangements vary based on the age of the children and the type of separation.

For A1, child custody did not emerge as a primary conflict because the child had already reached the age of majority and was not with them already. A1 said, "Ang anak ko matanda na to. Isa lang anak ko. Matanda na siya nung nagpa-annul ako, wala sa tabi ko."

A2 described a smooth transition, with custody remaining with the mother since the children were already accustomed to her care, stating, "Ang nangyari sa amin, sa akin yung kustodiya ng bata. Sa mga bata, nasanay sila na ako yung kasama nila."

A3 reported a successful alternating arrangement facilitated by local officials. A3 shared, "Ang naging usapan sa barangay, nanatili ang child custody sa aming dalawa na kung saan nagsasalit-salitan kami sa mga bata."

A4 relied on the social and biological role of the mother, stating that her children would naturally choose her, stating, "In terms of child custody, ako pa rin ang nanay kaya pipiliin ako ng mga anak ko."

The analysis of various arrangements reveals that there are no significant differences between informal and formal custody arrangements. The formal group relies on court-mandated decrees, while the informal group depends on community agreements and gender-based social norms to determine custody of their children. It is also important to note that custody tends to be awarded to women, reflecting their role in the family and their preference for having their children remain with them. These findings suggest that when legal arrangements are absent, individuals create their own local systems to manage the domestic consequences of a failed marriage.

Child Support

Following custody arrangements, child support emerges as another central concern for families undergoing changes in their support structure. The findings show that child support arrangements vary, depending on the initial agreements and the family's prior setup.

A1 stated, "Wala namang child support. Nada." This statement noted that even prior to the formal dissolution, child support was already their sole responsibility, suggesting that the legal shift did not significantly alter their financial dynamic.

Sa child support, nasunod naman, pero lately hindi na kasi may bago na siyang family, so nahahati na. Pero noong una, noong wala pa yung pangalawang pamilya, okay naman. Continuous pa rin naman pero hindi na siya ganun ka-parehas. May amount siya nung una pero wala na rin naman. (A2)

A2 explained that a fixed amount for child support had been agreed upon and was consistently provided. However, the formation of a second family led to a reduction in the originally agreed support.

A3 reported that child support was discussed and arranged in line with their earlier custody agreement by saying, "Nagkaroon lang kami ng usapin tungkol sa child support."

A3 reported that child support was discussed and arranged in line with their earlier custody agreement.

In contrast, A4 described a complete absence of financial support from a spouse who had committed infidelity. A4 stated, "Sustento ang isa sa naging hamon ng paghihiwalay namin, yung tipong siya na nga ang nangaliwa, wala pa siyang gana na magbigay para sa anak niya sa akin."

The participants' experiences suggest that child support after separation is often unstable and unpredictable. Even when formal agreements exist, custodial parents may still be affected by the non-custodial spouse's shifting priorities, sometimes resulting in reduced or inconsistent support. While mediation by local officials helped establish custody arrangements in some cases, those in purely informal separations often received little to no child support. Because these arrangements are largely informal, they remain legally vulnerable and lack the protection of enforceable state mechanisms.

Property Division

The division of property is a central issue in separation, often requiring mediation due to the legal presumption of shared contribution to marital assets. The findings present two contrasting situations: one resulted in the loss of a conjugal asset, while the other involved assets that were protected prior to the marriage through deliberate planning.

A1 described a strategic approach to property ownership, titling assets as "married to" rather than "and" to retain individual control and avoid complications associated with joint ownership during separation. A1 shared, "Lahat ng property ko naka 'married to,' hindi 'and,' para mas easier... walang hatian."

In contrast, A2 lost her share in a conjugal home after her former spouse unilaterally sold the property, justifying the act based on their role as the primary earner. A2 said, "Yung bahay na para sa amin, wala na, nabenta na siya. Naka-declare yung lupa as conjugal. May consent, kaso ang nangyari, ang katwiran niya siya raw yung may work nun."

These cases suggest that the spouse with greater financial contribution or earning capacity often exercises disproportionate control over conjugal assets. A2's experience highlights the vulnerability of the non-earning or less assertive spouse in the absence of court oversight, while A1's approach reflects the use of preemptive strategies to protect financial autonomy.

Legal Identity and the Psychological Burden of Indissoluble Ties

Personal Dignity and Autonomy

The findings reveal a significant impact on individuals who underwent informal separation, as their marital ties remain legally intact. This continued legal status creates both psychological and social burdens, with participants describing it as a persistent source of distress.

A3 noted that their current legal status serves as a barrier to achieving peace of mind and prevents full detachment from the former spouse. A3 explained, “Na parang may pumipigil para sa peace na gusto mo. Ang problema lang ay ang batas natin na kung saan walang mabilis na paraan para maging legal ang pakikipaghiwalay.”

Technically, dala ko pa rin ang last name niya. Pero may malaking factor sa akin na ayaw ko na talaga gamitin ang last name niya kasi siyempre, it means asawa ko pa rin yung cheater na iyon. Naalala ko may part sa akin during job seeking and government process na hindi sabihin yung word na Mrs. kasi first of all, nakakahiya talaga siya. (A4)

A4 expressed resentment over being required to use the surname of a spouse associated with betrayal, describing discomfort and shame in being publicly identified through that connection.

The inability of informal groups to access a straightforward process for reverting to a maiden name or declaring a "single" status allows the memory of a former spouse to linger in professional and governmental transactions. This ongoing connection hinders emotional recovery and forces individuals to remain linked to someone who disrupts their peace.

Administrative Transitions to Post-Dissolution Legal Clarity

A necessary administrative step following the dissolution of a marriage is the removal of a former spouse's name from official documents to reflect updated legal status and ensure clarity in legal identity, property rights, and personal security.

Sa documents, ang alam ko sa beneficiaries meron pa rin yung mga bata, pero ako wala na. Sa akin ganoon din, inalis ko na rin siya. Kahit naman nag-change ako ng apelyido, beneficiaries ko pa rin yung mga bata kasi makikita naman sa documents na ako yung nanay eh. (A2)

A2 described actively removing the former spouse as a beneficiary while safeguarding the children's interests. This change served as a formal effort to sever financial ties and prevent the estranged partner from inheriting assets.

Procedural Adversarialism and Judicial Weaponization

Adversarial Nature of Annulment and the Distortion of Truth

The strict requirements for annulment in the Philippines often force people to create a story with a "villain" to meet specific legal conditions. Because annulment claims that a marriage was invalid from the start, it needs proof of a particular flaw. This turns the process into a "game of mud-slinging" where proving fault becomes central.

Para mapabilis yung process, pinalabas na masama yung babae. Ang ginawa niya sa akin, lahat kabaligtaran. Ayun, mga pangit lahat pero karamihan doon hindi totoo—para mapabilis lang siya. Unfair yung process kasi hindi ako nakalaban, hindi ko nasabi kung ano yung side ko—puro sa kaniya. (A2)

A2 stated that the legal process was fundamentally unfair because the petitioner fabricated an uncontestable narrative portraying them as a "villain" to satisfy the court's requirement for psychological incapacity.

The data indicate that the system's focus on proving grounds has compelled litigants to misrepresent domestic history, transforming a personal relationship failure into a public character attack to secure legal outcomes.

The Disenfranchisement of the "Silent" Party in Distant Courts

Another significant finding was that the choice of venue in legal proceedings could be weaponized to silence the opposing party.

A2 stated, “Sa La Union niyan finile. Hindi ako naka-attend. Siguro ang ano ng korte na ayoko na rin, kaya vinoid na siya. Hindi naging fair kasi ang layo niya.” A2 explained that their former spouse filed for annulment in La Union. Due to financial constraints, travel limitations, and the need to prioritize childcare, they were unable to attend the proceedings. This absence was subsequently interpreted by the court as consent, leaving the individual without a voice in the dissolution of their own marriage. This situation illustrates how filing cases in locations far from a respondent creates a strategic advantage for the complainant, biasing judicial outcomes. It further highlights how a spouse with greater financial resources can weaponize the legal process to prevent the other party's participation, resulting in a "one-sided" dissolution where the less privileged party is silenced.

The "Barangay Level" Stalemate: Local Mediation as a Legal Dead-End

In contrast to the complexities of formal legal proceedings, the findings reveal that the Barangay often serves as the most accessible remedial venue for marital disputes among those who lack the capacity to access and endure formal processes. Nagkaroon na kami ng usapan sa barangay tungkol sa mga bata at sa amin dalawa. In short, separated in barangay level pero wala pang bisa para mapawalang bisa ang kasal na dumaan sa process. (A3)

A3 stated that they reached an agreement at the barangay level regarding their children and their physical separation. However, they acknowledged that this local mediation lacks the legal authority to actually dissolve the marital bond. This reiterates the significant gap in access to marital dissolution mechanisms. The reliance of informally separated couples on the barangay for relief highlights that while the legal system is theoretically accessible, it remains functionally out of reach for many Filipinos. This situation underscores a heavy reliance on informal, community-based mediation in the absence of accessible, protective, or formal legal remedies.

Institutional Perspectives on the Marital Dissolution in the Philippines

This theme contains the institutional perspectives on marital dissolution in the Philippines, specifically the religious perspectives of the Roman Catholic Church, Iglesia Ni Cristo, and Islamic views on the nature of marriage; the legislative perspective addressing annulment costs, absence of divorce law, religious lobbying, terminological stigma, and congressional blockages; and the social welfare perspective focusing on the role of social workers, counseling interventions, economic coercion, statutory barriers, and the everyday realities faced by families in the absence of accessible legal remedies.

Table 6 Thematic Mapping of the Institutional Perspectives on Marital Dissolution: Religious Perspectives

Master Themes	Code Categories	Corresponding Initial Codes	Exemplar Quotes
Religious Perspectives	Nature, Purpose, and Permanence of Marriage	- Theocentric Institutionalism - Religious Legal Pluralism - Ecclesiastical Teleology	“...Yung pagpapakasal itself is galing sa Diyos...” “Sa aming batas, ang Nikah o kasal ay hindi lamang isang kontrata kundi isang pagsasama na itinakda ng Allah...” “...yung end nung marriage is actually for mutual love and respect... nandiyan din yung upbringing of children to the world...”

	Religious Teachings and the Framework of International Human Rights Law	• Clerical Supremacy Over Marital Regulation • Sovereign-dogmatic friction • Theological Rights Realignment	“...when we say dissolution of marriage, masiyadong mabigat... kaya nga pumapasok yung international law/human rights to protect the rights of the individual.” “Ang pagkilala sa divorce... hindi namin ito tinitingnan na laban sa human rights...”
	Intersections of Religion, Civil Law, Marital and Dissolution	• Theocentric Statutory Legitimacy • Conditional Civic Compliance	“...we are very Catholic in the Philippines... yung marriage laws natin with the teachings of the simbahan... to safeguard yung family.” “[kami] ay sumusunod sa batas ng Pilipinas pero may hangganan.”

Religious Perspectives

Nature, Purpose, and Permanence of Marriage

Marriage as a Vocation for Sanctity: The Roman Catholic Perspective

From the Roman Catholic Church’s viewpoint, marriage is understood as a “vocation for sanctity,” a calling through which individuals actively respond to God’s invitation to live a holy life. Rather than being viewed merely as a social institution or personal arrangement, marriage is framed as a spiritual journey oriented toward ultimate union with God. The informant highlights that vocation implies purpose and direction, suggesting that individuals enter marriage not only for companionship but as a means of pursuing holiness and eternal life.

First and foremost, marriage is actually a vocation. Kapag sinabi nating vocation, unang-una iyon ay way natin when we respond to that vocation for sanctity. When we say sanctity, iyan yung way natin to be with God in heaven.

The informant further clarifies that entering into marriage does not diminish or restrict human freedom, but instead represents a conscious and meaningful exercise of it. Choosing marriage is portrayed as an intentional act of self-giving and self-sanctification rather than as a limitation on personal autonomy. This reframe challenges the common perception that lifelong commitment constrains individual liberty. Instead, it presents freedom as the capacity to choose a higher good, namely, a life oriented toward holiness. Through this lens, marriage becomes a deliberate commitment to spiritual growth, where the sacrifices and responsibilities it entails are understood as integral to the process of becoming closer to God.

Ito ay mga way or paraan to sanctify ourselves. Hindi siya, in a way, balakid o problem o sabihin nating curtail sa freedom ng isang tao. Kasi when we say ayoko magpakasal, kasi wala na akong freedom. In the reality, hindi. It’s our choosing, and when we choose that we sanctify ourselves.

The Roman Catholic Church also emphasizes that the sacredness of marriage stems from its divine origin. Because it is believed to be instituted by God, marriage is treated not as a human invention but as a reality that participates in a higher, spiritual order. This belief underpins the Church’s insistence on the necessity of a formal religious rite or blessing, as the union is seen as a sacramental act that involves God’s presence. In this context, the couple is understood to be entering into a covenant that reflects and cooperates with divine will, reinforcing the idea that marriage carries both spiritual significance and moral responsibility.

So if we say marriage in the church, unang una it’s sacred. When we say sacred, we have to treat this as a sacred thing. Ibig sabihin din noon, kapag sacred yung bagay, galing sa Diyos. yung pagpapakasal itself is galing sa Diyos, kaya nga dapat kapag nagsasama yung dalawang tao dapat may basbas ng Diyos sa simbahan kasi you are partaking, you are cooperating.

Purpose of Marriage: Mutual Respect, Procreation, and Education

The Catholic leader's articulation of the three "ends" of marriage, mutual love and respect, procreation, and the education of children, reflects a deeply integrated vision of married life. These are not presented as separate or optional goals but as interdependent dimensions of a single vocation. Mutual love and respect form the foundation, shaping the emotional and spiritual climate of the household. Without this foundation, the other ends, bringing children into the world and raising them well, become significantly more difficult to fulfill. In this sense, marriage is a moral and spiritual undertaking that requires intentional preparation and sustained commitment.

And then diba, yung end nung marriage is actually for mutual love and respect of the couple, and nandiyan din yung upbringing of children to the world. Tatlo iyan. The other is the education for the children, so makikita niyo na yung nature, is sacred, for the purpose yung tatlong iyan—yung mutual respect, procreation, education.

The informant emphasizes that these three purposes demand a level of intellectual and moral readiness from the couple. Entering marriage without fully understanding its responsibilities risks undermining the stability of the union. The idea of "intellectual readiness" includes emotional maturity, clarity of intention, and a willingness to embrace sacrifice. The leader suggests that many marital issues arise not from external pressures alone but from an inadequate grasp of what marriage entails from the outset. The informant also stated, "So kapag mahirap yung tatlong intindihin, mahihirapan kayong mag-enter into marriage."

This perspective frames procreation as central to the authenticity of the marital bond. The refusal to have children is viewed not simply as a personal preference but as a contradiction of one of marriage's essential purposes. From this viewpoint, openness to life is not an optional add-on but a defining characteristic of the union. The rhetorical tone of the informant underscores a tension between contemporary lifestyle choices and traditional expectations, highlighting how shifting values can conflict with long-standing religious teachings. As the informant explained, "Kasi yung iba ayaw mag anak, which is problematic. Bakit kayo magpapakasal kung gusto niyo goldfish lang or aso-aso lang?"

At the same time, the informant introduces an important nuance by stressing that procreation must be accompanied by responsibility. The duty of parents does not end with having children; it extends to ensuring their proper formation and development. Education is framed broadly, not only formal schooling but also moral guidance, values formation, and overall well-being. The critique of having more children than one can support reflects an ethical concern for the quality of life and opportunities available to each child. Responsible parenthood involves discernment and balance, aligning family size with the parents' capacity to nurture and educate.

Yung iba naman maraming anak pero bumabagsak sa education. You have to educate your children, so kung hindi kayang ieducate yung children huwag kayo masyadong mag anak ng marami, napapabayaang yung mga bata.

The informant also draws attention to a common dynamic in contemporary married life: the gradual erosion of the couple's relationship due to external pressures. Financial responsibilities, career demands, and the intensive focus on raising children can unintentionally displace the primary relationship between husband and wife. When this foundational bond is neglected, communication weakens, misunderstandings accumulate, and emotional distance grows. The informant identifies this pattern as a key factor contributing to marital breakdown, suggesting that sustaining mutual love and respect requires deliberate effort even amid competing priorities.

Pero the first purpose or nature or agenda ng marriage is the mutual respect and love ng husband and wife, ng man and wife, which is kapag kinakasal na, iyon yung unang nakakalimutan kasi they focus too much on children, work kasi they have to pay the bills, etc, because of the growing family... etc., and they end up not really understanding each other, and it's a problem na pumapasok at pumapasok yung hiwalayan kapag hindi na nagkakaintindihan.

Ultimately, the Roman Catholic perspective presented here situates marriage within a broader spiritual framework. It is not only a partnership between two individuals but also a relationship oriented toward God. The permanence of marriage, in this view, is not merely a rule but a reflection of its divine origin. By living out the responsibilities of love, openness to life, and responsible upbringing, the couple participates in a spiritual path that deepens their connection not only with each other but also with God. As one informant stated, “Paraan ‘iyan ng Diyos para mas lumakas ang kaugnayan natin sa kaniya. It’s sacred. It comes from God.”

The Doctrine on the Nature of Marriage: The Iglesia Ni Cristo Perspective

The Iglesia Ni Cristo (INC) presents a doctrinal understanding of marriage that is firmly rooted in biblical authority, framing it as an institution established directly by God rather than by human society. In the interview, the informant emphasized that the nature, purpose, and permanence of marriage are derived from scriptural teachings, positioning the Bible as the ultimate source of legitimacy for marital norms. This perspective situates marriage within a sacred order, where its meaning and structure are not subject to cultural shifts or legal reinterpretations, but instead anchored in divine intention.

Ang pangunahing turo o aral ng Iglesia Ni Cristo tungkol sa kalikasan, layunin at habang-buhay na katangian ng kasal ay mula sa mga aral ng Diyos na nakasulat sa Biblia. Ang kasal ay sagrado at mahalaga sa Iglesia Ni Cristo sapagkat ang nagtatag mismo nito ay ang Diyos. Ang halimbawa nito ay ang mga unang tao. Binasbasan niya ang unang nilalang Niya, ang mag-asawang sina Adan at Eva. Mababasa natin iyon sa Genesis 1:26-27.

Through this explanation, the informant highlights that the model for marriage is not abstract but historically and theologically grounded in the biblical account of the first human couple. The union of Adam and Eve is presented as the original and ideal form of marriage, divinely blessed and therefore normative for all succeeding unions. By invoking this foundational narrative, the doctrine reinforces the belief that marriage carries a sacred character that transcends individual preference or social convenience. It is not merely a partnership entered into by mutual consent, but a state of being that reflects obedience to God’s will.

From this, marriage is understood as a divinely mandated status because it is “God-founded,” its essential nature is viewed as fixed and unalterable by human authority. This implies that the principles governing marriage, its unity, exclusivity, and permanence, are not open to negotiation or revision based on changing societal values. Any attempt to redefine or dissolve the union outside of what is prescribed in scripture may therefore be interpreted as a departure from, or even defiance of, divine order.

Consequently, the INC perspective places strong emphasis on the lifelong character of marriage, aligning its permanence with the enduring nature of God’s command. The sanctity of the union is upheld not only through moral teaching but also through the expectation of unwavering commitment between spouses. In this framework, the stability of marriage is seen as integral to spiritual life, and its preservation becomes both a religious duty and an expression of faith.

Prohibition of Cohabitation and Premarital Relations

The informant emphasized that within the Iglesia Ni Cristo (INC), the act of God’s blessing (pagbabasbas) is understood as the true and necessary equivalent of marriage, serving as the only legitimate basis for a couple to live together. This perspective elevates marriage beyond a civil or social arrangement, framing it instead as a spiritually sanctioned state that must precede any form of cohabitation. By requiring that a couple undergo this religious rite before sharing a household, the INC establishes a clear doctrinal boundary that governs intimate relationships. This reinforces the idea that living together is not merely a personal decision, but one that must align with divine authority and prescribed religious order.

Ang ginawang pagbabasbas ng Diyos ay katumbas ng pagkakasal. Kaya sa Iglesia Ni Cristo, bago magsama ang "babae at lalaki", ay kailangan munang magpakasal bago sila magsama. Hindi puwedeng magsama nalang sa iisang bahay nang hindi kinakasal. Ito ay lalabag sa utos ng Diyos na nakasulat Bibliya na mababasa natin

sa I Cor. 6:9-10, na hindi maliligtas pagdating ng Araw ng Paghuhukom ang mga nangangalunya at nakikiapid. Kaya sa loob ng Iglesia Ni Cristo ay mahalaga ang pagkakasal.

From this statement, it is clear that cohabitation without marriage is not simply discouraged but explicitly prohibited, as it is considered a direct violation of biblical teachings. The informant connects this prohibition to the broader concept of moral accountability, particularly in relation to salvation and the anticipated Paghuhukom (Judgment Day). This doctrinal stance underscores that adherence to marital norms is essential for maintaining one's standing within the faith.

Marriage functions as the only legitimate and protected space for the expression of intimacy and partnership between a man and a woman. Any deviation from this prescribed order is seen as jeopardizing not only one's moral integrity but also one's ultimate salvation.

Purpose of Companionship and Protection from Immorality

The informant expanded on the dual purpose of marriage within the Iglesia Ni Cristo (INC), presenting it as both a spiritual safeguard and a vital source of human companionship. Marriage is described as a sacred and holy institution that commands deep respect because it is understood to be the explicit "will of the Father" as recorded in the Bible. This framing elevates marriage beyond a personal or cultural choice, positioning it as a divinely mandated structure that governs how individuals form intimate and domestic relationships. As such, entering into marriage is not only a social milestone but also an act of obedience to religious doctrine, reinforcing the idea that companionship must be grounded in spiritual legitimacy.

Ang kasal ay sagrado at banal, kaya dapat ito ay igalang. Hindi dapat magsama ang isang lalaki at babae, lalo na ang premarital sex nang walang kasal o basbas ng Ama. Ito ay kalooban ng Ama na nakasulat mismo sa Bibliya. Kaya sa Iglesia Ni Cristo, ang kasal ay ginagalang at sinusunod.

From this statement, the informant underscores that marriage functions as a necessary moral boundary that regulates both cohabitation and sexual relations. The prohibition of premarital sex is not presented merely as a moral preference, but as a direct consequence of the absence of God's blessing. In this framework, intimacy outside of marriage is classified as a violation of divine law, thereby placing individuals at risk of committing serious sin. Marriage, therefore, becomes the only legitimate and protected space where such expressions of partnership are permitted, ensuring that the lives of kaanib (member) remain aligned with prescribed religious values.

The informant further emphasized that marriage fulfills a fundamental human need for companionship, drawing on biblical teachings that portray human beings as inherently relational. By referencing the idea that "it is not good for man to be alone," the explanation situates marriage as a divinely designed response to human solitude, providing individuals with a partner for mutual support, care, and shared life. In this sense, companionship and moral discipline are inseparable, both achieved through adherence to the institution of marriage.

Dapat din nating maunawaan na ang pag-aasawa ay hindi lamang isang panlipunang kontrata kundi isang banal na institusyon para sa companionship. Gaya ng nakasulat, hindi mabuti na ang tao ay mag-isa, kaya nilalang ng Diyos ang katuwang para sa isa't isa. Layunin din nito na protektahan ang mga kaanib mula sa pagkakasala ng imoralidad, dahil ang pag-aasawa ang tanging itinakdang paraan ng Diyos para sa pagsasama ng lalaki at babae.

In this perspective, marriage is framed as a sacred functional institution that maintains both spiritual and social order. By defining it as the only divinely sanctioned way for a man and a woman to coexist, the informant implies that the stability of marriage is essential in preventing individuals from falling into immoral behavior. In this light, the permanence of marriage is closely tied to its protective function, ensuring that kaanib remain within the moral boundaries set by their faith.

The Nature of Nikah and the Objective of Tranquillity: The Islamic Perspectives

During the interview, the Islamic Leader cited the Code of Muslim Personal Laws when asked about the key teachings of Islam regarding the nature, purpose, and permanence of marriage. By grounding their explanation in a formal legal framework, the informant underscored that Islamic teachings on marriage are not only theological but also institutionalized within a codified system of law. This reflects how religion and governance intersect in shaping marital norms within Muslim communities. The reference to the law also reinforced the idea that marriage is not treated casually, but rather as a structured and regulated union with defined rights, responsibilities, and expectations for both parties involved.

Sa aming batas [Code of Muslim Personal Laws], ang Nikah o kasal ay hindi lamang isang kontrata kundi isang pagsasama na itinakda ng Allah para sa procreation at upang magkaroon ng katahimikan o tranquility sa buhay.

This statement highlights the dual character of Nikah (marriage) as both a legal agreement and a sacred covenant. On one hand, it is contractual, meaning it involves consent, obligations, and mutual accountability between spouses. On the other hand, it is divinely ordained, elevating it beyond a mere social arrangement into an act aligned with religious purpose. The mention of procreation situates marriage within the broader goal of sustaining the family unit, while the emphasis on tranquility introduces a deeply human dimension that prioritizes emotional stability and inner peace within the relationship.

The informant further defined the nature of Islamic marriage as a multifaceted union that integrates legal, social, and spiritual dimensions. By describing it as a partnership ordained by Allah, the explanation situates marriage within a moral and religious framework that encourages responsibility, compassion, and mutual respect. At the same time, the functional purposes of marriage, such as procreation and the attainment of tranquility, demonstrate that it is not solely symbolic or ritualistic. Instead, it is expected to produce tangible outcomes in their lives, particularly in fostering a stable family environment and nurturing personal well-being. The concept of tranquility is especially significant, as it reflects a state of calmness, security, and emotional fulfillment that should characterize the marital relationship.

By framing marriage as a source of peace, the informant suggested that the spiritual validity of the union is closely tied to the emotional and psychological condition of the spouses. This perspective implies that a successful marriage is not measured only by its duration or adherence to formal obligations, but also by its ability to cultivate harmony and mutual contentment. In this sense, the relationship becomes a space where both individuals can grow, find comfort, and support one another in navigating life's challenges. The emphasis on well-being introduces a more dynamic understanding of marriage, where the quality of the relationship holds as much importance as its legal and religious standing.

Islamic marriage, therefore, is presented as when a marriage ceases to provide tranquility, it no longer fully aligns with its intended purpose. This does not necessarily diminish the sanctity of marriage, but instead reframes it as an institution that must remain responsive to the lived realities.

Conditional Permanence and Recognition of Marital Breakdown

The informant clarified that while Nikah is regarded as a solemn and binding commitment, its permanence is not absolute. Rather than framing marriage as an unbreakable bond under all circumstances, the informant emphasized that Islamic teachings recognize the realities of human relationships, including the possibility of irreconcilable differences. This acknowledgment reflects a legal and moral framework that does not ignore conflict but instead provides structured avenues for addressing it. In this sense, the marital union is designed to endure, yet it is not imposed in a way that disregards the well-being when harmony can no longer be sustained.

Kapag nag-asawa yung babae at saka lalaki tas gusto nila maghiwalay, puwede sila maghiwalay.

Bagama't ito ay seryosong pangako, kinikilala ng Islam na may mga pagkakataong hindi na talaga magkasundo ang mag-asawa.

These statements reinforce the idea that separation is not treated as a failure of faith but as a legitimate recourse when the relationship ceases to function as intended. The informant's use of simple, direct language underscores the accessibility of this principle within Islamic law: when both parties recognize that coexistence is no longer viable, the option to part ways is available. This reflects a system that balances the seriousness of marital commitment with a realistic understanding of human limitations, allowing individuals to exit situations marked by persistent discord.

Islam, therefore, adopts a pragmatic view of marital permanence, treating the marital contract as a means toward achieving social order, emotional stability, and mutual fulfillment rather than as an end in itself. While marriage is imbued with sanctity and moral weight, its value is closely tied to its ability to foster a functional and harmonious partnership. When that function breaks down, the continuation of the union is no longer seen as inherently virtuous.

By allowing for separation under such conditions, the legal and religious structure avoids placing individuals in a state of prolonged uncertainty or "legal limbo." This reflects a rights-based orientation that prioritizes the lived experiences, recognizing that the quality of the relationship holds greater significance than its mere duration. Ultimately, this conditional understanding of permanence preserves the dignity of both individuals while maintaining respect for the institution of marriage itself.

Procedural Requirements: The Role of Witnesses in Dissolution

The informant further elaborated on the procedural dimension of marital dissolution, emphasizing that separation is not carried out informally but within a framework that involves the presence of witnesses, particularly parents or close relatives. This requirement situates the act of dissolving a marriage within a broader social context, where family members are not merely observers but play a role in ensuring that the process is conducted with fairness and deliberation. By highlighting the presence of "magulang o kamag-anak," the informant points to the embeddedness of marriage, and its dissolution, within kinship networks that uphold social norms and moral accountability.

Basta may mga magulang o kamag-anak na saksi, puwede sila maghiwalay. Puwede ipawalang bisa yung kasal kapag may saksi. Kunwari yung babae o kaya yung lalaki may kalapit na kamag-anak, puwede sila maghiwalay o mapawalang-bisa yung kasal.

According to the participant, the presence of witnesses is a necessary condition for a marriage to be "ipinawalang-bisa" (nullified) or for a couple to formally separate. This procedural requirement ensures that the decision is neither impulsive nor concealed, but rather acknowledged and validated within a communal setting. The involvement of relatives introduces an element of oversight, where the circumstances leading to the dissolution can be informally assessed, and both parties are given a degree of protection against potential coercion, misrepresentation, or unjust treatment.

Marital dissolution in Islam, as presented by the informant, is therefore both structured and transparent. The reliance on witnesses reflects an understanding that while divorce is permissible, it is not a trivial or purely private matter. Instead, it is treated as a significant social event that affects not only the person involved but also their respective families. This process encourages reflection and accountability, as the presence of respected family members may prompt reconciliation efforts or, at the very least, ensure that the separation is handled with dignity and mutual recognition.

While individuals retain the right to exit a marriage that no longer fulfills its purpose, the requirement of witnesses introduces a layer of social validation that guards against arbitrary or unjust dissolution. In this way, the process upholds both personal rights and the integrity of the family structure, reinforcing the idea that marriage, and its termination, carries implications beyond and must be approached with seriousness, care, and accountability.

Religious Teachings and the Framework of International Human Rights Law

Ontological Status vs. Legal Remedy: The Roman Catholic Perspective

The Roman Catholic leader emphasized that the dissolution of marriage is a serious and complex matter, particularly when viewed through the lens of Church teaching. They distinguished between annulment and divorce, clarifying that these concepts are fundamentally different in both meaning and implication. In the Catholic understanding, the Church does not recognize divorce as a means of ending a valid marriage. Instead, it upholds annulment, which is not the termination of a marriage but a declaration that a valid marriage never existed in the first place due to the absence of essential conditions at the time of the union.

Pero when we say dissolution of marriage, masiyadong mabigat yung dissolution of marriage kasi in the first place, sa church, yung tawag natin kaya wala tayong divorce is an annulment. When we say annulment, unang unang proclamation iyan is that wala talagang nangyaring kasal. So when we dissolve it, ibig sabihin may something and then you try to dissolve it to get rid of it. So, malayo siya sa concept ng simbahan, ang annulment, kasi ang proclamation, walang talagang nangyaring kasal.

The informant further contrasted this with divorce, which they described as a legal mechanism recognized by civil authorities but not by the Church as dissolving the spiritual bond of marriage. From this perspective, divorce may regulate separation and address practical concerns, but it does not sever the marital covenant in the eyes of God. Thus, even if a couple is legally divorced, they are still considered married within the Church's understanding, highlighting the perceived limitation of divorce when measured against religious doctrine.

Sa divorce, they mentioned na sa mata ng Diyos, sa mata ng bayan ay kasal pa rin kayo. But the divorce is there para maganda lang yung hiwalayan, diba? Pero again, they're still married.

At the same time, the informant acknowledged a common critique directed at the Church's position, particularly from the standpoint of international human rights and individual well-being. They recognized that situations of marital conflict or dysfunction often lead individuals to seek dissolution as a means of reclaiming personal happiness and dignity. This introduces a tension between the Church's emphasis on the permanence of marriage and contemporary frameworks that prioritize the protection of individual rights. While the desire to "be happy again" is presented as valid and deeply human, the informant implies that the Church approaches this desire within a different moral framework, one that does not easily permit the dissolution of a valid marital bond, even in the face of personal hardship.

Baka sabihin niyo unfair ang simbahan kasi baka nga may problema na sa marriage, tapos kaya nga pumapasok yung international law/human rights to protect the rights of the individual. "Kasi, Father, gusto kong maging masaya ulit," which is walang problema, at saka ganun naman tayong lahat hindi ba.

The Roman Catholic Church argues that the solution to marital failure is not dissolution, but a more rigorous entrance through courtship and pre-marital formation. The informant suggests that many marital problems arise because couples do not truly know one another before the wedding. The Catholic narrative posits that true dignity is protected by ensuring honesty during the "canonical interview".

This perspective reinforces the Church's clear distinction between valid and invalid marriages. The informant stresses that the issue is not about ending a marriage, but about determining whether a true marriage existed from the beginning. Responsibility is placed on the couple to have properly discerned and understood each other before entering into the union. When annulment is considered, the process involves a careful retrospective examination of the relationship, tracing back to the moment of consent to identify whether any essential element was lacking. Grounds such as psychological incapacity are not seen as reasons to dissolve a marriage, but as indicators that a valid marriage may never have been established in the first place.

So ang sinasabi ng simbahan, kung may kasal, may kasal. Kung walang kasal, walang kasal. So, kung may kasal na nangyaring problema niyo na iyon, bakit hindi niyo kinilala yung isa't isa? You have mentioned

kanina na meron tayong mga parameters to dissolve a marriage, and to say yes for annulment, yung psychological incapacity, etc., ang gagawin niyan, you will look back, itra-trace mo. Baka nga kasi in the process meron talagang nangyari, an element na magsasabing wala talagang nangyaring kasal.

Finally, the informant situates this entire framework within a theological understanding of permanence, grounding marriage in the unchanging nature of God. Because marriage is believed to originate from a divine source, it is seen as inherently enduring and not subject to human alteration. Any attempt to dissolve a valid marriage is therefore viewed as contradicting this sacred origin. This reinforces why the Church maintains annulment rather than divorce, preserving the belief that if a true marriage exists, it remains indissoluble. The informant stated:

The permanence of marriage is very sacred, kasi babalik tayo sa nature; hindi iyan galing per se sa tao; galing iyan sa Diyos. So when we say we have a god that is permanent and absolute, all na ibibigay niya is permanent and absolute. Kapag binago mo iyon, mawawala o masisira yung nature ng Diyos. The same with marriage, kaya hindi tayo nagdidivorce. Ang sinasabi sa annulment kasi wala talagang nangyaring kasal.

The Canonical Interview as a Safeguard

The researchers then raised a question regarding how the Roman Catholic doctrine addresses situations where marital conflict becomes serious enough to raise the possibility of separation. In response, the informant pointed not to dissolution as the primary solution, but to the importance of processes that occur even before the marriage takes place, particularly the canonical interview.

Actually, kapag basta may problema sa revocation ng husband or wife, that's another thing. Then, may mga bagay kasi na kailangan din i-disclose; mayroon kasi tayong tinatawag na canonical interview before the wedding. So, sa canonical interview, we have the husband or the wife na magpapainterview sa pari, individual 'iyan, and then magiging couple, and then that's the time na idedeliberate ng pari kung ano talaga yung lalim o rason ng pagpapakasal ng husband and wife.

Within the Catholic framework, the protection of dignity is rooted not in the ability to exit a marriage, but in ensuring that the marriage was validly and truthfully entered into from the beginning. The canonical interview functions as a safeguard, designed to examine the intentions, readiness, and honesty of both parties prior to the wedding. By requiring individual and joint interviews with a priest, the Church creates a space where potential impediments, such as coercion, lack of maturity, or hidden reservations, can be surfaced and evaluated. This process serves as a form of discernment, allowing the Church to assess whether genuine consent is present, which is essential for a marriage to be considered valid and sacred.

The informant further emphasizes that honesty during this stage is crucial. Any deliberate concealment of significant information, such as serious illness, unwillingness to remain faithful, or rejection of essential marital obligations, undermines the integrity of consent. In such cases, the issue is not that a valid marriage is later dissolved, but that the marriage may have been invalid from the outset due to deception or lack of full disclosure.

Then, may mga bagay kasi na kailangan din i-disclose sa, mayroon kasi tayong tinatawag before the wedding na canonical interview. ... Nagsinungaling ka, that's the time dadalhin yung paper sa huwes or sa simbahan, and that's the time idedeliberate and most probably, malaki yung percentage niyan na madidissolve yung marriage kasi in the first place nagsinungaling yung other party.

At the same time, the informant clarifies that not all difficulties disclosed before marriage invalidate the union. When couples are transparent about their limitations or conditions and still freely choose to proceed, those realities become part of the commitment they willingly embrace. Marriage, in this sense, includes accepting not only the strengths of one's partner but also their vulnerabilities and burdens, as part of a genuine understanding of love and fidelity.

Pero, there are instances na inamin naman ng couple na may sakit sila, now in spite ng marriage kasi diba the promises for better or for worse. So, kapag sinabi mo “Father, ayoko na kasi yayo o yaya lang ako.”, babalikan ko yung paper, diba nagsignify ka, and then you said ok lang, so you have to accept your wife or husband kasi that's part of loving. You don't only love the best or the best character na mayroon kasi human tayo, meron at meron iyan problem or incapacity. But, still, since you love you also love those baggage. Ang akin lang, is that sana honest. Marami iyan, marami iyan, pero the honesty kasi nasa canonical interview iyan eh. Once masabi mo, kahit anong problema mo, nagiging binding na siya. Now, kung hindi mo sinabi, and then lumabas sa dulo, nagiging binding din siya sa family para ma-dissolve yung kasal. So, maraming specific, pero actually nandoon iyon, kapag honest ka.

Thus, the canonical interview operates as both a preventative and evaluative mechanism. It seeks to minimize future marital breakdown by ensuring that both individuals enter the union freely, knowingly, and truthfully. At the same time, when disputes arise later, this initial process becomes a reference point for determining whether a true marriage ever existed, reinforcing the Church's emphasis on validity rather than dissolution.

Ethics of Discernment in Marital Abuse

The informant's statement reflects a Catholic interpretive framework that situates marital conflict, including abuse, within the broader context of relational formation and discernment before marriage. Rather than immediately framing abuse as an isolated or sudden occurrence, the perspective emphasizes the developmental and relational history of the individual, suggesting that harmful behaviors are shaped over time and may signal insufficient knowledge or discernment between partners before entering marriage.

You may also say, “Father sinasaktan lang ako lagi. Paano kung ina-abuse lang ako lagi?” That's the problem sa marriage kasi again, hindi mo siguro masiyadong nakilala yung husband or wife mo. “Eh, Father, ganoon talaga siya.” Hindi naman pinanganak yung tao na galit eh, along the way mayroon iyan.

In this view, the experience of being “sinasaktan” or abused is acknowledged as a serious concern, but it is also connected to the idea that couples may not have fully understood each other's character, tendencies, or emotional capacity before committing to marriage. The statement “hindi naman pinanganak yung tao na galit eh, along the way mayroon iyan” implies that behavior develops through life experiences, reinforcing the belief that marital difficulties often have roots in earlier relational dynamics that were not adequately recognized or addressed during courtship or preparation.

At the same time, the interpretation reflects a tension within the Catholic framework: while it underscores the importance of discernment and responsibility before marriage, it risks placing explanatory weight on pre-marital misunderstanding rather than fully engaging with the immediate realities and severity of abuse within marriage. Nevertheless, the underlying emphasis remains consistent with the broader doctrine presented by the informant—that stronger formation, deeper knowledge of one another, and more rigorous preparation are essential to prevent such harmful situations from emerging within the marital union.

So, now as a husband or a wife, I think it's also your job no or wife description iyan husband description iyan to understand and to help kasi hindi naman dapat lagi dapat masaya lang. So, kapag ina-abuse ka, hindi 'iyan rason. yung rason bakit ka ina-abuse.

This statement introduces a complex tension in interpretation. On one hand, it reinforces the expectation of endurance and mutual responsibility within marriage; on the other, it risks blurring the distinction between relational difficulty and abusive harm by framing abuse within a broader context of marital duty and misunderstanding. The emphasis remains on understanding behavior within the continuum of personal development and relational responsibility, but it also raises critical questions about how harm is recognized and addressed within such a framework.

The interpretation reflects a doctrinal orientation that prioritizes relational perseverance and pre-marital discernment, while simultaneously revealing the challenges of applying ideals of mutual responsibility to situations involving abuse and power imbalance.

Extramarital Infidelity and the Preservation of Marital Sanctity

The informant frames extramarital affairs as issues that arise within the lived experience of marriage rather than as inherent flaws of the marital institution itself. From this perspective, infidelity is not interpreted as a failure of marriage as a sacred covenant, but as a breakdown in the moral and relational commitments of the individuals involved. The distinction drawn here emphasizes that the sanctity of marriage remains intact as an ideal, even when the behavior of spouses falls short of its expectations.

You might also be wondering, paano father kung extra marital? The extramarital, mahaba yung proseso niyan. Kasi nga, nangyari kasi 'iyan in the marriage eh and hindi 'iyan problema ng kasal. Problema 'iyan ng dalawang kinasal. Kasi, we are talking again, the sacredness of marriage. Kasi kung lahat na lang ng mangyayari sa inyo, may problema sa kasal, wala talagang magpapakasal, wala talagang magtitiwala sa kasal, which is iyon yung nangyayari sa mga kabataan.

By stating that “hindi iyan problema ng kasal. Problema iyan ng dalawang kinasal,” the informant shifts responsibility away from the structure of marriage and onto the personal choices and actions of the partners. Marriage, in this view, is upheld as fundamentally stable and sacred; it is human weakness, rather than institutional inadequacy, that leads to violations such as extramarital relationships. This reinforces the theological position that the marital bond itself is not easily compromised, even when serious moral failures occur within it.

At the same time, the informant acknowledges the broader social implications of how marriage is perceived, particularly among younger generations. If marriage is frequently associated with conflict, betrayal, or dissolution, it may discourage individuals from entering into it altogether. This concern highlights the importance of maintaining trust in the institution of marriage, not only as a personal commitment but also as a social and spiritual foundation.

They thought that the evil or the problem is the marriage. No, it's a beautiful communion, commitment. The problem is yung preparation natin before entering the marriage kaya courtship is very important. You have to really know the person, kasi, again, marriage is for life. Basta, you have to be honest, kasi wala naman talagang specific eh. Basta, honest ka, ok.

This underscores a Catholic effort to preserve the sanctity and credibility of marriage by separating the moral failings of individuals from the enduring nature of the sacrament itself.

Overall, the interpretation reinforces a consistent Catholic narrative that upholds marriage as a sacred and enduring communion. Even when serious issues such as infidelity occur, these are understood not as evidence against marriage itself but as consequences of human limitation and insufficient preparation, with honesty and discernment positioned as central safeguards against relational breakdown.

Doctrinal Supremacy Over Civil Legislation in Matters of Marriage: The Iglesia Ni Cristo Perspective

In the interview with one of the leaders of the Iglesia Ni Cristo, the informant commented on the proposed divorce bill, emphasizing that, in their doctrine, what God has joined together cannot be separated.

Alam natin na inilulunsad ng pamahalaan ang ukol sa pagpapawalang-bisa ng kasal. Bilang Iglesia Ni Cristo, ang aming sinusunod ay mga aral ng Diyos. Ang nagtatag ng pagkakasal ay ang Diyos. Ayaw ng Diyos na ang Kaniyang pinapagsama ay papaghiwalayin ng tao. Namumuhi o nagagalit ang Diyos sa diborsyo. (Malakas 2:16, New Pilipino Version, Salin ng Biblia).

The informant's response reflects a doctrinally grounded rejection of the proposed divorce bill, situating the issue within a theological framework rather than a legal or policy-based one. From the perspective of the Iglesia Ni Cristo, marriage is not merely a civil contract regulated by the state, but a divine institution established by God Himself. Because of this origin, the authority over marriage is understood to belong primarily to God rather than to human institutions or legislation. As such, any attempt by the state to legalize divorce is interpreted as a human intervention into something that is considered spiritually ordained and therefore beyond human alteration.

Ang tanging makapaghihiwalay lamang sa kanila ay ang kamatayan at hindi sinumang tao sapagkat silang dalawa na ikinasal ay natatali sa kautusan o tuntunin ng Diyos kaya ang dapat masunod ay ang Diyos (Roma 2:12).

The informant's statement reflects a strict theological interpretation of marriage as a divine institution governed exclusively by God's authority. As such, the act of separating a married couple is understood as a direct violation of God's will, with divorce framed not merely as a legal or social mechanism, but as something that contradicts divine intention.

The statement highlights a hierarchy of authority in which divine law takes precedence over human governance. The reference to obedience to God over human systems reinforces the idea that moral and spiritual accountability is ultimately directed toward God rather than the state. Consequently, marital permanence is upheld not only as a religious ideal but as a binding obligation rooted in divine law, where separation by human intervention is regarded as incompatible with faith-based obedience.

Hindi rin ipinahihintulot sa mga kaanib na mag-asawa ng panibago habang nabubuhay ang dati niyang pinakasalan sapagkat sila'y nakatali sa kautusan.

Additionally, the prohibition against remarrying while a spouse is still living strengthens the doctrine of marital exclusivity and permanence. This reflects the idea that individuals remain spiritually bound to their original spouse as long as both are alive, reinforcing the enduring nature of the marital covenant. Even in cases of separation, the bond is not considered broken in the spiritual sense, highlighting a continued obligation under divine law.

This situates marriage within a framework of absolute divine authority, where its permanence is non-negotiable and human laws permitting dissolution are viewed as subordinate or incompatible with religious doctrine.

"Pagtitiwalag" as a Deterrent

The Iglesia Ni Cristo (INC) reconciles human rights discourse by asserting that the protection of the individual is achieved not through legal autonomy, but through full adherence to divine commandments as interpreted and enforced by the Church. Within this framework, the permanence of marriage is not treated as a negotiable legal condition but as a binding spiritual law instituted by God. Consequently, the institution of marriage is safeguarded not by the availability of dissolution, but by ecclesiastical discipline that regulates member behavior and reinforces doctrinal obedience.

Sa Iglesia Ni Cristo, kung sakaling hindi maiiwasan na maghiwalay ang magasawa ay dapat manatiling walang asawa o hindi kaya ay makipagkasundo sa asawa. Dahil kung hindi ito masusunod ay may disiplinang iginagawad sa kanila—may Pagtitiwalag sa Iglesia Ni Cristo. Naninindigan kami na "for they are no longer two but one." Ang pagkakaisa ng mag-asawa ay iginiit ng Panginoong Jesucristo na hindi dapat paghiwalayin ng tao. Dahil dito, ang anumang batas ng tao na nagpapahintulot sa paghihiwalay ay hindi kinikilala ng Diyos. Ang tanging hangganan ng kasal ay ang kamatayan; hanggang ang asawa ay nabubuhay, ang bawat panig ay nakatali sa isa't isa sa ilalim ng batas ng Panginoon.

A key mechanism of this enforcement is Pagtitiwalag (expulsion), which functions both as a corrective and deterrent measure. It is applied when members are perceived to have violated core teachings, including those

related to marital fidelity and the sanctity of the marital bond. In this sense, disciplinary action is not merely punitive but is framed as a necessary step to preserve spiritual order and communal integrity. The expectation placed upon members is either to remain in the marital bond, reconcile with their spouse, or remain unmarried if separation occurs without doctrinal approval.

This articulation highlights how doctrinal authority is operationalized through institutional control. The INC frames marital permanence as a non-negotiable divine command, and compliance is ensured through the possibility of exclusion from the religious community. In this context, Pagtitiwalag serves not only as punishment but as a strong social and spiritual deterrent.

Recognition of Marital Dissolution as a Safeguard for Human Dignity: The Islamic Perspective

The Islamic perspective, as shared by the informant, suggests that religious tradition and international human rights frameworks are not necessarily in conflict when it comes to marital dissolution. In this sense, divorce is not framed as a moral failure of the institution itself, but as a structured legal option that safeguards the dignity and well-being of both spouses when reconciliation is no longer possible. The informant said, “Sa amin naman po, hindi naman makakaapekto yung relihiyon. Magkaiba kasi eh. Kasi yung batas sa Pilipinas at saka batas ng relihiyon ng Islam.”

From this standpoint, the distinction between religious law and state law is crucial. The informant emphasizes that Islamic teachings operate within their own moral and legal framework, which already accounts for the realities of human relationships, including the possibility of conflict and irreconcilable differences. This allows individuals to exit marriages that are no longer conducive to emotional, psychological, or spiritual well-being without negating the value of marriage itself.

Islam’s View on Divorce. The informant explained that divorce in Islam is recognized within its legal and religious framework as a regulated and permissible act. They emphasized that Islamic teachings do not treat divorce as inherently negative, but rather as a necessary provision in situations where a marriage becomes harmful, unjust, or no longer conducive to a peaceful life.

Ang pagkilala sa divorce sa Islam ay mismong proteksyon sa dignidad ng tao upang hindi sila mabilanggo sa isang malupit o hindi masayang pagsasama. Hindi namin ito tinitingnan na laban sa human rights dahil ang layunin nito ay kapayapaan sa loob ng pamilya.

When asked further about the religion’s stance, the informant clarified that while divorce is allowed, it is not encouraged as a first resort. Instead, it is approached with caution and preceded by efforts to reconcile through established processes.

Sa Muslim kasi, may divorce. Kapag ayaw ng lalaki o ayaw na nila sa isa’t isa. Puwedeng puwede mag-divorce. Hindi naman na “iyan kailangang iano sa batas natin eh. Pero pinahihintulutan, itinuuro rin sa amin na ang divorce ang pinakaayaw ng Allah sa lahat ng mga bagay na pinapayagan. Kaya bago mag-divorce, may proseso muna ng reconciliation sa pamamagitan ng Agama Arbitration Council.

Taken together, these responses frame divorce in Islam as a balanced mechanism that protects human dignity while preserving the value of marriage. It is neither prohibited nor freely exercised without restraint; rather, it exists as a last resort after reconciliation efforts have been exhausted. This reflects an approach that prioritizes both the well-being of individuals and the stability of the family, ensuring that marital dissolution remains structured, justified, and ethically grounded.

Gendered Authority in Marital Dissolution. During the interview, the informant described a gender-differentiated structure in marital dissolution within Islamic practice, while also contrasting it with provisions under Philippine law. This comparison highlights how different systems allocate authority and regulate the process of ending a marriage based on distinct legal and cultural foundations. By referencing both religious norms and state legislation, the informant illustrates that marital rights and responsibilities are shaped by broader frameworks that reflect varying assumptions about gender roles, accountability, and family order. In

this context, certain interpretations of Islamic family law assign a more direct capacity to initiate divorce to the husband, while the wife's ability to seek separation is more conditional and procedurally defined.

Sabi ko nga kanina, kapag nangaliwa yung babae, puwede pugutan ng ulo. Sa batas ng Pilipinas kasi, ipapakulong o ipapasawalang-bisa yung kasal. Sa batas ng Muslim kasi, ang humahawak ng paghihiwalay, yung lalaki, kapag gusto ng lalaki na maghiwalay. Puwede sila maghiwalay. Pero kung yung babae lang may gusto, hindi puwede iyon. Maliban lang kung may mga dahilan o mabibigat na dahilan, puwede sila makipag hiwalay.

To clarify this point, the researchers asked whether women are entirely excluded from initiating divorce. The informant responded that women are not absolutely barred from seeking separation, but must demonstrate valid or serious grounds.

Puwede rin naman ang babae, basta may mabigat na dahilan. Kunwari yung lalaki sugarol, puwede na dahilan iyon. O kaya babaero, lasinggero, o ayaw magbigay ng suporta. Sa ilalim ng Code of Muslim Personal Laws, ang babae ay maaaring humingi ng Tafwid (kung binigyan siya ng asawa ng karapatang mag-divorce) o kaya ay Faskh kung ang asawa ay hindi nakakapagbigay ng suporta sa loob ng anim na buwan o kung ang asawa ay may malubhang sakit.

These responses indicate that while the process of divorce may not be equally accessible in all cases, it remains regulated rather than entirely exclusionary. The framework provides mechanisms, such as tafwid (delegated right to divorce) and faskh (judicial annulment), through which women can pursue separation under specific conditions. This reflects a system that, although structured along gendered lines, still acknowledges circumstances where maintaining the marriage would be unjust or harmful, thereby allowing recourse within defined legal and religious boundaries.

Institutional Perspectives on the Intersections of Religion, Civil Law, and Marital Dissolution

Preservation of Marital Unity as a Moral Imperative: The Roman Catholic Perspective

The informant observes that Philippine civil laws, particularly the Family Code, are deeply rooted in Catholic teachings. The participant views this alignment as a positive mechanism to "safeguard" the family unit. By framing the law as an extension of religious "standards," the informant suggests that the State serves as a secular enforcer of divine mandates, ensuring that marriage remains a permanent institution rather than a flexible social contract.

Actually, we are very Catholic in the Philippines. So lahat ng, hindi man lahat, pero at least yung family code natin, yung marriage laws natin with the teachings of the simbahan. Which is good thing, hindi dahil pari ako pero kasi it's absolute to safeguard yung family.

This statement reflects the informant's view that Philippine family law operates in close alignment with Roman Catholic moral doctrine, particularly in its emphasis on the indissolubility of marriage. By characterizing this alignment as "a good thing," the informant frames legal structures not as neutral civil mechanisms but as value-driven instruments that reinforce religiously informed moral order. The use of terms such as "safeguard the family" suggests a protective and normative stance, wherein the State is perceived as legitimizing and enforcing a divinely grounded ideal of marriage permanence rather than treating marriage as a dissolvable contractual arrangement.

Kasi alam niyo yung nagseseparate, yung umaalis, yung umaayaw, yung nasasaktan doon yung magiging anak. Hindi man nasasabi pero there is psychologic and development, character development ng bata na hindi natin maeexplain hanggang tumatanda na lang kasi pala hindi lumaki with both sides, with nanay or tatay. Pero sasabihin natin, "Okay lang 'iyan, Father, kasi may dalawa ng pamilya." Hindi ganoon, hindi ganoon.

Building on this, the informant emphasizes the perceived consequences of marital dissolution on children, particularly in terms of their psychological and developmental well-being. The argument suggests that

separation disrupts the ideal family structure, potentially leading to long-term emotional and character-related challenges that may not be immediately visible but manifest over time. From this viewpoint, the preservation of marital unity is not solely a doctrinal concern but also a social necessity, as it is believed to protect the holistic development of children. Thus, maintaining the permanence of marriage is framed as both a moral obligation and a practical means of sustaining stable family life.

Skepticism Toward the Motivations for Reform. This informant's skepticism toward the motivations behind proposed divorce legislation suggests that such reforms may be driven less by genuine concern for marital welfare and more by individualistic or self-serving desires. By implying that some people pursue divorce for reasons such as wealth or attraction to another partner, the informant frames legal reform as potentially susceptible to moral weakening and opportunism. This perspective underscores a belief that religious guidance functions as a stabilizing force that curbs impulsive or self-centered decision-making in matters of marriage, thereby preserving its sacrificial and life-giving character.

I'm saying it's a good thing na nandiyan yung simbahan. Kasi kung wala, lahat na lang ng maisip na gagawa ng batas dahil na lang ano. Kasi yung iba, in the first place, gusto lang pala ng divorce kasi may nakitang maganda, hindi ba? Or may nakitang mas mayaman. Wala na yung pagsasakripisyo sa pamilya. Wala na yung life-giving na element sa pamilya. Wala na yung selfless, giving ng oneself sa pamilya.

The informant also expresses concern that the institutionalization of divorce may gradually alter the perceived meaning of marriage by normalizing exit options. The framing of divorce as a "backdoor" suggests that legal dissolution mechanisms could weaken the perceived permanence and seriousness of marital commitment. From this viewpoint, the availability of legal exit pathways may diminish relational accountability, reducing marriage from a lifelong covenant to a conditional arrangement. This interpretation reinforces the broader argument that legal flexibility in marriage dissolution may unintentionally erode commitment, responsibility, and relational stability within the family structure.

Ang nangyayari kasi, with divorce, and with other laws na ipapatag natin kung mayroon nag-dissolution ng marriage, parang nagiging backdoor siya, nagle-less yung commitment natin with each other kasi puwede naman pala ng exit exit.

The informant also added another point, emphasizing a concern that legal frameworks allowing divorce may subtly reshape the emotional dynamics within marriage itself, encouraging individuals to "hold back" in love rather than fully invest in it. This perspective suggests that genuine marital commitment, in the informant's view, requires total emotional giving rather than partial or conditional attachment.

O kaya naman, hindi man natin sabihin, pero for sure, ayoko kasi ng kapag nagmamahal yung nagtitira, kasi hindi ganoon yung pagmamahal. Pero, with the divorce and dissolution of marriage, magtitira't magtitirahan iyan para sa sarili kasi nag iisip ka willing pa ako magpakasal sa iba. At sino yung nasasaktan diyan? Yung mga bata or mga anak.

This perspective is further intensified by the informant's concern that the availability of divorce may subtly encourage emotional withholding and self-preservation within marital relationships. The statement suggests a perceived shift in the nature of love, wherein individuals may become less fully committed, anticipating the possibility of future relationships. In this framing, the presence of legal dissolution mechanisms fosters a mindset of conditional attachment, where emotional investment is tempered by the option to exit and remarry. The informant emphasizes that such relational instability ultimately affects children, who are viewed as the most vulnerable recipients of the consequences of marital breakdown. This reinforces the broader argument that divorce is not only a legal or personal matter but also a social issue with intergenerational implications, particularly in shaping emotional security and family stability among children.

Another point was raised when the informant asserted that proponents of divorce are often individuals engaged in extramarital affairs.

“Pero ngayon gusto nila ng divorce, and yung mga proponents noon yung may mga kabit. Alam niyo yung iba nagmumuslims? Kasi nga yung Muslims, they can have many wives without divorcing the other as long as nabubuhay nila which is iyon yung nangyayari sa mga mayayaman. Hindi problema yung marriage, ang problema gusto mo ng marami kahit bawal na kahit mali na. Hindi lang corruption iyan, sakit na rin iyan.”

By linking support for divorce to infidelity and opportunism, the statement frames the issue as driven by individual desires for multiple relationships rather than legitimate concerns about marital welfare. The reference to Islamic marital practices further suggests a belief that some individuals selectively adopt or reinterpret frameworks to justify behavior seen as excessive or morally questionable. Ultimately, the informant characterizes this tendency as a form of moral failing, framing it as both a personal “sickness” and a broader ethical issue that undermines the integrity of marriage as an institution.

Family Unity as a Foundation of Moral Standard. The informant frames the family as a central and strengthening unit within both religious and social life, emphasizing that a cohesive family structure contributes to greater familial “tightness” or solidarity. In this view, the family is not merely a private institution but is symbolically and functionally connected to the image and mission of the Church itself, suggesting that the stability of the family reflects and sustains the integrity of the Church as a whole. The informant stated, “Ang akin, mas nagiging tight yung family. And with this, actually, in a bigger picture, iyon yung image kasi ng simbahan, yung family. Nagsisimula ‘iyan sa family, yung image ng simbahan.”

This statement highlights the informant’s belief that the effectiveness and moral authority of the Church are closely linked to the condition of the family units within its community. A dysfunctional or fragmented family, in this perspective, is seen as a barrier to the Church’s influence and moral guidance, particularly when religious leaders are perceived as lacking credibility due to personal or familial inconsistencies. While acknowledging that imperfect family situations may exist, the informant still upholds the intact family as the normative “standard,” positioning it as an ideal model that the Church seeks to promote.

So kung the family is destroyed or hindi siya functioning well, mahihirapan mag-penetrates yung simbahan to the family. Kasi imagine niyo, anong sasabihin noong pari tapos yung pamilya pala nila ay hindi maganda. I’m not saying naman na laging ganoon pero it’s the environment din kasi. Wala naman akong discrimination, lalo na kung mayroon talagang mangyayari na hindi kumpleto pero as much as possible, ito yung standard natin. Ito yung dapat.

The informant clarifies that family separation is not necessarily viewed as a form of discrimination or deficiency affecting children, but rather as a deviation from the ideal family structure defined by religious teaching. The emphasis remains on the “standard” family configuration, particularly one involving both a mother and a father, which is regarded as the ideal expression of familial completeness. This reflects a normative stance where the intact nuclear family is upheld as a positive contribution of the Church, reinforcing its role in shaping moral and social expectations regarding family life.

“Now, walang nanay walang tatay, nag-separate nga, wala naman tayong discrimination or hindi naman iyon problema or kakulangan iyon sa bata in a way. Ang atin lang, kasi iyon yung standard yung may wife, and that’s the beautiful contribution ng simbahan.”

This perspective consistently positions the intact family as both a moral ideal and a structural foundation for religious life, particularly within the Catholic understanding of social order. While acknowledging that non-traditional or disrupted family arrangements may exist, these are implicitly contrasted with a normative model that privileges the presence of both parents as the preferred and most “complete” configuration. This framing reflects a broader view in which the strength and credibility of the Church are perceived to be intertwined with the stability of family units, suggesting that maintaining family unity is not only a private concern but also a collective responsibility tied to the preservation of religious identity and moral continuity.

Negotiating Religious Loyalty and Civil Submission: The Iglesia Ni Cristo Perspective

The informant clarifies that while the Iglesia Ni Cristo (INC) respects and submits to the Philippine government, this obedience is conditional.

Sa ngayon ay nakikita natin na walang anumang problema, maayos ang batas ng Pilipinas para sa kapakanang pantao. Pero isinusulong ng batas ng Pamahalaan ng Pilipinas ang ukol sa Divorce at Annulment na iyon naman ay hindi kasang ayon sa aral ng Iglesia Ni Cristo. Hindi namin sinasabi na kung ano ang aral ng Iglesia Ni Cristo ay dapat ng sundin ng tao kahit hindi kaanib. Iyon ay para lamang sa mga miyembro. Ang Iglesia Ni Cristo ay sumusunod sa batas ng Pilipinas pero may hangganan.

The informant cites Acts 5:29, establishing a hierarchy of authority where divine law supersedes secular statutes. While the informant acknowledges the current laws as generally beneficial for human welfare, they emphasize that a "boundary" exists: the Church will follow the laws of the land only insofar as they do not conflict with biblical mandates.

“Batay sa Gawa 5:29 ay itinuro ng mga Apostol noon na siyang namahala sa unang Iglesia na “Dapat munang magsitalima sa Dios, bago sa mga tao.” Ibig bang sabihin ay hindi na susundin ang batas na nakalatag sa bansang Pilipinas? Susundin parin pero kapag labag na sa utos ng Diyos ay hindi na ito pinahihintulutan.”

The informant further anchors this position in biblical authority, establishing a theological hierarchy wherein obedience to God takes precedence over obedience to human institutions when conflicts arise. While the laws of the state are still recognized and followed, this adherence is framed as contingent upon their alignment with divine commandments. When such laws are perceived to contradict religious teachings, they are not considered binding for members of the Church. This reflects a dual framework of authority in which civil obedience is maintained, but ultimately subordinated to religious conviction.

Makakaapekto na ito sa pagitan ng dalawa (Church and State) hindi dapat mangyari ito. Utos din sa mga kaanib sa Iglesia Ni Cristo na kami ay magpapasakop sa Pamahalaan na siyang nangunguna sa bansa sapagkat iyon ay aral din ng Diyos.

The informant highlights the importance of maintaining a clear distinction and balance between Church and State authority to avoid conflict between the two institutions. While emphasizing submission to government as a religious duty, the statement reinforces that such submission is itself grounded in doctrinal teaching. Thus, obedience to the State is not viewed as independent of religious obligation but as an extension of it, provided that it does not contradict divine law. This reflects a governance perspective in which religious doctrine and civic duty are integrated but hierarchically ordered, with divine authority remaining supreme.

Institutional Loyalty Amidst Legislative Change. The informant explicitly identifies proposed legislation on Divorce and certain forms of Annulment as contrary to the teachings of the Church. The participant argues that because God has joined the couple, no human authority has the right to separate them. From this perspective, marital dissolution is not merely a legal change but a theological impossibility and a spiritual violation, regardless of its legality in other countries or its potential enactment in the Philippines.

May mga bansa sa kasaukuyan na pinagtitibay at pinahihintulutan ang tinatawag na divorce at annulment. Ito ay pinagbabawal ng Diyos dahil alam naman ng tao na bawal ng Diyos na papaghiwalayin ng tao ang pinagsama ng Diyos.

The informant emphasizes that divorce and annulment, even when recognized or legalized in other countries, remain incompatible with divine law as understood by the Church. Marriage is framed as a sacred act established by God, and therefore, human intervention in dissolving such a union is viewed as an overreach of authority. In this perspective, marital dissolution is not simply a legal or civil matter but a violation of a divinely instituted covenant, reinforcing the belief that religious doctrine holds precedence over evolving legal systems.

Hindi rin sumasang ayon ang Iglesia Ni Cristo sa same sex marriage dahil ito ay karumaldumal sa Panginoong Diyos. Naninindigan ang mga kaanib sa loob ng Iglesia Ni Cristo sa batas ng Diyos, kahit ito ay pinairal ng mga tao dito sa lupa.

The informant further extends this doctrinal stance to include opposition to same-sex marriage, which is characterized as morally unacceptable within the religious framework of the Church. This position underscores a strict adherence to perceived biblical teachings, where moral legitimacy is derived from divine law rather than civil recognition. Despite the existence of laws in secular society that may permit such unions, the informant highlights that kaanib are expected to remain aligned with religious doctrine, reinforcing a boundary between state legislation and spiritual obligation.

Kaya kahit magkaroon ng mga bagong batas sibil ukol sa marital dissolution, mananatiling tapat ang Iglesia sa utos ng Diyos. Ang pamilyang Kristiyano ay itinatag sa pag-ibig na selfless at hindi naghahanap ng "backdoor" o "exit" sa oras ng pagsubok. Ang pagsunod sa batas ng Diyos ang nagpapatibay sa moralidad ng ating lipunan.

Regardless of any future changes in civil law, the informant maintains that the INC will remain faithful to divine commands. This indicates a "Legislative Resilience" where the institution prepares its members to disregard secular marital relief in favor of religious compliance. This highlights the potential for a growing gap between a citizen's legal rights under the State and their spiritual obligations under the Church.

Table 7 Thematic Mapping of the Institutional Perspectives on Marital Dissolution: Legislative Perspective

Master Themes	Code Categories	Corresponding Initial Codes	Exemplar Quotes
Legislative Perspective	Evaluation of Marital Dissolution Mechanisms and International Compliance	- International Law Non-compliance - De Facto Statutory Gaps - Prohibitive litigation costs	"Itong current law ay hindi receptive sa current situations ng mga asawang may problema... Mahal ang annulment... kailangan pa nilang magbayad ng mga expert para ijustify yung claim." "Yung mga indigent na mag-asawa, hindi nila kayang mag avail noon... so hindi siya compliant doon sa international law." "Marami sa kanila ang naghihintay ng divorce so talagang may gap...."
	Determinants of the Legislative Stalemate and Religious Lobbying	- Clerical Interest Group Lobbying - Democratic Church-State Tension	"...matinding maglobby ang Catholic Church." "...wala tayong magagawa kasi may democracy tayo dito, may right sila na maglobby."
	Terminological Connotation and Procedural Blockages	- Semantic Institutionalism - Slippery Slope Rhetoric - Legislative Structural Hurdle - Political Will and Support Challenges	"...the term divorce itself iyon ang kinontra at inaayawan nila... negative ang connotation." "kapag may naapprove na raw na divorce sa atin anybody can avail... pupwedeng... ulit-ulitin ang pag avail ng divorce." "Sa committee, kung hindi aapprove... wala na... kung maapprove... sa plenary... maraming mag lalobby.. So, minsan kahit supportive, hindi na bumoboto. Yun ang matinding challenge, ang magsusupport."

Legislative Perspective

This section provides a critical examination of the institutional and political environment surrounding marital dissolution from the viewpoint of a Policy Expert within the Committee on Population and Family Relations. The legislative perspective is essential for understanding why the Philippines remains the only secular state in the world without an absolute divorce law. The analysis focuses on the structural barriers within the Philippine Congress, the socio-economic exclusivity of current legal remedies, and the pervasive influence of religious lobbying. By exploring these institutional "gatekeepers," this theme illuminates the disconnect between the constitutional mandate of the Separation of Church and State and the practical reality of national law-making, where political survival and traditional doctrine often supersede the secular demand for human-rights-responsive legal reform.

Evaluation of Marital Dissolution Mechanisms and International Compliance

The Policy Expert from the Committee on Population and Family Relations identifies a significant disconnect between current Philippine statutes and the practical needs of troubled couples. The existing legal framework is characterized as unreceptive and elitist, primarily because the financial burden of annulment serves as a barrier that prevents the majority of the population from accessing a legal remedy.

Itong current law ay hindi receptive sa current situations ng mga asawang may problema. Unang-una, mahal ang annulment. Ang annulment sinasabi nila ay just for the rich kasi umaabot siya ng 1M or 500k. Kaya sino sa isang ordinaryong mag-asawa na wala naman at maaaring kaya sila ay nag-aaway dahil walang pera. So, paano sila magfafile ng annulment? Ang ano nalang sa kanila yung legal separation na may mga qualifying ano rin para maka avail. So parang hindi din ganoon ka fair pagdating sa pagrespond sa requirements ng mga mag asawang may problema. Hindi compliant itong current law. Mahirap ding avail ang mga requirements para magqualify. Katulad ng sinasabi nila na "differences", kapag lagi silang nag aaway, kailangan pa nilang magbayad ng mga expert para ijustify yung claim. Talagang hirap ang mga mag-asawa na gustong mag avail ng legal separation and annulment para makapaghiwalay.

The informant highlights that the current system is fundamentally non-compliant with international standards regarding the right to separation because it commodifies justice. By requiring expensive expert testimonies to justify "differences" and setting the cost of freedom at half a million to a million pesos, the law effectively discriminates against the poor. This creates a socio-legal environment where the right to dissolve a failed marriage is a privilege of the wealthy rather than a protected human right for all citizens.

Yung mga indigent na mag-asawa, hindi nila kayang mag avail noon. Unang-una, pagdating sa legal yung fees mahal, hindi nila kaya. Mahal ang magpa-annul dito sa atin so hindi siya compliant doon sa international law on separation.

The lack of an absolute divorce law creates a functional gap between public necessity and policy. This failure to provide a swift and affordable exit from broken marriages forces many Filipinos into "common law" arrangements or informal extramarital relationships, which the informant describes as a negative consequence of legislative stagnation.

Yes, talagang merong gap. Unang-una, maraming nangangailangang couples kasi kaya sila nagpakasal ang alam nila mag woworkout yung kanilang marriage. Then, hindi nila ineexpect pagdating doon sa sila'y magkasama na nagkakaroon ng disagreements. So, marami sa kanila ang naghihintay ng divorce so talagang may gap, yung iba hindi naman makaavail ng annulment of marriage kasi very costly. Ang nangyayari parang nag e-encourage tayo ng "common law", yung ganun na lang. Dahil hindi maisabatas ang divorce, yung mag-asawa na hindi na nagkasama inaallow na lang na makipag ano sa iba iyon ang negative consequence.

Determinants of the Legislative Stalemate and Religious Lobbying

The expert points to the pervasive influence of the Catholic Church as the primary institutional hurdle. Religious organizations exert significant pressure on individual legislators by showing objection to divorce,

thereby creating an atmosphere that prevents the endorsement of divorce proposals despite the clear separation of Church and State in democratic theory. The informant stated, “Sinasabi na tayo ay catholic country, marami sa atin mga 80% although hindi naman ganoon kaseryoso yung iba. But, matinding maglobby ang Catholic Church.”

This institutional gatekeeping is framed as a democratic right to lobby despite the clear mandate on the separation of the Church and State, religious institutions members are still part of the citizens that make up democracy, and have paramount right to lobby. Yet the informant argues that it often overlooks the humanitarian aspects of marital breakdown. By focusing on the preservation of the institution, religious lobbyists may inadvertently ignore the welfare of children and family members who are currently trapped in domestic environments defined by violence and dysfunction.

Wala tayong magagawa kasi may democracy tayo dito, may right sila na maglobby. Marami tayong priest dito kasi nga majority sa atin ay Catholic. Hindi nila iniisip paano kung yung mga anak or kapatid nila ang nandiyan sa problematic marriage. Yung ang mag-asawa merong violence tapos kawawa ang anak nakikita nila na ganoon yung parents. Hindi nila nakikita iyon.

Terminological Connotation and Procedural Blockages

Beyond religious doctrine, the literal term "divorce" carries a heavy social stigma that serves as a point of contention. Opponents utilize the negative connotation of the word to argue that legalization would lead to the casual and repeated dissolution of marriages.

Actually, the term divorce itself iyon ang kinokontra at inaayawan nila. Kapag sinabing divorce, negative ang connotation. Yung terminology na divorce, iyon ang kinokontra nila kasi ang sasabihin nila kapag may naapprove na raw na divorce sa atin anybody can avail and then kunwari isang couple na nag avail na ng divorce pupwedeng niyang ulit-ulitin ang pag avail ng divorce.

The final hurdle is the internal structure of the Philippine legislature. The committee level acts as a decisive choke point; if a bill is not accepted at this stage, it never reaches the broader plenary for a democratic vote, and if it were to reach the plenary the problem on numbers of votes becomes the next hurdle. However, if those who were initially supportive of the bill face lobbying, they will inevitably withdraw their support, effectively silencing the public demand for reform.

Sa committee, kung hindi aapprove ng committee, wala. Walang magiging report, walang ittransmit sa plenary at walang pagbobotohan. Kung sa committee pa lang pinatay na nila, wala na. And then kung luckily maapprove sa committee pagdating sa plenary pagbobotohan ulit and by the number lagi ang laban. So. kung maraming mag lalobby, kasi ang ginagawa ng catholic church, pinupuntahan at pinapakiusapan na nila. So, minsan kahit supportive yung ano, kapag nakausap ng pari, hindi na bumoboto or tumatahimik na lang. Yun ang matinding challenge, ang magsusupport.

Table 8 Thematic Mapping of the Institutional Perspectives on Marital Dissolution: Social Welfare Perspective

Master Themes	Code Categories	Corresponding Initial Codes	Exemplar Quotes
Economic Barriers and the Stratification of Legal	Frontline Crisis Intervention and the Paradox of Marriage Counseling	Institutional Marriage Preservation	“...mag undergo sila ng pre-marriage counseling... mas madali kasi i-handle kapag hindi kasal unlike doon sa mga kasal... may legalities.”

Access	Psychosocial Support Mechanisms	Psychological Domestic Interventions	"...we do home visit... minsan sinasama na rin yung relative... then we do family counseling... referrals and counseling... lang naman mostly..."
	Legal Entanglements in Property, Custody, and Third-Party Liabilities	Ancillary Litigation Matrices	"...kung ang pag-uusapan... yung hatian ng mga properties, saan mapupunta yung mga bata... yung support."
	Marital Status and Statutory Barriers to Benefits and Parental Recognition	- Statutory Welfare Exclusion - Bureaucratic Parental Legitimization	"...hindi siyempre sila makakapag avail ng solo parent... kung legally married pa." "...kapag legally married ka tapos nabuntis ka ng iba, ipapangalan parin iyan sa kung saan ka kasal..."
	Economic Coercion and the Predicament of the Vulnerable Spouse	Material Support Deprivation	"Laging suporta yung pinoproblema nila kapag nakipaghiwalay... iyon yung mga nagiging predicament ng mga wife na nakikipag hiwalay..."
	The Limits of State Intervention	- Administrative Incapacitation - Judicial Jurisdiction Boundaries	"Ang magagawa namin is more on counseling referral." "Irerefer namin iyan sa korte na kasi sila uung puwedeng mag utos... sila yung magsasabi kung magpapawalang bisa o kaya bibigyan ng legal separation."
	Cultural Traditionalism and the Erosion of Respect in the Family	Societal Conformity Enforcement	"... ayaw makipag hiwalay for the sake ng family... kung pipilitin mo magsama, tas everyday nagmumurahan, nawawala na ang respeto sa pamilya..."

Social Welfare Perspective

This section explores the operational and frontline realities of marital dissolution through the professional lens of a Social Worker and focal person for Women's Welfare at the Mandaluyong City Social Welfare and Development Department (CSWD). While the legislative perspective focuses on the creation of laws, the policy implementer's perspective highlights the practical consequences of the current legal framework on the daily lives of Filipino families. This theme delves into the complexities of child custody, the gendered nature of economic dependency, and the limitations of state-mandated interventions. By examining the lived experiences of those who navigate the system at the community level, this section underscores the urgent need for structural legal reforms to protect the psychological and financial well-being of vulnerable spouses and their children.

Frontline Crisis Intervention and the Paradox of Marriage Counseling

The Policy Implementer describes a dual role that involves both the enforcement of the Family Code's preventative measures and the management of active marital breakdowns. As a registered pre-marriage counselor, the informant facilitates mandatory sessions for young couples, yet observes that the community faces a daily influx of "marital conflicts" involving custody and support. A critical distinction is made between the relative ease of handling informal separations and the rigid legalities that bind married couples.

Ako yung nag ha-handle ng Women Welfare Program. So, ibig sabihin, lahat ng tungkol sa kababaihan. Ang problema, VAWC, and WEDC. Ako rin yung focal person ng trafficking in person ng women, and child custody pati child support. With regards to your marital conflict, kami ang registered pre-marriage counselor. So lahat ng ikakasal na 25 years old below, kailangan mag undergo ng marriage counseling. As per family code iyon, so prerequisite requirements iyon sa pag a-apply ng marriage license. So, mag undergo sila ng pre-marriage counseling. And kami yung trained and registered na pre-marriage counselor. So siguro iyon ang mga na encounter namin kasi family and community iyon. Women, family, and community. Ang mga isang problema kasi kapag may mga conflict, actually dito halos everyday ang conflict. Kapag naghiwalay, naghahabol ng suporta, naghahabol ng kustodiya. Yan yung mga common na na-encounter namin dito. Ang lagi naming tanong is whether you're either married or living together lang. Mas madali kasi i-handle kapag hindi kasal. Unlike doon sa mga kasal. Kasi sa mga kasal, may legalities. Unlike sa mga hindi kasal, tinitingnan namin, wineweight din namin. Pero it doesn't mean naman na ... may mga contributing factors din kami kapag nag a-assist ng mga marital conflicts.

The informant notes that the "legalities" inherent in marriage often complicate rather than resolve domestic disputes. While social workers weigh various contributing factors to assist couples, the statutory permanence of marriage creates a higher procedural hurdle for families in crisis compared to those in common-law arrangements. This highlights a paradox where the law mandates counseling to enter a marriage but provides few accessible avenues for those trapped in high-conflict unions.

Psychosocial Support Mechanisms

To address domestic friction, the CSWD utilizes a localized approach involving home visits and multi-layered counseling. The informant explains that while interventions ideally begin with the couple, the presence of children or the involvement of extended kin often necessitates a transition to family-wide counseling to mitigate the broader impact of the marital breakdown.

First, yung counseling namin, we do home visit. Kapag may problems sila, nagpapaschedule sila ng counseling. Pero minsan, sinsama na rin yung relative, in-laws, yung mga immediate, kapag kailangan. Pero as much as possible, within the couple muna kasi yung inaano namin. Pero kung kasama niya rin yung mga anak, involved na yung mga anak doon sa away, then we do family counseling.

This programmatic response underscores the "ripple effect" of marital conflict, where the lack of a formal dissolution mechanism forces social workers to manage not just two individuals, but an entire support system. The reliance on counseling as a primary tool suggests that the state's current response is focused on behavioral management rather than legal resolution.

Legal Entanglements in Property, Custody, and Third-Party Liabilities

The informant distinguishes the challenges faced by legally married couples from those in informal unions, particularly regarding property division and criminal liabilities. While informal partners focus primarily on visitation and support, married couples face the added burden of laws governing "third-party involvement," such as adultery or bigamy, which further complicates the separation process.

Actually, kung ang pag-uusapan yung sa mga legally married, siyempre ang mga na-encounter namin dito is yung hatian ng mga properties, kung saan mapupunta yung mga bata, mostly ayan yung mga nagiging problema. Yung iba naman, yung support, kunwari nag hiwalay. Hinahabol din nila yung support. Same thing sa mga hindi kasal. Ang pagkakaiba nila kasi, kapag sa mga property or aside doon, yung mga kakasuhan for third party involvement, syempre kapag legally married, may kaakibat na batas. Kung kakasuhan ba ng adultery, bigamy, unlike doon sa mga hindi kasal na naghiwalay o nagkaroon ng problema, ang inaabala nila is yung visitation rights, yung suporta, kasi iyon lang naman ang nagiging problema at kustodiya. Kung hindi kaya, hindi doon mapupunta yung bata. Pero mostly syempre yung batas, alam naman natin yung kaibahan niya doon sa mga kasal at hindi kasal. Pero mas mahirap kasi kapag doon sa mga kasal kasi may mga legalities

silang inaano eh, kaya nahihirapan kami sa mga legally married na couple yung nagkakaran ng problema tas lumalapit dito.

The implementer observes that the "legalities" of marriage often act as a double-edged sword; they provide a framework for property and criminal prosecution but simultaneously make the separation process significantly more adversarial and difficult to manage at the administrative level. This suggests that the current law's punitive nature toward "marital infidelity" can hinder the peaceful resolution of domestic breakdowns.

Marital Status and Statutory Barriers to Benefits and Parental Recognition

A significant consequence of the lack of formal dissolution is the difficulty separated-in-fact individuals face when availing of government benefits, such as those provided under the Solo Parent Act. The informant explains that while "abandonment" can be used as a category for eligibility, the requirement for certificates or proof of separation poses a challenge for those who are still technically "legally married," as the law struggles to categorize individuals who are socially solo but legally tied to a spouse.

Parang sa solo parent. Meron kasing category sila eh. So dapat hiwalay, may mga kukuha dapat ng patunay o mga certificate na kayo eh hiwalay. Yun yung siguro magiging problema sa pag avail. Hindi syempre sila makakapag avail ng solo parent kung legally married pa. Pero siguro meron kasi yung abandonment eh. May mga hindi naman yung solo parent ng certificate na abandonment. Siguro kapag iyon na yung issue nila, puwede sila mag fall sa mga abandoned partner, puwede sila mag avail. So far naman sa mga ibang services, kahit legally married pa pero separated na, siguro wala naman kami na eencounter na nahihirapan naman sa mga ibang serbisyo. Kasi both naman nabibigyan, may mga client din naman kaming lalaki, hindi lahat babae. It's so happen lang na mas siguro nabibigyan na natin yung mga kababaihan. May mga lalaki rin namang naabuso din naman. So, hindi naman siya nagiging hadlang, yung status nila.

Beyond social benefits, the rigid nature of the law extends to the legal identity of children born during a separation. Under the "assumption of the law," any child conceived while the mother is legally married is automatically attributed to the legal husband. Correcting these records to reflect biological reality involves a prohibitively complex process of DNA testing and legal appeals, placing a heavy burden on families who have moved on to new domestic arrangements.

Kung sila naman upon birth ay legally married, automatic naman iyon. Naka-apelyido kunwari kay father. So, hindi naman nagiging, wala pa akong na-e-encounter na ganun yung mga nagiging problema. Nangyayari lang iyan, doon sa mga hindi kasal. Kasi may mga iba, nung okay sila, kunwari, naka apelyido. Meron ako kanina lang, okay sila, nung nag hiwalay na, pinapatanggal na yung apelyido ng lalaki kasi nagkahiwalay na kaya lang inilaban nila na hindi ilagay mo pa rin. Unlike sa mga legally married na kapag kasal kayo tas na-conceive na ang naipanganak na, automatic naman iyon in the government. Ayun yung ina-assume ng batas, makakabuo ka ng anak within the marriage. Technically, yung mga iba na mga, siguro ang problema is gusto maghabol ng other family. Pero ang automatic iyon ang nilalagay na apelyido yung kapag married na kayo. Kasi diba kapag nanganak ka, hinahanap yung marriage certificate, tapos siyempre ilalagay yung apelyido doon. Automatic na yung sa tatay yung gagamitin. Kapag hindi naman kasal, automatic sa father pa rin, pero yung iba naman sa mother yung nilalagay. Dati kasi kapag hindi kasal dapat sa mother pero nabago kasi iyon kaya puwede ng sa tatay iapelyido. Ngayon kasi kapag legally married ka tapos nabuntis ka ng iba, ipapangalan parin iyan sa kung saan ka kasal. Way back 2011 to 2016 kasi adoption yung hawak ko, so yung mga na-e-encounter namin kapag nagkakaroon ng dialogue together with the civil registry office. Sabi ko, ah kahit pala kapag nabuntis ka ng iba pero legal in marriage ang ilalagay pa rin apelyido ng asawa ko. So kapag nag appeal about doon, ang magiging problema, ibig sabihin, technically naman, nagkaroon ng pagkakasala. Ma a-annotate naman iyon, mag a-appeal ka, kaya lang magiging problema doon naman sa legal husband, kasi kasal ka doon eh tapos nag ano ka sa iba. And para mo mapatunayan iyon, kailangan mo mag undergo ng DNA testing. Dapat papayag yung mga parents na mag undergo ka.

Economic Coercion and the Predicament of the Vulnerable Spouse

Perhaps the most significant challenge identified by the informant is the "support predicament." Many spouses, primarily wives, find themselves unable to leave failed or abusive marriages because they cannot sustain their children's expenses or schooling independently. The threat of losing financial support acts as a form of economic coercion that prevents legal separation, forcing individuals to remain in dysfunctional environments for the sake of survival.

Siguro yung ako ha, personally, yung support. Kasi minsan, lalo na kapag ngayon kasi alam naman natin kapag naghiwalay, syempre okay kapag nag hiwalay ka, suportahan mo iyan. Or ikaw bahala diyan, iyon yung mahirap na naeencounter ko. Meron din akong recent case, legally married pero hindi nakipag hiwalay. Parang nag rest lang siya for a month, tapos nung bumalik siya, nung nakipag usap siya. Sabi ko "ano, hiwalay na ba kayo?", sabi "hindi ma'am nakipag balikan ako kasi walang magbabantay sa bata, at yung expenses." so yung support, kahit na may trabaho siya, kasi sabi ng asawa niya kapag umalis ka dito, sagot mo na iyan lahat. So since siya, nagsisimula pa lang mag work, financially medyo nakakaano pa. Laging suporta yung pinoproblema nila kapag nakikipaghiwalay kasi iyon yung sinasabi nila "Ma'am pano kapag nakipag hiwalay ako pano yung suporta?". Yun yung laging problema para sa mga kasal. Kahit nga sa mga hindi kasal, "Ma'am kapag nakipag hiwalay ako baka d na magbigay yung asawa ko", syempre lalo na kung kakasuhan pa nila lalong magagalit yung pamilya. Yun yung mga nagiging predicament ng mga wifi na nakikipag hiwalay, legally ah. Kasi may mga iba namang hindi kasala na talagang hinahabol lang nila, suporta talaga. Pero sa mga legally married, isa iyon sa mga nagiging problema nila. Hindi na nga nila hinahabol yung ibang property eh. Yung inaano lang nila yung pang sustain nila, yung schooling ng mga bata.

The implementer's observation confirms that for many, the "sanctity" of marriage is maintained not by choice, but by the necessity of survival. The current legal system fails to provide a mechanism that guarantees immediate and sufficient support upon separation, effectively trapping vulnerable individuals in dysfunctional unions where they must choose between their personal safety and their children's financial security.

The Limits of State Intervention

The informant clarifies that while the CSWD provides essential psychosocial services, such as counseling, psychological referrals, and coordination with livelihood programs, they lack the "teeth of the law" required to finalize marital dissolution. Administrative mediation at the social welfare level has inherent limits, particularly when one party refuses to cooperate or when the situation involves severe abuse.

Ang magagawa namin is more on counseling referral. Hindi lang naman economic ang naging problema niyo sa asawa niyo. Psychological kasi may ginagawa sa kaniya na abuse. Bukod sa pera, may abuso pang psychological sa kaniya. So nirerefer namin sila sa mga individual na mga professionals tulad ng psychologist, psychiatrist na puwedeng mag assist. Iba naman sa livelihood project, mga ganun o nakikipag coordinate kami sa ibang social worker baka may mga project sila kunyare mga livelihood program na sila yung puwedeng maging priority, beneficiary. So ganun lang, referrals and counseling. Ganun lang naman mostly aside nalang kung inabuse sila ah. And right now kasi meron tayong bagong bukas, bagong tayo na Mandaluyong City Protection Center for Women and LGBTQ, kung saan yung mga may kailangan ng temporary shelter, ay nag iistay doon. Simula January hanggang ngayon meron na kaming isang client na na refer doon at eventually na return to family sa benguuet, mountain province. So iyon yung mga programang nabibigay namin sa ngayon.

Consequently, cases involving violence covered under RA 9262 or persistent disputes over support must ultimately be referred to the judiciary. The informant notes that the CSWD acts as a bridge, but when office interventions prove ineffective, the matter must be elevated to a court that possesses the authority to issue legally binding orders or grant legal separation. This highlights the gap between immediate social support and the need for a final legal resolution that social welfare offices cannot provide.

No, iyan talaga is support pa rin talaga iyan. Kapag mga cases na talaga na kunwari, hindi na, kasi ganoon ang system kasi, kapag hindi na ayos sa barangay, tapos, dinudulog iyan sa city o sa city social welfare. Dito kapag mga VAWC cases, nasa batas iyan sa Republic Act of 9262. Hindi puwedeng immediate ang VAWC ng 9262. So, automatic sa korte iyan. So kapag usapang supporta lang, pero hindi VAWC, civil case lang na support, ina-assist iyan. Pero dito sa opisina namin, kapag nagkaroon ng pag-uusap tapos hindi sumunod, papatawag ulit. Pero kapag laging nangyayare baka hindi na epektibo yung opisina namin, baka may mas mataas na. Irerefer namin iyan sa korte na kasi sila yung puwedeng mag utos, kumbaga yung may ngipin ng batas, kumbaga sila yung magsasabi kung magpapawalang bisa o kaya bibigyan ng legal separation. Pero dito saamin, kung mapag uusapan lang, na hindi na aabot ng korte pero kapag kailangan korte parin talaga.

Cultural Traditionalism and the Erosion of Respect in the Family

The informant reflects on the persistent cultural preference for "complete families," rooted in the belief that only death should part a couple. However, the implementer challenges this traditionalism by pointing out the toxic atmosphere of high-conflict homes, where constant verbal and physical abuse erodes the very respect that the family institution is supposed to represent, ultimately traumatizing the children who witness the normalized violence.

Medyo nandun pa rin tayo sa medyo traditional na ano, ayaw makipag hiwalay for the sake ng family, sa mga anak. So nag stick pa rin sila doon sa kumpletong family. So iyon pa rin yung malaking factor. Plus, siyempre, yung lagi na kamatayan lang yung magpapahiwalay. So ganun pa rin yung konsepto na hanggang sa huli. Pero hindi naman lahat. May mga ibang na bbreak na rin yung ganong pag-iisip. Open sila sa idea, kasi unang una, ako hindi ako pro sa kung ano man pero kung pipilitin mo mag sama, tas everyday nag mumurahan, nawawala na ang respeto sa pamilya. Hindi lang sa inyong mag-asawa, pati na sa buong pamilya. Nakikita ng mga anak mo, normal lang ba na kahit magsama kayo, nag mumurahan kayo, nag-aaway kayo, nagsasakitan kayo, normal nalang pala iyon. When asked if the legislation of divorce would facilitate the protection of rights, the informant acknowledges the deep impact of one's "upbringing" and belief in the sanctity of marriage. However, the implementer concludes that since someone, usually the vulnerable spouse or child, inevitably "loses" in an abusive household, the state must prioritize what is "right for the majority" and provide a pathway for those whose safety and dignity are being sacrificed to maintain a legal facade.

Minsan kasi nagmumula din kasi kung ano yung kinalakihan mo. kung ang paniniwala niyo sa kasal is sagrado, yung kasal is matibay, siguro naman hindi na. Nandun na rin kasi yung tanong sa kung paano ka, ano yung upbringing mo, pero kasi at the end of the day, lagi kasing may natatalo, kaya kailangan parin mamili niyan. Kahit sabihin mo na kawawa naman itong ano, laging naaabuso, ayaw pa rin makipag hiwalay, pero iwe-weight mo pa rin. Kapag iniwan naman, pano yung pamilya? Magiging ano nalang talaga siguro yung kung ano yung tama para sa kalahatan.

Strategic Frameworks for Strengthening Philippine Marital Dissolution Laws

This theme interrogates the specific legislative mechanisms and institutional interventions required to bridge the gap between the Philippines' domestic legal framework and its international treaty obligations under the CEDAW and ICCPR. By synthesizing expert perspectives, it maps out a multi-tiered strategy for reform, ranging from preventative pre-marital preparation, Family Code amendments, and to the enactment of an absolute divorce law. Ultimately, the theme identifies a pathway toward a rights-responsive legal environment that prioritizes individual dignity, socioeconomic inclusivity, and the substantive protection of the family in a modern context.

Table 9 Thematic Mapping of the Strategic Frameworks for Strengthening Philippine Marital Dissolution Laws

Master Themes	Corresponding Initial Codes	Exemplar Quotes
Prioritizing	● Pre-Contractual	"...dapat natin ipush more than the divorce or more than

Preventive Measures through Pre-Marital Preparation	State Regulation ● State-Mandated Marital Vetting	the dissolution of marriage is the preparation for the marriage itself..."
Legislative Reform through Family Code Amendments	● Incremental Statutory Optimization ● Intra-Systemic Policy Adjustment	"We have a number of proposed bills or amendments... may catholic annulment and then kailangan naming iamdeng yung mga pag avail sa legal separation... Amendments ang pinakapossible..."
Enactment of a Divorce Law with Institutional Safeguards	● De-judicialized Rights-based Pathways ● Statutory Safeguards & Risk Insulation	"Mas prefer ko na mag enact din tayo ng batas on divorce... Yung grounds, mas madali and hindi ganoon kaproseso kasi hindi na dadaan sa judicial proceedings...na napakatagal" "...pupwedeng niyang ulit-ulitin ang pag avail ng divorce pero puwede naman iyon malagyan ng remedy..."

Prioritizing Preventative Measures through Pre-Marital Preparation

From the perspective of the Catholic Church, strengthening the family unit begins with the rigor of the entry process. By prioritizing comprehensive pre-marriage preparation over the legislation of dissolution, the state and religious sectors aim to address the root causes of marital failure before the legal bond is even solemnized.

The problem and the isa sa dapat natin ipush more than the divorce or more than the dissolution of marriage is the preparation for the marriage itself. You have to look back on the preparation, baka naman kasi one week lang kayo and then nagpakasal na kayo kasi masaya. And you end up after having children and being with each other for 10 years, and then you realize 'hindi pala siya yung pinakasalan ko' precisely. Hindi kayo nag-usap ng mabuti at nagkakilala ng mabuti. (Catholic Church Leader)

The informant suggests that many marital crises are the result of insufficient discernment and hasty unions. This perspective reveals that institutional stakeholders view "strengthening the law" as a preventative strategy, fortifying the marriage's foundation through mandatory, high-quality counseling. Such an approach demonstrates that institutional stability is best achieved by ensuring couples are psychologically prepared for the union, thereby reducing the long-term demand for dissolution mechanisms.

Legislative Reform through Family Code Amendments

In the absence of a comprehensive divorce law, amending existing statutes is identified as the most pragmatic and immediate pathway for reform. This strategy focuses on revising the Family Code to address the procedural bottlenecks of annulment and nullity, making them more responsive to the socioeconomic realities of the masses.

We have a number of proposed bills or amendments to the following: Merong annulment of marriage, may catholic annulment and then kailangan naming iamdeng yung mga pag avail sa legal separation. Kailangan irevise namin so may mga bills na pending sa amin to amend the family code. Amendments ang pinakapossible na mag address ng ating annulment of marriage problems. (Policy Expert)

The informant highlights that legislative amendments are the most feasible tools for rectifying current judicial inefficiencies. By updating provisions for legal separation and recognizing "Catholic annulments," the state can provide interim relief while balancing religious values with human rights standards. This incrementalism serves as a strategic middle ground, utilizing existing legal machinery to solve "annulment problems" without immediately triggering the political volatility associated with absolute divorce.

Enactment of a Divorce Law with Institutional Safeguards

Despite the viability of amendments, the enactment of an absolute divorce law remains the most comprehensive mechanism for aligning domestic law with international standards. This reform is viewed as

essential for removing procedural blockages and providing a dissolution process that is both accessible to the masses and respectful of individual autonomy.

Mas prefer ko na mag enact din tayo ng batas on divorce kasi maraming gustong mag avail nito. Unang-una, yung grounds, mas madali and hindi ganoon kaproseso kasi hindi na dadaan sa judicial proceedings na katulad sa annulment of marriage na napakatagal na proseso... Kaya lang ang mahirap sa atin, yung term na divorce, iyon yung kinontra. (Policy Expert)

The informant points out that divorce is preferred because it offers simpler grounds and bypasses the years-long, adversarial judicial proceedings required for annulment. Regarding concerns of potential abuse, the informant suggests that the law can be strengthened through specific safeguards:

Kapag may naapprove na raw na divorce sa atin anybody can avail and then kunwari isang couple na nag avail na ng divorce pupwedeng niyang ulit-ulitin ang pag avail ng divorce. Pero puwede naman iyon malagyan ng remedy, kunyari bibigyan lang siya ng one or two chances na makaavail noon, iyon ang isang remedy. Kapag sinabing divorce, negative kaagad ang tingin sa kanya. (Policy Expert)

These insights suggest that strengthening the law requires a shift from "defect-based" nullity to a "rights-based" divorce framework. Adopting such a model would allow the state to address cultural anxieties through legislative limits, such as a "two-chance" cap and others, while creating a law that is receptive to the needs of the Filipino family and compliant with international human rights norms.

Interpretation Of Data

Legal Framework and Judicial Mechanisms for Marital Dissolution in the Philippines

The analysis of the Philippine legal system reveals a highly stratified legal landscape where access to marital dissolution is transformed from an individual right into a costly privilege that reinforces structural inequalities. By defining marriage as a "special contract of permanent union" and an "inviolable social institution" under Article 1 of the Family Code, the state strongly enforces its exclusive regulatory power and monopoly over defining and ending civil status. Jurisprudential benchmarks such as *Republic v. Dayot* rule that any deficit in an essential marital requirement automatically invalidates a marriage *ex tunc* (from the beginning), eliminating judicial discretion or deep factual equity inquiry. This strict legal approach is further protected by *Tilar v. Republic* and *Maliwat-Melad v. Melad*, which affirm that statutory grounds for absolute nullity are completely mandatory and cannot be expanded through judicial equity. Furthermore, cases like *Aranes v. Occiano*, *Vitug v. Abuda*, and *Abbas v. Abbas* reinforce that the lack of a marriage license is a fatal administrative flaw that cannot be cured by long-term cohabitation or good faith. From a critical framework, this unyielding structure functions as a form of state-imposed moral paternalism and institutional over-formalism. Scholars like Reyes (2022), Cruz (2024), and Respicio (2026) argue that prioritizing bureaucratic registration over substantive relationship capacity pushes informal, socially recognized partnerships into legal invisibility. Moreover, technical rules on who can solemnize marriages are heavily criticized by Rivera (2021), Dela Cruz (2023), and Santos (2020) for causing geographic exclusion, punitively penalizing remote or rural populations who lack access to official state offices.

The structural demands of absolute nullity are compounded by a state-enforced mandate that turns marital freedom into an elite resource, trapping subaltern populations in legal limbo. Articles 35(6) and 40 strictly require a final judicial declaration of nullity as a non-negotiable prerequisite before an individual can remarry, a rule heavily guarded by the courts in *Nollora v. People*, *Terre v. Terre*, and *Mercado v. Tan*. Entering a subsequent union without this state approval activates criminal bigamy charges where, as established in *Beltran v. People*, subjective good faith is no legal defense against state punishment. Critics like Dela Peña (2023), Reyes (2020), and Santos (2022) frame these mandatory decrees as artificial administrative barriers and government bureaucracy that value abstract doctrinal consistency over fundamental fairness and human safety. This commercialized legal avenue is strongly criticized by the Philippine Commission on Women (2020), which demonstrates that the lack of an absolute divorce law turns remaining legal remedies into an

elite privilege costing hundreds of thousands of pesos and requiring years of litigation, effectively pricing low-income groups out of civil recognition. Furthermore, the ongoing absence of divorce leads to significant evidentiary instability and a de facto weaponization of the law. Under Article 36 (Psychological Incapacity), the judiciary shifted from strict medicalized guidelines to a relaxed standard in *Ngo Te v. Yu-Te* and *Marcos v. Marcos*, culminating in *Tan-Andal v. Andal*, which reclassified psychological incapacity as a purely legal-interpretive paradigm rather than a medical pathology. Analysis by Cruz (2024) and Reyes (2023) exposes this subsystem as volatile and uneven. Garcia (2022) highlights that chronic legislative inertia regarding absolute divorce forces couples to strategically over-psychologize ordinary friction, distorting personal histories to use Article 36 as a structural substitute for divorce.

This rigid statutory scope proves largely outdated when addressing modern family structures and non-physical coercion, while imposing punitive property penalties that devastate vulnerable domestic dependents. Rulings like *People v. Manzano*, *People v. Ignacio*, and *Republic v. Albios* limit mistake strictly to physical identity, completely ignoring modern deceptions and what Garcia (2024) and Navarro (2022) describe as a "digital deception gap" that fails to protect against cybernetic fraud. Similarly, cases such as *Supapo v. De Jesus*, *Sempio v. CA*, and *Belarmino v. Besolo* enforce absolute marriage bans across collateral, affinity, and adoptive lines. Critics like Bautista (2020), Reyes (2022), and Cruz (2024) challenge this normative symmetry for prioritizing bureaucratic legibility over personal autonomy in blended or adoptive lines. When a marriage is dissolved, the legal system enforces forceful state extractions and harsh property penalties to punish bigamous or bad-faith structures, as seen in *Agapay v. Palang* and *Arcaba v. Tabancura*. Articles 43 and 44 mandate an automatic, non-discretionary revocation of property donations, testamentary gifts, and insurance beneficiary designations under mutual bad-faith conditions. This liquidation system is criticized by Sempio-Diy (2019) and Pineda (2020) for favoring abstract institutional sanctity over individual labor, stripping spouses of economic security built via community efforts. Sta. Maria (2022) details how these rapid property forfeitures trigger a deep due process deficit, causing prolonged, litigious warfare between heirs. Ultimately, as Balane (2025) and Pineda (2020) condemn, this blind rigidity inflicts severe collateral damage, punishing manipulated or vulnerable parties as severely as the primary instigators while financially devastating blameless children.

A parallel examination of Article 45 (Annulment) reveals a framework governed by age anachronisms, binary medicalization, and a severe structural blindness toward non-physical abuse. The law enforces a special contract standard where the state's regulatory interest attaches at execution, yet under the cleansing doctrine, free cohabitation after reaching the age of majority ratifies a voidable contract, prioritizing institutional continuity over an initial deficit in consent. This strict timing is heavily criticized by Reyes (2021) for its temporal inflexibility, assuming a sudden transition to full decision-making capacity at age twenty-one while completely ignoring gradual developmental psychology. Furthermore, under the temporal soundness rule, cognitive incapacity or insanity must exist at the precise micro-moment of the wedding ceremony to yield valid grounds for relief. The family court enforces a heavy sanity presumption threshold, requiring the petitioner to provide clear and convincing past psychological evidence to prove the complete absence of a lucid interval. Dizon (2022) frames this retrospective evaluation as an artificial legal fiction that fails to map the fluid and fluctuating realities of mental health, while Reyes (2024) exposes it as a commodified resource where reliance on expensive medical experts creates class stratification, leaving low-income litigants invisible. This institutional rigidity is mirrored in the narrow scope of marital fraud established by *Aquino v. Aquino* and *Anaya v. Palaroan*, which rule that concealing prior marriages or relationships does not legally affect consent. Delos Santos (2022) and Navarro (2021) challenge this formalistic checklist for ignoring devastating real-world deceptions and relying on ambiguous moral norms. Under the implied waiver mandate, continuing to live together after discovering fraudulent acts is an automatic waiver of legal relief. Asymmetrical power dynamics analyzed by Villanueva (2022) and Garcia (2021) demonstrate that treating constrained cohabitation as ratification ignores economic dependencies and inflicts secondary harm on victims who remain in the home as a survival strategy.

This institutional blindness extends to non-physical coercion and the temporal pathologization of health within annulment proceedings. Under the overpowered will metric, the court sets an exceptionally high standard that requires proof of overt physical force or intimidation, which Mendoza (2021) and De Leon (2023) critique as a structural blind spot toward covert psychological domination, emotional manipulation, or private economic

control. The cessation ratification rule wrongly assumes that a victim can pinpoint the end of force, completely ignoring the cyclical coercion model where abuse routinely persists in invisible, continuous forms. Similarly, benchmarks like *Jimenez v. Cañizares* and *Alcazar v. Alcazar* mandate permanent, incurable physical incapacity or serious sexually transmitted diseases (STDs) at the time of marriage as strict predicates for relief. Human rights and public health perspectives by Lopez (2021), Ramos (2023), Fernandez (2022), and Bautista (2024) argue that this text pathologizes individuals, reinforces social stigma, and creates an evidence bias that privileges tangible physical traits over highly destructive emotional breakdowns. It also leaves healthy partners in a legal vacuum and ongoing health risks if a disease is acquired post-ceremony. To worsen matters, procedural bottlenecks heavily delay post-annulment relief. The state intervention safeguard requires a prosecutor's appearance to prevent collusion, which Reyes (2022) frames as an administrative roadblock that causes immense delays and traps families in financial instability. Furthermore, as shown in *Valdes v. RTC*, the immediate mandate for the delivery of presumptive legitimes creates a severe coordination issue between civil and property registries, leaving unrecorded judgments completely ineffective against aggressive creditors.

Finally, the content analysis of Legal Separation (Articles 55-63) exposes a system of biopolitical governance that enforces a strict "hierarchy of suffering" and identity-based statecraft. Restricting matrimonial relief to the bed-and-board doctrine allows physical parting but leaves the structural marital bond indissoluble, prioritizing abstract institutional durability over individual human security. Under *Ong Eng Kiam v. Ong and Go v. Go*, the state requires an exceptionally high threshold, forcing victims to prove a "miserable, hellish, or hostile" environment through an aggregate of behavior. This is reinforced by the repeated violence standard and the ruling in *Abarquez v. People*, which relies heavily on empirical documentation to substantiate domestic friction. Critical reports by the Philippine Commission on Women (2025), Reyes (2022), and Santos (2024) expose how these rules demand a commodified access to justice and establish a classist "hierarchy of suffering" that punishes isolated, rural victims who lack a formal paper trail due to fear or geographic isolation. Under the overt force rule, the state's gaze successfully targets macro-infractions but suffers from blind panoptic spots regarding intimate terrorism and micro-oppressions. Cruz (2024) and the University of the Philippines (2025) argue that because psychological manipulation and gaslighting leave no physical marks, they devolve into unresolvable "he-said-she-said" deadlocks under cases like *Estrada v. Escritor* and *German v. German*. This institutional framework is heavily saturated with heteronormative statecraft, where the status-based ground rule codifies the mere "discovery" of non-heteronormative orientation as an independent fault-based ground. Rulings like *Almelor v. RTC* and *Falcis v. Civil Registrar General* textually categorize LGBTQ+ identity alongside behavioral pathologies (such as substance addiction and habitual alcoholism), which Bautista (2020) and Cruz (2024) condemn as institutional prejudice that violates global non-discrimination regimes.

To enforce this temporal discipline and moral paternalism, the state implements carceral logics over therapeutic justice. Enforcing a static fault standard that prioritizes a criminal conviction or treats substance addiction as a moral fault is heavily challenged by Reyes (2022), Cruz (2024), and the UP Center for Integrative and Development Studies (2025) for ignoring public health models, destroying re-entry support systems, and double-penalizing dependent family units. In cases like *People v. Pimentel* and *Garcia v. Garcia*, the court enforces a strict cessation of cohabitation based on objective faults. However, as noted by the Philippine Commission on Women (2025) and Cruz (2024), legal standards for proving infidelity reflect deep gender biases that place a heavier, asymmetric evidentiary burden on female petitioners. This paternalistic coercion is explicitly codified in Article 58's mandatory cooling-off window, which imposes a strict six-month delay before trial proceedings can commence. The Philippine Commission on Women (2025) frames this cooling-off period as a coercive instrument that paternalistically dismisses a domestic abuse survivor's flight as a transient impulse, while ignoring the "delayed disclosure" phenomenon common among trauma survivors. Finally, absolute statutory bars in the Family Code mandate the complete denial of petitions if there is any evidence of condonation, consent, or connivance, while cases like *De Leon v. De Leon* and *Republic v. Molina* enforce a strict five-year prescriptive limit. This rigid system of deadlines and absolute bars ultimately serves to limit personal freedom and maintain a state-enforced, preservation-at-all-costs philosophy over human rights.

Alignment of Domestic Laws with International Human Rights Treaties

The research provided highlights a profound jurisprudential friction between the Philippine legal system's commitment to marital "inviolability" and the individual rights guaranteed under the International Covenant on Civil and Political Rights (ICCPR). While ICCPR Article 23(4) recognizes dissolution as a valid phase of marital life, Article 1 of the Philippine Family Code defines marriage as an "inviolable social institution". A critical finding by the study of Daytec-Yañgot argues that this constitutional protection should not be interpreted as an express or implied prohibition of divorce; rather, dissolving unions where vows are routinely breached is necessary to preserve the true sanctity of marriage. Daytec-Yañgot contends that the current "gaping hole" in the law legitimizes unions that debauch the very institution serving as the provenance of love and protection. This phrasing prioritizes institutional preservation over personal autonomy, often trapping individuals in harmful unions.

This friction is exacerbated by a mechanism gap. Under the current domestic framework, the "right to dissolution" is replaced by limited options such as Annulment and Declaration of Nullity, which focus solely on defects present at the start of the contract. While Legal Separation (Article 55) allows spouses to live apart, it explicitly maintains the marital bond, preventing individuals from achieving a "clean break". This lack of a true dissolution process marks a clear departure from the standards of equality promised by the ICCPR.

The data further highlights a misalignment with CEDAW Article 13 regarding the "right to family benefits". In the Philippines, because legal separation does not sever the marital bond, economic benefits remain legally tethered to the "registered spouse". This structural barrier is underscored by the findings of Ricker et al. (2023), who emphasize that economic empowerment and support are essential to make dissolution a functional possibility. Their research indicates that post-dissolution life is heavily influenced by the ability to find employment; women who can support themselves report higher levels of well-being, while those who struggle economically are often forced into remarriage. Ricker et al. argue that educational and economic opportunities must be supported by livelihood skills training and childcare programs to bridge the gap between international social protection goals and domestic marital permanence. This inequality is mirrored in property administration, where Articles 96 and 124 grant the husband's decision prevalence, forcing wives to undertake the procedural burden of litigation to exercise economic agency.

A paradox of consent emerges when comparing procedural validity with substantive autonomy. Under Article 2 of the Family Code, consent is treated as a one-time, procedural requirement met at the altar. However, Ricker et al. (2023) argue that the right to freely and consensually choose one's partner requires a "complementary and converse right: to choose when and how to end a partnership". Without access to divorce, marriage violates the right to make autonomous decisions that ensure personal well-being. In contrast to the Philippine model, CEDAW Article 16(1)(b) views "free and full consent" as a continuous human right throughout the marital lifecycle. By making initial consent irrevocable, Philippine law effectively terminates a spouse's legal agency at the moment of marriage.

Finally, the research identifies a structural-functional divergence regarding the rights of the child under the CRC. While the Family Code fulfills the duty to register identity, it institutionalizes birth-based discrimination through labels of "legitimacy". According to Magalang (2025), the sole criterion of legitimate or illegitimate birth is not a rational basis for legal classification and violates the equal protection challenge. Magalang argues that the disabilities suffered by children born outside of wedlock are products of "legislative inertia" and tradition rather than compelling state interests. Because such discrimination touches on "basic civil rights," Magalang posits that once filiation is established, no other condition should be imposed on a child to enjoy their constitutional rights. By ratifying the CRC, the Philippines assumed an affirmative obligation to protect children against all forms of discrimination; failing to re-examine these classifications violates the principle of *pacta sunt servanda*.

This misalignment extends to custody standards. While the Principle of the Best Interest of the Child (BITC) is intended to supersede other doctrines, its application in the Philippines remains "bereft of specific and established guidelines". Consequently, as noted by Paquibut & Malaya (2025), courts often rely on the more rigid "tender years' doctrine" as a default application of the BITC. Under Article 213 of the Family Code, custody of children below seven years old is automatically granted to the mother based on the assumption that

they need "natural nurturing care". This reliance on fixed mechanical age and gender assumptions creates a subjectivity of judgment where two cases with similar facts may be decided differently, potentially replacing the personalized "best interests" standards required by the CRC with traditional age-based mandates.

The overall alignment of Philippine domestic law with international human rights law remains fragmented and structurally non-conformant. While the Philippines is a signatory to major treaties like the ICCPR, CEDAW, and CRC, the domestic legal framework—anchored in the Family Code—prioritizes the preservation of the marital institution over the substantive rights of the individuals within it. As supported by the studies of Daytec-Yañgot, Ricker, et al., Magalang, and Paquibut & Malaya, this "compliance gap" is most evident in the absence of a rights-based dissolution mechanism, the lack of economic support systems, the institutionalization of birth-based discrimination, and the mechanical application of custody doctrines.

Analyzing this legal friction through the macro-level lens of International Relations (IR) theory, specifically Liberalism and Constructivism, illuminates how global human rights norms actively influence and contest national legislation (Griffiths, 2019). Liberalism posits that a state's compliance with international standards is driven by domestic political structures and societal groups; in this context, civil society and legal advocacy groups function as a "transmission belt," lobbying to harmonize local statutes with global benchmarks and leveraging international commitments to challenge conservative status quos in local courts (Moravcsik, 2020; Jacob, 2025). Conversely, Constructivism suggests that this legislative friction represents a profound struggle over the very identity of the Philippine state. The nation finds itself caught between internal, traditional religious resistance and a desire to internalize global rules to maintain its standing as a modern, civilized member of the international community (Pohjolainen, 2021; Ezer, 2023).

Ultimately, this interaction between international pressure and internal cultural pressures acts as a catalyst for legislative reform (Melitante, 2026). By shifting the focus from individual subjective experiences to the state's role as a duty-bearer in the global arena, IR theory underscores the fundamental responsibility of the Philippine state under *pacta sunt servanda* to provide legal remedies that meet the minimum standards of protection expected by the international community (Ricker et al., 2023). Consequently, while the Philippine legal system currently fulfills procedural requirements but fails to meet the substantive threshold of protecting continuous agency and dignity, the ongoing call for a rights-based reexamination of marital laws serves as a crucial mechanism for bringing domestic policy into alignment with global benchmarks.

The Multifaceted Consequences of Limited Marital Dissolution

The study reveals a highly stratified legal landscape in the Philippines, where access to marital dissolution is transformed from a universal right into a costly privilege that reinforces structural inequalities. Legal freedom remains heavily contingent upon economic resources, procedural accessibility, and clientelist networks. Participants established that the minimum baseline cost for this process is approximately ₱150,000, noting that access to clientelist networks significantly eases the navigation of an otherwise labyrinthine system. This steep financial threshold forces low-income individuals into a precarious dilemma, compelling them to weigh personal legal relief against the sheer economic survival of their families. This socioeconomic barrier is strongly supported by Abalos (2017), whose work underscores that institutional mechanisms for union dissolution impose prohibitive economic and social costs on vulnerable populations.

The consequences of these limited mechanisms reverberate heavily across custodial dynamics, financial maintenance, and property division. These insights resonate with the findings of Abalos (2017), Agliam et al. (2024), and Engo et al. (2022), which collectively indicate that the legal ambiguities and unenforceable arrangements inherent in informal separations create profound vulnerabilities regarding custody, parental authority, inheritance, and property rights. Empirically, child custody predominantly falls upon mothers across both formal and informal groups, reinforcing traditional maternal norms. However, for the informal group relying on barangay mediation, these arrangements are highly volatile and dependent entirely on voluntary compliance—a fragility that highlights a critical lack of state-backed enforcement mechanisms. Financial maintenance is similarly unstable; support varies widely, with many mothers receiving little to no assistance.

Notably, formal and informal tracks share structural vulnerabilities: while formal arrangements often rely solely on a single party's compliance, informal agreements easily fracture under changing family dynamics, such as the formation of new families or shifting financial priorities. Consequently, mothers bear a disproportionate, long-term financial burden without state legal protections to compel paternal compliance. This systemic inequity extends to property division, where outcomes are sharply polarized; while some individuals strategically safeguard their assets, others suffer the unilateral loss of conjugal property. In the absence of accessible legal intervention and equitable enforcement, economically disadvantaged spouses face heightened risks of dispossession. This structural vulnerability is further emphasized by Amri (2022), who demonstrate that women—particularly single mothers—disproportionately navigate a compounding matrix of economic insecurity, cultural expectations, prohibitive legal fees, inconsistent child support, and complex asset division that intensifies their systemic marginalization.

Beyond material and structural hardships, the study uncovers a severe psychological burden among individuals legally bound to former spouses, juxtaposed with an urgent demand for administrative reforms to secure legal clarity and financial protection. Participants reported pervasive feelings of discomfort, shame, and emotional distress, demonstrating that the restrictive nature of Philippine marital dissolution extends far beyond bureaucratic hurdles to directly assault personal dignity and autonomy. This psychological toll echoes the work of Melitante (2026), who observed that the inability to cleanly sever legal ties transforms marriage from a sanctuary into a perpetual source of anger, resentment, and unhealed emotional trauma. Accordingly, participants view systemic administrative changes as a vital gateway to reclaiming autonomy, restoring a sense of agency, and redefining familial responsibilities post-breakdown. Reclaiming an independent legal identity thus emerges as a profound milestone that transcends superficial legal status; as Sagandoy (2025) emphasizes, restoring one's autonomous legal identity is a critical prerequisite for both emotional recovery and professional re-establishment. Conversely, the prolonged preservation of the status quo inflicts ongoing administrative and psychological harm, as evidenced by participants who experienced intense shame and systemic barriers when forced to present a former spouse's surname on official documents during job applications and government processes.

On a procedural level, the adversarial nature of annulment proceedings institutionalizes the distortion of personal histories to satisfy stringent legal benchmarks, effectively incentivizing fault-based narratives that transform private marital breakdowns into public character attacks. Characterized by high economic costs, this adversarial framework undermines fairness, mutual participation, and the truthful representation of domestic relationships, failing to serve as an equitable remedy for failed marriages. Furthermore, the strategic selection of geographically distant courts functions as a deliberate mechanism of procedural disenfranchisement. Because procedural accessibility is tied directly to wealth, financially advantaged litigants can exploit their resources to exert disproportionate influence over the proceedings. This domestic dynamic aligns with the global analysis of the Human Rights Watch International Report (2024), which notes that restrictive legal systems compel couples into hostile litigation where the absence of a mutual, no-fault exit forces the weaponization of private lives. This is further reinforced by Jose (2018), who conceptualizes the current system as an expensive, unequal "game of mud-slinging" that strips relationships of truth and reduces legal remedies to tools of financial and emotional attrition. Ultimately, geographical displacement codifies this inequality; as documented by the Women's Legal and Human Rights Bureau (2022), affluent parties frequently file cases in distant jurisdictions to deliberately bar economically vulnerable spouses from participating in their own dissolution proceedings.

In contrast to these prohibitive formal barriers, barangay-level mediation emerges as the most accessible mechanism for low-income individuals. Yet, while these localized bodies provide immediate, ad-hoc arrangements for custody and support, they lack the statutory authority to formally dissolve marital ties or legally enforce compliance. This reliance on the barangay highlights a stark systemic divide: socioeconomically disadvantaged families are routinely forced into legally fragile, informal arrangements, exposing a vast gulf between the theoretical existence of legal dissolution and its actual, practical accessibility. This reality aligns with the research of Engo et al. (2022) and Agliam et al. (2024), which confirms that the prohibitive costs and protracted timelines of the formal judiciary systematically deter marginalized families from seeking court remedies, compelling a reliance on precarious informal alternatives.

Institutional Perspectives on the Marital Dissolution in the Philippines

Religious Perspective

Marriage in the Philippines is framed by powerful institutional perspectives that emphasize permanence, sanctity, and obedience to divine will. The Roman Catholic Church, Iglesia Ni Cristo, and Islamic tradition each articulate distinct understandings of marriage, yet all converge on the idea that it is more than a social contract—it is a sacred vocation or covenant. These religious teachings, however, often stand in tension with international human rights frameworks that prioritize individual autonomy, continuous consent, and the dignity of all family members.

From the Catholic perspective, marriage is a vocation for sanctity, a deliberate act of self-giving that orients spouses toward God. It is understood as permanent because it is instituted by God, with its three ends: mutual respect, procreation, and education—forming the foundation of married life (Borowski and Lipiec, 2025). Dissolution through divorce is rejected outright, with annulment serving instead as a declaration that no valid marriage ever existed. The opposition also stems from the Church's view that marriage is a deliberate act of self-giving that orients spouses toward God. Allowing divorce would undermine this vocation by suggesting that the covenant can be broken when difficulties arise. In Catholic thought, marital struggles are meant to be endured and sanctified, not escaped through dissolution. Thus, divorce is seen as a threat to both the sacramental permanence of marriage and the moral responsibility of spouses to live out their vocation faithfully. This ontological framing highlights the Church's view that marriage cannot be undone once validly entered, even when dysfunction arises.

The Iglesia Ni Cristo similarly emphasizes permanence, grounding marriage in biblical authority. The union of Adam and Eve is treated as the normative model, establishing marriage as sacred and permanent. Because marriage is understood as instituted by God, its permanence is not open to human revision or dissolution. Any attempt to dissolve a marriage outside of what is prescribed in scripture is seen as a defiance of divine order. This perspective is reinforced by the INC's strict prohibition of cohabitation and premarital relations. Marriage is the only legitimate and protected space for intimacy and companionship, serving as both a spiritual safeguard and a moral boundary against immorality. Allowing divorce would undermine this protective function, as it would legitimize repeated dissolutions and weaken the moral discipline that marriage is meant to uphold. In INC teaching, permanence is not just about preserving the union but about ensuring obedience to God's will and protecting members from sin. Hence, the INC rejects divorce because it contradicts the belief that marriage is a lifelong covenant mandated by God. To permit divorce would be to suggest that divine commandments can be set aside when difficulties arise, which the INC views as incompatible with faithfulness to scripture. In this framework, marital struggles are to be endured and sanctified, not escaped through dissolution, making divorce fundamentally opposed to the INC's religious and moral vision of marriage.

Islamic teaching, codified in the Code of Muslim Personal Laws, presents a more pragmatic approach. Nikah is both a contract and a covenant ordained by Allah, with purposes including procreation and the attainment of tranquility. Unlike Catholic and INC teachings, Islam recognizes conditional permanence. While marriage is treated as a solemn and binding commitment, it is not absolute. The informant in your document emphasized that when tranquility ceases and irreconcilable differences arise, divorce is permissible. This acknowledgment reflects a realistic understanding of human relationships, where conflict and breakdown are seen as part of lived experience rather than failures of faith. In this framework, dissolution is not trivial but a legitimate recourse when the marital union no longer fulfills its intended purpose.

The requirement of witnesses in dissolution further underscores Islam's emphasis on communal accountability. The presence of parents or close relatives ensures that separation is conducted with fairness, deliberation, and transparency. This procedural safeguard discourages arbitrary or impulsive decisions, while also protecting both spouses from coercion or unjust treatment. It situates marital breakdown within a broader kinship network, reinforcing the idea that marriage and its dissolution carry social implications beyond the couple themselves.

By allowing divorce under structured conditions, Islamic law balances sanctity with lived realities. It preserves the dignity of individuals while maintaining respect for the institution of marriage. In this sense, Islam offers a pragmatic model: permanence is upheld as the ideal, but when harmony and tranquility can no longer be sustained, dissolution becomes a pathway to protect well-being and restore balance. This conditional approach demonstrates how Islamic teaching integrates spiritual values with human limitations, ensuring that marriage remains responsive to both divine purpose and social realities. (Shofa, 2024; Respicio & Co., 2025).

Taken together, Catholic and INC teachings reject divorce outright, framing permanence as obedience to divine will and sanctity. Islam, while upholding marriage as sacred, allows for dissolution under certain conditions, reflecting a more flexible approach. Together, these perspectives highlight the central role of religion in shaping Philippine attitudes toward marriage, where permanence is upheld as a moral and spiritual ideal, though interpreted with varying degrees of rigidity and pragmatism.

Legislative Perspective

The legislative perspective on marital dissolution in the Philippines reveals the structural and political barriers that have prevented the passage of an absolute divorce law, despite the country being the only secular state in the world without one. A policy expert from the Committee on Population and Family Relations underscores how the current legal framework is both elitist and inaccessible, with annulment costs ranging from half a million to one million pesos. This commodification of justice effectively discriminates against the poor, transforming the right to dissolve a failed marriage into a privilege reserved for the wealthy. As the expert highlighted how economic inequality intersects with marital breakdown. This finding is consistent with studies that argue annulment in the Philippines functions as a socio-economic filter, excluding indigent couples from accessing remedies and thereby violating international standards on equality and access to justice (Dayag, 2025).

The absence of divorce legislation creates a functional gap between public necessity and policy. Many couples who cannot afford annulment are forced into informal arrangements, such as “common law” partnerships or extramarital relationships. This legislative stagnation inadvertently encourages unstable family structures, undermining the very sanctity of marriage that lawmakers claim to protect. Research on marital dissolution trends in the Philippines confirms that the lack of accessible legal remedies pushes individuals into informal unions, which often lack legal protections for women and children (Blanco, 2025).

The expert identifies religious lobbying as the most significant determinant of legislative stalemate. The Catholic Church, representing roughly 80% of the population, exerts strong pressure on legislators, often persuading them to withdraw support for divorce bills. While lobbying is framed as a democratic right, its influence undermines the constitutional principle of separation of Church and State. This dynamic illustrates how political survival and doctrinal loyalty often supersede secular policymaking. Scholars have documented how religious institutions act as “gatekeepers” in Philippine politics, shaping legislative outcomes by mobilizing moral arguments and voter influence (Abalos, 2017; Bongoc, 2025).

Terminology itself becomes a barrier. The word “divorce” carries a negative connotation, with opponents arguing that legalization would lead to casual and repeated dissolutions. This stigma reflects cultural narratives that equate divorce with moral decline, despite evidence from comparative studies showing that divorce laws in other countries do not necessarily erode family values but instead provide structured remedies for dysfunctional unions. Blanco (2025) echoes this, citing SWS surveys (2017–2024) where 53% public support clashes with elite framing of divorce as “promiscuity enabler.”

Finally, the internal structure of Congress acts as a choke point. Bills must first pass the committee level before reaching plenary, but lobbying often kills proposals early. Even when bills reach plenary, the numbers game favors opponents, as legislators withdraw support under pressure from religious leaders. This procedural blockage silences public demand for reform, perpetuating legislative inertia. This dynamic reflects a broader pattern in Philippine policymaking, where committee-level gatekeeping and religious influence combine to stall progressive reforms (Dölek, 2025). In summary, the legislative perspective highlights how economic

exclusivity, religious lobbying, terminological stigma, and procedural blockages converge to prevent the passage of divorce legislation. This institutional environment reveals a disconnect between constitutional principles and lived realities, where political survival and doctrinal preservation outweigh the secular demand for human-rights-responsive reform. The result is a legal system that commodifies justice, privileges the wealthy, and leaves vulnerable families trapped in cycles of dysfunction and violence.

Social Welfare Perspective

The social welfare perspective on marital dissolution in the Philippines exposes the everyday realities faced by families and frontline workers who must navigate a system that lacks an absolute divorce law. Social workers, such as those in Mandaluyong City's Social Welfare and Development Department, are tasked with both preparing couples for marriage through mandatory counseling and managing the fallout of marital breakdowns. This paradox—where counseling is required before marriage but few remedies exist once couples are trapped in abusive or dysfunctional unions—illustrates how statutory permanence complicates rather than resolves domestic disputes.

At the community level, interventions rely heavily on psychosocial support mechanisms such as home visits, couple counseling, and family-wide mediation. These approaches highlight the ripple effect of marital conflict, where children and extended kin are drawn into disputes. Without divorce legislation, social workers are left to manage crises through behavioral interventions rather than legal closure. Scholars note that this reliance on counseling reflects a structural gap: the absence of dissolution mechanisms prolongs uncertainty and trauma for families, leaving them in cycles of unresolved conflict.

Legal entanglements further complicate separation for married couples. Unlike informal unions, which primarily involve visitation and support disputes, legally married couples face adversarial battles over property division, custody, and third-party liabilities such as adultery or bigamy. This punitive framework exacerbates conflict and discourages cooperation, making separation more adversarial and difficult to manage.

Statutory barriers also extend to access to benefits and parental recognition. Separated-in-fact individuals often struggle to qualify for programs like the Solo Parent Act because they remain legally married. Children born during separation are automatically attributed to the legal husband, requiring costly DNA testing and appeals to correct records. This rigid identity system perpetuates discrimination against children and undermines equal protection principles. Research highlights how these legal classifications fail to reflect social realities, leaving children vulnerable to stigma and inequality.

Economic coercion emerges as perhaps the most significant barrier for vulnerable spouses. Many women remain in abusive marriages because they cannot sustain their children's expenses independently. The threat of losing financial support acts as coercion, forcing individuals to choose between personal safety and their children's survival. This predicament highlights how the sanctity of marriage is maintained not by choice but by necessity. Studies confirm that economic dependency is a key factor preventing women from leaving abusive relationships, underscoring the need for livelihood programs and guaranteed support mechanisms to empower vulnerable spouses (Agliam et al., 2025).

The limits of state intervention are evident. While social welfare offices provide counseling, referrals, and temporary shelters, they lack the authority to finalize dissolution. Cases involving violence under RA 9262 or disputes over support must ultimately be referred to courts, leaving families in prolonged limbo. This gap between immediate social support and final legal resolution underscores the inadequacy of current state interventions, which can only mediate but not resolve (Pamfilo, 2007; Raposas, 2008).

Cultural traditionalism compounds these challenges. Many families cling to the belief that only death should part a couple, prioritizing the appearance of a "complete family" over the well-being of its members. Yet constant verbal and physical conflict erodes respect within households, traumatizing children who grow up believing violence is normal. Scholars argue that custody battles in the absence of divorce often expose

children to prolonged conflict, undermining their psychological well-being and normalizing violence within the family unit (Jacob, 2013).

In conclusion, the social welfare perspective demonstrates that the absence of divorce legislation forces families into prolonged dysfunction, burdens social workers with inadequate tools, and perpetuates cycles of abuse and economic coercion. Counseling and psychosocial support can only go so far without legal remedies. Reform is necessary to align social welfare practice with human rights standards, ensuring dignity, safety, and equal protection for all family members.

Strategic Frameworks for Strengthening Philippine Marital Dissolution Laws

The research presents a comprehensive, integrated strategic framework designed to harmonize Philippine domestic law with international human rights obligations. This multi-dimensional approach moves away from purely restrictive measures, favoring a pathway that prioritizes individual dignity, socioeconomic inclusivity, and the substantive protection of the family unit within a modern context.

A primary focus of this strategy involves fortifying the entry into marriage through rigorous, preventative pre-marital preparation. Insights from institutional stakeholders, particularly within the religious sector, suggest that many marital crises are the direct result of "insufficient discernment" and hasty unions. By implementing mandatory, high-quality counseling, the state can address the root causes of marital failure before the legal bond is even solemnized. This logic is supported by the meta-analysis of Carroll and Doherty (2014), which found that couples participating in premarital counseling had a 31% lower chance of divorce compared to those who did not. Furthermore, Cummings et al. (2016) demonstrated that such prevention programs lead to higher relationship satisfaction and a significant reduction in marital distress among community families. Ensuring psychological and emotional readiness thus serves as a preventative strategy that enhances institutional stability from the outset, potentially lowering the long-term demand for dissolution mechanisms.

In tandem with preventative measures, the framework identifies the refinement of existing statutes as a pragmatic and immediate pathway for reform. This strategy focuses on rectifying current judicial inefficiencies to make existing remedies, such as annulment and legal separation, more responsive to the lived realities of the population. By streamlining these processes and potentially recognizing religious annulments, the state can provide practical relief while balancing traditional values with human rights standards. Within this context of incremental change, Titan (2025) suggests that in the absence of a full divorce law, policymakers can utilize phased implementation to gradually introduce the concept of dissolution. By first expanding current mechanisms to cover urgent "fault-based" circumstances, such as domestic violence or abandonment, the legal system can provide immediate relief for high-stakes cases while allowing for a period of social and cultural adjustment. This gradual expansion of available grounds serves as a transitional phase, slowly acclimating the legal and social landscape to the functional necessity of divorce before eventually moving toward broader "no-fault" models.

Ultimately, the framework posits that the enactment of an absolute divorce law, supported by robust institutional safeguards, is essential for full alignment with global standards of equality and agency. Data suggests that a formal divorce framework is preferred by many experts because it offers simplified grounds and bypasses the prolonged, adversarial nature of judicial annulment. To mitigate cultural anxieties, the research suggests that the law can be strengthened through specific legislative limits, such as a cap on how many times an individual may utilize the remedy. This transition represents a fundamental shift from a "defect-based" nullity system to a "rights-based" model that respects ongoing personal autonomy. As argued by Daytec-Yañgot (2020), the current legal regime is inadequate and ineffective in addressing modern marital issues; a divorce legislation would supply the necessary substance and form. The enactment of such a law is both a moral and legal imperative, fulfilling obligations under customary international law and the Constitution to preserve the true sanctity of marriage. This reform responds to prevailing realities in contemporary

Philippine society, offering legal solutions to marital disturbances where dissolution is often more propitious than preservation.

Navigating the enactment of a law that caters to the needs of Filipino families requires a nuanced understanding of the cultural and religious factors that have historically hindered such progress. However, Titan (2025) reveals that specialized legal professionals increasingly view cultural values and religious beliefs as important contextual considerations rather than insurmountable barriers. Growing professional consensus now identifies legal-institutional inadequacies, particularly the inequitable annulment system, as the primary driver for reform, alongside powerful gender equality considerations that align with international standards like CEDAW. This shift is further reflected in the re-evaluation of children's welfare; rather than being a reason to oppose divorce, it is now framed as a mechanism for removing children from high-conflict, dysfunctional environments. Ultimately, this empirical evidence demonstrates that those who directly experience the current system's limitations recognize the urgent need for comprehensive marital dissolution legislation that balances respect for tradition with contemporary, rights-based imperatives.

The Philippine Marital Dissolution Landscape

Viewed through the lens of structural functionalism, the Philippine marital dissolution landscape presents a complex system of interconnected social institutions—law, religion, family, and the international community—each striving to maintain social stability, albeit with notable functional shortcomings. From this perspective, society is a harmonious system of interconnected parts working towards equilibrium. However, the research reveals a significant disconnect where the legal subsystem fails to adapt to the evolving needs of the individuals it serves. The Philippine state, through Article 1 of the Family Code, defines marriage as a "special contract of permanent union" and an "inviolable social institution," aiming to preserve the family as the foundational unit by enforcing a doctrine of preservationist inviolability. While this serves the apparent purpose of institutional permanence, it creates a systemic friction with the international subsystem, leading to a profound "compliance gap" with major global treaties like the ICCPR, CEDAW, and CRC. This friction is deeply illuminated by International Relations (IR) theories: Liberalism demonstrates how civil society groups act as a "transmission belt" to lobby for local harmonization with global benchmarks, while Constructivism exposes this legislative stalemate as a struggle over the identity of the Philippine state, caught between traditional religious resistance and the desire to internalize global rules to maintain standing as a civilized member of the international community. Under *pacta sunt servanda*, the state is a duty-bearer obligated to provide these remedies. Yet, by prioritizing the abstract preservation of the marital bond over substantive human rights, safety, and personal autonomy, domestic law treats consent as a one-time procedural requirement met at the altar under Article 2, effectively terminating a spouse's legal agency at the moment of marriage—a sharp departure from CEDAW Article 16(1)(b), which views "free and full consent" as a continuous human right throughout the marital lifecycle.

This misalignment leads to the multifaceted socio-economic and psychological consequences observed among affected individuals. The domestic legal framework is intentionally restrictive and complex, transforming access to marital dissolution from a universal right into a costly, commercialized privilege that reinforces structural inequalities. With a minimum baseline cost of approximately ₱150,000, legal freedom remains heavily contingent upon economic resources, procedural accessibility, and clientelist networks. This steep financial threshold forces low-income individuals into a precarious dilemma, compelling them to weigh personal legal relief against the sheer economic survival of their families. The high costs and adversarial nature of these remedies create an unequal system where the wealthy can afford expensive formal annulments, while the marginalized are left in informal separations, legal invisibility, and permanent legal limbo. This situation severely worsens the feminization of poverty, as mothers predominantly bear the financial and custodial burdens of failed marriages without consistent child support, navigating a compounding matrix of economic insecurity, cultural expectations, and complex asset division. This vulnerability is further exacerbated by property administration laws (Articles 96 and 124) that grant the husband's decision prevalence, forcing wives into the procedural burden of litigation to exercise economic agency. When a marriage is dissolved, the system enforces harsh property penalties to punish bad-faith structures under Articles 43 and 44, which mandate an automatic, non-discretionary revocation of property donations, testamentary gifts, and insurance designations.

This liquidation system favors abstract institutional sanctity over individual labor, stripping spouses of economic security built via community efforts and triggering deep due process deficits that invite prolonged, litigious warfare between heirs, which ultimately punishes manipulated parties and blameless children. Furthermore, children face institutionalized, birth-based discrimination through labels of "legitimacy" under the Family Code. This serves as an irrational legal classification born out of legislative inertia and tradition rather than compelling state interests, directly violating the CRC's standards of child equality and the equal protection challenge.

The inefficiency and trauma of these lived experiences are, in turn, sustained by institutional perspectives and traditional cultural narratives that block the path to reform. Despite clear evidence of systemic failure, the legalization of divorce is continually delayed by unyielding opposition from conservative elite groups and religious organizations. The Roman Catholic Church and Iglesia Ni Cristo (INC) view marriage as a sacred covenant and vocation instituted by God. Catholic dogma rejects dissolution through divorce outright, utilizing annulment merely as an equitable remedy for an initially defective contract, while INC theology enforces a strict prohibition against premarital relations and divorce to maintain moral discipline, mandate scriptural obedience, and protect members from sin, insisting that marital struggles must be endured and sanctified rather than escaped. Conversely, Islamic tradition offers a more pragmatic model, balancing spiritual sanctity with lived realities by allowing dissolution under structured conditions within a broader kinship network when harmony and tranquility can no longer be sustained. In a democratic setting, this institutional resistance takes the form of aggressive religious lobbying within the legal system, creating an elite framing of divorce as a "promiscuity enabler" that clashes with the 53% public support documented in Social Weather Stations (SWS) surveys from 2017 to 2024. This cultural traditionalism connotes divorce with moral decline, prioritizing the appearance of a complete family over individual well-being. Furthermore, the internal structure of Congress acts as a primary choke point; committee-level gatekeeping routinely kills progressive proposals early, and the political "numbers game" in plenary favors opponents who withdraw their support under intense pressure from religious leaders. While this lobbying is a legitimate expression of religious freedom, it creates a legislative deadlock that preserves statutory permanence at the expense of secular reforms and public necessity.

This stalemate creates a dead-end for the social welfare system. Social workers and policy implementers are left to manage deep domestic crises using only psychosocial tools like home visits, couple counseling, and family-wide mediation. Because social welfare offices lack the legal authority to finalize a dissolution, they can only mediate but not resolve, leaving families trapped in cycles of unresolved conflict and prolonged legal limbo. Unlike informal unions, legally married couples face complex, highly adversarial legal battles over property division, custody, and third-party liabilities. These proceedings are governed by rigid, anachronistic doctrines that impose severe collateral damage on vulnerable parties. Under Article 36 (Psychological Incapacity), the historic shift from strict medicalized guidelines to a legal-interpretive paradigm in *Tan-Andal v. Andal* has resulted in a volatile and uneven subsystem. Chronic legislative inertia forces couples to strategically "over-psychologize" ordinary friction and distort personal histories to use Article 36 as a structural substitute for divorce. Under Article 45 (Annulment), the "cleansing doctrine" prioritizes institutional continuity over an initial deficit in consent if free cohabitation occurs after reaching the age of majority. The court sets an exceptionally high "overpowered will" metric requiring proof of overt physical force or intimidation, which acts as a structural blind spot toward covert psychological domination, emotional manipulation, or private economic control. Additionally, the "cessation ratification rule" and "implied waiver mandate" treat constrained cohabitation as an automatic waiver of legal relief, completely ignoring economic dependencies and cyclical trauma dynamics, thereby inflicting secondary harm on victims who remain in the home as a survival strategy. Furthermore, custody applications under Article 213 of the Family Code default to the rigid "tender years" doctrine for children under seven, relying on fixed mechanical age and gender assumptions that replace the personalized "Best Interest of the Child" (BITC) standards required by the CRC with traditional age-based mandates.

Ultimately, the findings show that the legal, international, and institutional aspects of the Philippine marital framework are interconnected in a way that prevents individual relief. The refusal to align with global standards marginalizes the poor, while institutional influence keeps legal mechanisms unchanged, creating a stalemate between constitutional principles and lived realities. Litigants are forced into an expensive, unequal

"game of mud-slinging" and fabricated narratives to meet strict legal requirements, further stripping relationships of truth and reducing legal remedies to tools of financial and emotional attrition. This institutional rigidity is protected by strict jurisprudential benchmarks: *Republic v. Dayot* rules that any deficit in an essential marital requirement automatically invalidates a marriage *ex tunc* (from the beginning), eliminating judicial discretion or deep factual equity inquiries. This approach is guarded by *Tilar v. Republic* and *Maliwat-Melad v. Melad*, which affirm that statutory grounds for absolute nullity are mandatory and cannot be expanded through judicial equity, while *Aranes v. Occiano*, *Vitug v. Abuda*, and *Abbas v. Abbas* reinforce that the lack of a marriage license is a fatal administrative flaw that cannot be cured by long-term cohabitation or good faith. Furthermore, Articles 35(6) and 40 strictly require a final judicial declaration of nullity before an individual can remarry—a rule heavily guarded in *Nollora v. People*, *Terre v. Terre*, and *Mercado v. Tan*—failing which triggers criminal bigamy charges where subjective good faith is no legal defense under *Beltran v. People*. To break this cycle, the research points toward an integrated strategic framework, beginning with enhancing marital entry through rigorous, preventative pre-marital preparation and high-quality counseling to address the root causes of marital failure before the legal bond is solemnized. By implementing a phased implementation to gradually introduce the concept of dissolution, policymakers can first expand current mechanisms to cover urgent "fault-based" circumstances like domestic violence or abandonment, providing immediate relief for high-stakes cases while allowing for a period of social and cultural adjustment.

Ultimately, the framework posits that enacting an absolute divorce law, supported by robust institutional safeguards, is essential to bypass the prolonged and inequitable annulment system, address powerful gender equality considerations under CEDAW, and protect children by removing them from high-conflict, dysfunctional environments. Only through a rights-based framework that recognizes marital breakdown as a factual reality can the Philippines fulfill its obligation under *pacta sunt servanda* to protect the inherent dignity, continuous agency, and personal well-being of every Filipino family.

SUMMARY OF FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

This chapter presents a synthesis of the study's findings, starting with a summary derived from the analysis of marital dissolution in the Philippines. It then presents a conclusion that evaluates how domestic laws align with international human rights standards. Finally, the researchers provide recommendations aimed at closing the identified legal gaps to better protect the fundamental rights of individuals within Filipino family structures, ensuring that legal remedies are more accessible and compliant with human rights standards.

Summary of Findings

Legal Framework and Judicial Mechanisms for Marital Dissolution

The analysis reveals that the Philippine legal framework for marital dissolution operates as an oppressive, hyper-formalistic mechanism of biopolitical governance that systematically prioritizes abstract institutional permanence and doctrinal purity over human security, gender equality, and substantive justice. By forcing all matrimonial relief through a rigid, fault-based retroactive nullity framework (Articles 35 and 36) or an incomplete, non-severable bed-and-board legal separation doctrine (Article 55), the state enforces a strict regulatory monopoly over civil status that turns legal freedom into a highly commercialized commodity accessible only to the affluent elite. This framework creates a profound compliance gap with international human rights standards, such as CEDAW, ICCPR, and the CRC, by ignoring modern clinical realities of mental health, completely failing to recognize covert psychological coercion or intimate terrorism, and pathologizing non-heteronormative orientations. Furthermore, the system implements carceral logics that weaponize private histories, incentivize adversarial "mud-slinging," and inflict massive secondary collateral damage on women and blameless children through automatic property forfeitures and the destruction of domestic support systems. Finally, chronic legislative inertia maintains artificial administrative roadblocks, complex evidentiary deadlocks, and paternalistic cooling-off windows that dismiss trauma survivors' experiences, leaving marginalized and subaltern populations trapped in permanent legal invisibility and deep socio-legal precarity.

Alignment of Domestic Laws with International Human Rights Treaties

The findings reveal a deep conflict between the Philippine Family Code's focus on marriage and international human rights agreements (ICCPR, CEDAW, and CRC) that uphold individual freedom, equality, and respect. In the Philippines, marriage is seen as a permanent, unbreakable bond, turning initial agreement into a permanent loss of control, trapping people in unhappy marriages and denying separated women ongoing self-determination and financial independence. This domestic inflexibility creates serious legal issues within families as it enforces a male-led hierarchy through the "paternal prevailing clause" in property disputes, supports birth-based discrimination by labeling children as "legitimate" or "illegitimate," and replaces the personalized "Best Interest of the Child" standard with rigid rules like the gender-biased "tender years' doctrine". While the government enforces a strict private child support system, it lacks a strong public safety net, leaving vulnerable family members exposed. Viewed through International Relations (IR) theory, this inconsistent compliance and ongoing "legal gap" show a larger conflict over the identity and duties of the Philippine state as a global duty-bearer. From a Liberalist view, local human rights groups and civil society act as a transmission belt, using international commitments to challenge conservative norms and advocate for a rights-based divorce process. At the same time, Constructivism shows that the state is in a deep identity conflict, balancing strong domestic religious and cultural resistance with its wish to be seen as a modern, civilized part of the international community. Ultimately, the ongoing push to reform marriage laws is not just a local debate, but a key effort to uphold the principle of *pacta sunt servanda*, compelling the Philippines to align its local laws with the basic protection and ongoing human freedom expected on the global stage.

The Multifaceted Consequences of Limited Marital Dissolution

The current legal framework for marital dissolution in the Philippines creates a significant "justice gap" characterized by high financial costs, procedural complexity, and limited access. This effectively turns legal relief into a commodified remedy available primarily to the wealthy. For individuals who cannot afford the substantial expenses of the proceedings, the only viable option is informal separation. This situation leaves parties in a state of legal limbo, physically separated but still legally bound, preventing the resolution of critical issues like child custody, financial support, and property division. Consequently, this leads to unstable and unregulated family arrangements. This legal constraint carries serious social, psychological, and gender-related consequences. Women are disproportionately affected, as the lack of a formal divorce mechanism often results in "feminized poverty." They frequently assume primary custodial and financial responsibilities without reliable access to conjugal assets or enforceable child support. Additionally, the adversarial nature of annulment proceedings may lead litigants to rely on exaggerated or fabricated claims of psychological incapacity. Wealthier spouses can strategically exploit procedural advantages, including forum shopping, to delay or undermine the other party's case. Beyond financial and procedural barriers, the system imposes a profound emotional burden. The absence of legal closure sustains psychological distress, trapping individuals in irreparable unions while preventing them from fully rebuilding their lives or entering new, legally recognized relationships. Children in informal separation settings are also affected, often growing up in environments where parental responsibilities are unclear and inconsistently enforced. Although some families turn to barangay-level mediation for immediate conflict resolution, these interventions lack legal authority to dissolve marriages or formalize post-separation rights and obligations. As a result, the system inadvertently encourages the proliferation of dysfunctional and unrecognized family structures that exist outside of meaningful state protection and oversight, ultimately undermining the stability and dignity it intends to preserve.

Institutional Perspectives on Marital Dissolution

The study's findings reveal that institutional perspectives on marital dissolution in the Philippines converge on a system that prioritizes permanence and sanctity over accessibility and human rights, resulting in widespread inequities. Religious institutions such as the Catholic Church and Iglesia Ni Cristo reject divorce outright, framing marriage as a lifelong covenant, while Islamic teaching offers a conditional model that permits dissolution under structured safeguards, balancing sanctity with lived realities. Legislatively, annulment remains prohibitively expensive and functions as a socio-economic filter, privileging the wealthy and

excluding indigent couples, which forces many into informal unions lacking legal protections. Religious lobbying, terminological stigma, and procedural blockages further entrench legislative inertia, silencing public demand for reform despite growing support for divorce. From a social welfare perspective, families are left in prolonged cycles of conflict, economic coercion, and trauma, with social workers limited to counseling interventions that cannot provide legal closure. Taken together, these perspectives highlight how doctrinal preservation, political survival, and structural exclusivity outweigh secular and human-rights-responsive reform, leaving vulnerable families trapped in dysfunction and underscoring the urgent need for a pragmatic, compassionate framework that aligns Philippine law with international standards of equality, autonomy, and child welfare.

Strategic Frameworks for Strengthening Marital Dissolution Laws

The study proposes a comprehensive strategic framework to align Philippine domestic law with international human rights standards by transitioning from a restrictive marital system to a "rights-based" model. To balance traditional values with modern legal needs, the framework outlines a three-tiered approach: implementing rigorous, mandatory pre-marital counseling to prevent hasty unions, streamlining existing remedies like annulment and legal separation as immediate relief, and utilizing a phased implementation to gradually introduce absolute divorce. This slow start uses fault-based reasons (like domestic violence) to let culture adjust before moving to broader no-fault options. Ultimately, the study reveals a growing consensus among legal and institutional stakeholders that cultural and religious factors are no longer insurmountable barriers to reform, but rather a vital context. The primary drivers for this legislative shift are deep-seated institutional inequities, gender equality mandates under international frameworks like CEDAW, and a modernized view of child welfare that prioritizes removing children from high-conflict environments. By embedding specific safeguards, such as limits on the frequency of filing for divorce, the framework demonstrates that enacting an absolute divorce law is both a legal and moral imperative, as it provides a pragmatic, compassionate solution for contemporary Philippine society, respecting personal autonomy and the true sanctity of the family unit when dissolution is more beneficial than preservation.

CONCLUSIONS

1. The Philippine legal framework governing marital dissolution is established under Executive Order No. 209 (the Family Code), which mandates the Declaration of Absolute Nullity, Annulment, and Legal Separation as the sole formal remedies for marital breakdown.
2. The Philippine marital dissolution laws remain structurally misaligned with international human rights obligations under treaties such as the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the UN Convention on the Rights of the Child (UNCRC). While the Philippines recognizes these commitments, domestic laws continue to prioritize marital permanence over individual autonomy, equality, and dignity.
3. The limited marital dissolution mechanisms in the Philippines produce severe economic, procedural, psychological, and social consequences across both formal and informal separations, particularly for women and economically marginalized families.
4. The continued absence of divorce legislation in the Philippines is shaped by religious doctrine, political conservatism, economic exclusivity, and institutional barriers.
5. Strengthening Philippine marital dissolution laws requires fortifying the entry into marriage through rigorous, preventative pre-marital preparation, refining existing statutes as a pragmatic and immediate pathway for incremental change, and enacting an absolute divorce law to achieve full alignment with global standards.

RECOMMENDATIONS

Prioritize Comprehensive Pre-Marital Preparation Programs

Local government units (LGUs), religious institutions, and relevant state agencies should collaborate to institutionalize and significantly fortify comprehensive pre-marital counseling and preparation programs prior to the solemnization of marriage. These programs should focus heavily on assessing and developing emotional maturity, conflict resolution strategies, financial literacy, co-parenting responsibilities, and long-term marital expectations to help reduce impulsive and poorly prepared marriages.

Implement Legislative Amendments to the Family Code

The Congress should prioritize statutory relief by amending the restrictive provisions of the Family Code of the Philippines governing civil annulment, declaration of nullity, and legal separation, to address existing procedural and financial barriers. This is necessary to provide immediate and pragmatic responses to the limitations of existing marital dissolution laws while balancing religious considerations and human rights obligations.

Enact an Absolute Divorce Law with Institutional Safeguards

The Philippine government should enact a comprehensive Absolute Divorce Law that provides accessible and rights-based marital dissolution mechanisms to fully align with international human rights standards of equality and agency. The proposed law should include safeguards and reasonable limitations to address concerns regarding misuse.

Expand Access to State-Funded Legal Aid Services

The state should strengthen and expand legal aid programs for family law cases to ensure that economically disadvantaged individuals can access legal remedies without excessive financial burden. This expansion will effectively remove socio-economic barriers, help economically dependent spouses escape abusive situations, and ensure equal protection under the law.

Promote Public Awareness on Marital Rights and Remedies

Relevant state agencies, civic organizations, and academic institutions should launch sustained, nationwide public information campaigns to educate citizens on marital rights, legal remedies, and state-mandated protection mechanisms. These initiatives should aim to reframe legal remedies not as threats to the institution of marriage, but as vital mechanisms designed to safeguard human dignity, safety, and family welfare.

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APPENDIX B

Validation Criteria for the Interview Instrument

LEGAL GAPS AND HUMAN RIGHTS: EXAMINING MARITAL
DISSOLUTION IN THE PHILIPPINES IN LIGHT OF INTERNATIONAL
HUMAN RIGHTS LAW

VALIDATION CRITERIA FOR THE INTERVIEW INSTRUMENT
Adapted from the work of Ryan Michael F. Oducado

Instruction: Please indicate your degree of agreement or disagreement with the statements provided below
by encircling the number that corresponds to your best judgment.

1 – Strongly Disagree 2 – Disagree 3 – Undecided 4 – Agree 5 – Strongly Agree

	CRITERIA				
1	The items in the instrument are relevant to answering the objectives of the study.	5	4	3	2 1
2	The items in the instrument can provide depth to constructs being measured.	5	4	3	2 1
3	The instrument has an appropriate sample of items for the construct being measured.	5	4	3	2 1
4	The items and their alternatives are neither too narrow nor limited in their content.	5	4	3	2 1
5	The items in the instrument are stated clearly. The items on the instrument can elicit responses that are stable, definite, consistent, and not conflicting.	5	4	3	2 1
6	The terms adopted in the scale are culturally appropriate.	5	4	3	2 1
7	The layout or format of the instrument is technically sound.	5	4	3	2 1
8	The responses on the scale show a reasonable range of variation.	5	4	3	2 1
9	The instrument is neither too short nor too long so that the participants will be able to answer it within a given time	5	4	3	2 1
10	The instrument is interesting in that participants will be induced to respond to it and accomplish it fully.	5	4	3	2 1
11	The instrument as a whole could answer the basic purpose for which it is designed.	5	4	3	2 1
12	The instrument is culturally acceptable when administered in the local setting.	5	4	3	2 1

LEGAL GAPS AND HUMAN RIGHTS: EXAMINING MARITAL
DISSOLUTION IN THE PHILIPPINES IN LIGHT OF INTERNATIONAL
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CRITERIA						
1	The items in the instrument are relevant to answering the objectives of the study.	5 ✓	4	3	2	1
2	The items in the instrument can provide depth to constructs being measured.	5 ✓	4	3	2	1
3	The instrument has an appropriate sample of items for the construct being measured.	5 ✓	4	3	2	1
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6	The terms adopted in the scale are culturally appropriate.	5 ✓	4	3	2	1
7	The layout or format of the instrument is technically sound.	5 ✓	4	3	2	1
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10	The instrument is interesting in that participants will be induced to respond to it and accomplish it fully.	5 ✓	4	3	2	1
11	The instrument as a whole could answer the basic purpose for which it is designed.	5 ✓	4	3	2	1
12	The instrument is culturally acceptable when administered in the local setting.	5 ✓	4	3	2	1

LEGAL GAPS AND HUMAN RIGHTS: EXAMINING MARITAL
DISSOLUTION IN THE PHILIPPINES IN LIGHT OF INTERNATIONAL
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12	The instrument is culturally acceptable when administered in the local setting.	5	4	3	2	1

APPENDIX C

Letter to the Participants



RIZAL TECHNOLOGICAL UNIVERSITY
COLLEGE OF ARTS AND SCIENCES
Department of Political Science

April 14, 2026

SUBJECT : Research Invitation and Interview Request

Greetings in Wisdom and Intelligence!

I hope this letter finds you in good health.

We are 3rd Year Political Science Students at Rizal Technological University. We are currently conducting a research study titled **"Legal Gaps and Human Rights: Examining Marital Dissolution in the Philippines in Light of International Human Rights Law"** as part of our research project.

The objective of our study is to explore marital dissolution, defined as the breakdown or termination of a marital union through the legal means available in the Philippines. It specifically examines the tension between the Philippine legal framing of marriage and the international human rights standards to which the country is a party—namely the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC).

As part of this research, we would like to gather data from individuals who have experienced marital dissolution, which we believe will provide valuable insights into our research.

We kindly ask for the opportunity to conduct an interview at your convenience within April 11, 2026 (Saturday) to April 19, 2026 (Sunday). We assure you that all data collected will be used solely for academic purposes and handled with the utmost confidentiality and in compliance with ethical research standards.

We would greatly appreciate your support in facilitating this data collection process. Please let us know if any specific requirements or conditions need to be met to proceed.

We are hoping for your favorable response in this matter. Thank you and God Bless!

In collective pursuit of knowledge,

ALTHEA R. BELBES
Member

CIELO NICOLE S. BITENG
Member

EDLYN ROSE P. JALAPAN
Member

JOSE B. LABAO JR.
Member

Noted by:

ASST. PROF. JOHN BENEDICK ALIM
Thesis Adviser



RIZAL TECHNOLOGICAL UNIVERSITY
COLLEGE OF ARTS AND SCIENCES
Department of Political Science

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As part of this research, we would like to gather data from church leaders, such as yourself, which we believe will provide valuable insights into our research.

We kindly ask for the opportunity to conduct an interview at your convenience within April 11, 2026 (Saturday) to April 19, 2026 (Sunday). We assure you that all data collected will be used solely for academic purposes and handled with the utmost confidentiality and in compliance with ethical research standards.

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ASST. PROF. JOHN BENEDICK ALIM
Thesis Adviser



RIZAL TECHNOLOGICAL UNIVERSITY
COLLEGE OF ARTS AND SCIENCES
Department of Political Science

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As part of this research, we would like to gather data from policy experts which we believe will provide valuable insights into our research.

We kindly ask for the opportunity to conduct an interview at your convenience. To accommodate your schedule, we are also open to receiving responses via email if that format is more suitable. We assure you that all data collected will be used solely for academic purposes and handled with the utmost confidentiality and in compliance with ethical research standards.

We would greatly appreciate your support in facilitating this data collection process. Please let us know if any specific requirements or conditions need to be met to proceed.

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Member

JOSE B. LABAO JR.
Member

Noted by:

ASST. PROF. JOHN BENEDICK ALIM
Thesis Adviser

DR. JEREMIAH V. PACER
Dean, College of Arts and Sciences



RIZAL TECHNOLOGICAL UNIVERSITY
COLLEGE OF ARTS AND SCIENCES
Department of Political Science

TO : City Social Welfare and Development Department
Mandaluyong City

SUBJECT : Research Invitation and Interview Request

Greetings in Wisdom and Intelligence!

I hope this letter finds you in good health.

We are 3rd Year Political Science Students at Rizal Technological University. We are currently conducting a research study titled “**Legal Gaps and Human Rights: Examining Marital Dissolution in the Philippines in Light of International Human Rights Law**” as part of our research project.

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JOSE B. LABAO JR.
Member

Noted by:

ASST. PROF. JOHN BENEDICK ALIM
Thesis Adviser

DR. JEREMIAH V. PACER
Dean, College of Arts and Sciences

APPENDIX D

Researcher-Made Questionnaire

Name: (Optional)

City of Residence:

A. Affected Individuals (Mga Apektadong Indibidwal)

1. What is your understanding of annulment, declaration of nullity, and legal separation as legal options of marital dissolution in the Philippines?

(Ano ang pagkakaintindi mo sa annulment, declaration of nullity, at legal separation bilang mga legal na paraan para tapusin ang kasal sa Pilipinas?)

2. Were you aware that international human rights principles emphasize equality, dignity, and access to legal remedies in matters relating to marriage and family life? How do you think your experience relates to these principles?

(Alam mo ba na ayon sa mga pandaigdigang prinsipyo ng karapatang pantao, mahalaga ang pagkakapantay-pantay, dignidad, at pagkakaroon ng legal na paraan para maresolba ang mga problema sa kasal at pamilya? Sa palagay ninyo, paano ito nauugnay sa iyong karanasan?)

3. Did you attempt to pursue any of these legal remedies for marital dissolution, or did you instead resort to informal separation?

(Sinubukan mo bang dumaan sa alinman sa mga legal na proseso ng pagtatapos ng kasal, o naghiwalay na lang po ba kayo nang hindi dumadaan sa mga prosesong ito?)

- 3.1. If you pursued any legal remedy, can you describe your experience with the process, particularly in terms of the procedures involved, financial costs, and the time required to complete the process?

(Kung dumaan ka sa legal na proseso, maaari mo bang ipaliwanag ang iyong naging karanasan sa proseso, lalo na sa mga hakbang na ginawa, gastos, at gaano katagal bago ito natapos?)

- 3.2. If not, can you describe the reasons that influenced your decision not to pursue any legal process, particularly in terms of financial cost, procedural complexity, and the time required, or any other reasons?

(Kung hindi naman, maaari mo bang ipaliwanag ang mga dahilan kung bakit hindi mo piniling dumaan sa legal na proseso, lalo na kung may kinalaman ito sa gastos, pagiging komplikado ng proseso, tagal ng panahon na kinakailangan, o iba pang mga dahilan?)

4. Following your separation, what consequences have you experienced in managing family matters, particularly with regard to:

(Pagkatapos ng paghihiwalay, ano ang mga naging epekto na naranasan mo sa mga usaping pampamilya, tulad ng:)

- Child custody (Kustodiya ng bata)
- Child support (Sustento ng bata)
- Division of property or assets (Paghahati ng mga ari-arian)
- Inheritance or documentation (Mana o pagkuha ng mga dokumento)

- Access to government or employment-related benefits (Pagkuha ng mga benepisyo sa gobyerno o trabaho)
5. Do you think that your current legal status affects your ability to exercise certain rights, such as the possibility of forming a new family or legally dissolving a marriage that has become irreparable? Why or why not?

(Sa tingin mo ba, naapektuhan ng iyong kasalukuyang legal na status ang kakayahan mong gamitin ang ilang karapatan, tulad ng pagbuo ng bagong pamilya o legal na pagtatapos ng kasal na hindi na maayos? Bakit o bakit hindi?)

Policy Experts (Mga Eksperto sa Polisiya)

1. How do you think the current regulations on marital dissolution under the Philippine law, such as annulment, legal separation, and declaration of nullity, align with the Philippines' obligations under international human rights frameworks?

(Sa palagay mo, paano tumutugma ang kasalukuyang mga batas sa pagtatapos ng kasal sa Pilipinas—tulad ng annulment, legal separation, at declaration of nullity—sa mga obligasyon ng bansa sa ilalim ng pandaigdigang karapatang pantao?)

2. What do you consider to be the primary factors contributing to the continued absence of divorce legislation in the Philippines?

(Ano sa tingin mo ang mga pangunahing dahilan na nag-aambag sa patuloy na kawalan ng batas sa diborsiyo sa Pilipinas?)

3. What legislative or policy reforms do you believe could strengthen Philippine marital dissolution laws while balancing international human rights standards with local cultural and religious values?

(Anong mga pagbabago sa batas o polisiya ang sa tingin mo ay makakatulong para palakasin ang mga batas sa pagtatapos ng kasal sa Pilipinas, habang isinasaalang-alang ang pandaigdigang karapatang pantao at ang lokal na kultura at relihiyosong paniniwala?)

Policy Implementer (Tagapagpatupad ng Polisiya)

1. Based on your experience, how do current marital dissolution mechanisms in the Philippines—such as annulment, legal separation, and declaration of nullity—affect the individuals and families you handle?

(Batay sa inyong karanasan, paano naapektuhan ng kasalukuyang mga mekanismo ng paghihiwalay ng mag-asawa sa Pilipinas—tulad ng annulment, legal separation, at declaration of nullity—ang mga indibidwal at pamilyang inyong hinahawakan?)

2. What common challenges do individuals and families face when dealing with marital separation cases, particularly in terms of legal processes, access to support, and protection of their rights?

(Ano-anong karaniwang hamon ang kinakaharap ng mga indibidwal at pamilya sa mga kaso ng paghihiwalay ng mag-asawa, lalo na pagdating sa mga legal na proseso, pag-access sa suporta, at proteksyon ng kanilang mga karapatan?)

3. From your experience, what factors contribute to individuals choosing informal separation instead of pursuing legal remedies?

(Mula sa inyong karanasan, anu-anong salik ang nagtutulak sa mga indibidwal na piliin ang impormal na paghihiwalay kaysa sa pagdaan sa mga legal na remedyo?)

4. In your observation, what institutional, social, or cultural factors contribute to the continued absence of divorce legislation in the Philippines?

(Sa inyong obserbasyon, anu-anong institusyonal, panlipunan, o kultural na salik ang nag-aambag sa patuloy na kawalan ng batas ukol sa diborsyo sa Pilipinas?)

5. Based on your professional experience, what policy or legal reforms do you think could improve how marital dissolution cases are handled and better protect the welfare of affected individuals and families?

(Batay sa inyong propesyonal na karanasan, anu-anong repormang legal o pampatakaran ang sa tingin ninyo ay makapagpapabuti sa paghawak ng mga kaso ng marital dissolution at higit na makapoprotekta sa kapakanan ng mga apektadong indibidwal at pamilya?)

Church Leaders (Lider ng Simbahan)

1. What are the key teachings of your religion regarding the nature, purpose, and permanence of marriage?

(Ano ang pangunahing turo ng inyong relihiyon tungkol sa kalikasan, layunin, at habang-buhay na katangian ng kasal?)

2. International human rights frameworks recognize access to marital dissolution as part of the protection of individual rights and dignity. How does your religious tradition view this perspective in relation to its teachings on the permanence of marriage?

(Kinikilala ng pandaigdigang karapatang pantao ang pagkakaroon ng paraan para tapusin ang kasal bilang bahagi ng proteksyon sa karapatan at dignidad ng tao. Paano tinitingnan ng inyong relihiyon ang pananaw na ito, lalo na kung itinuturo na ang kasal ay panghabang-buhay?)

3. How do you view the relationship between your religious teachings on marriage and existing Philippine civil laws, and should religious principles shape such legislation?

(Paano mo nakikita ang relasyon ng turo ng relihiyon ninyo sa kasal at ang batas sa Pilipinas? Dapat bang makaapekto ang mga prinsipyong panrelihiyon sa paggawa ng batas?)

APPENDIX E

Informed Consent

April 7, 2026

Title of the Study: Legal Gaps and Human Rights: Examining Marital Dissolution in the Philippines in Light of International Human Rights Law

This study explores marital dissolution, defined as the breakdown or termination of a marital union through the legal means available in the Philippines, particularly annulment, declaration of nullity, and legal separation. It specifically examines the tension between these Philippine laws and the international human rights standards to which the country is a party, namely the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC). The study aims to explore the conformity of Philippine laws with international human rights standards and their corresponding implications. Specifically, it seeks to identify the regulations governing marital dissolution; Assess the alignment of these laws with international treaties; Analyze the consequences of limited options for individuals resorting to informal remedies; understand the underlying religious and political factors contributing to the absence of divorce legislation; and propose how Philippine laws can be strengthened to align more closely with international human rights standards and the evolving needs of Filipino families.

Voluntary Participation

Participation in this study is entirely voluntary. You may withdraw at any time or decline to answer any question without consequences. The researchers empower participants by granting them full autonomy over the modality of engagement. This flexible approach offers a spectrum of communication channels designed to prioritize participant comfort and confidentiality. Varying from in-person interviews for those who prefer a more personal, high-trust environment, synchronous interviews or voice calls can bridge geographical gaps while maintaining real-time dialogue, and written formats, such as semi-structured questionnaires, for individuals who may find verbalizing their experiences emotionally taxing or who require additional time to reflect and respond privately.

Confidentiality and Ethical Safeguards

To protect informants navigating the sensitive landscape of marital dissolution in the Philippines, strict confidentiality measures were observed. All personal identifiers were replaced with codes or pseudonyms, ensuring anonymity throughout the research process. These measures, combined with informed consent and carefully designed inquiries, prioritized anonymity and minimized emotional distress for participants in vulnerable circumstances. The interview will be audio-recorded for transcription purposes. All data will be stored securely and used solely for academic purposes, with no identifying details disclosed.

We do not foresee any significant risks or discomfort arising from participation in this study. However, answering certain questions may cause mild emotional discomfort or distress. Participants retain the right to stop at any point or to skip any questions without penalty. These safeguards ensure that participation remains voluntary, respectful, and sensitive to the well-being of respondents.

Informed Consent

I have read and fully understood the information provided in this form. I voluntarily agree to participate in the interview. By signing this form, I indicate my consent, and I acknowledge that I am not waiving any of my legal rights.

APPENDIX F

Transcriptions

Affected Individual 1 (A1) - Formal

Researcher: Ano ang pagkakaintindi mo sa annulment, declaration of nullity, at legal separation bilang mga legal na paraan para tapusin ang kasal sa Pilipinas?

Informant: In fact, ang annulment ang sa akin. So, declaration of nullity at saka legal separation, bahala na kayo doon. Ang annulment ko kasi is based on my experience. Ang annulment ko is there's no marriage at all in the first place. The basis or criteria of my annulment is psychological incapacity, which is my ex-husband. But would you believe that he stays with me even though we're annulled? Because as Christians, nakakaawa. Out of pity. And he's the father of my daughter.

We are annulled, ako ang nagpa-annulled. Lahat ng proceso is via psychiatrists, so both of us. Sa korte din, ako yung mismong witness. No more, no less. Only me. Approved ang psychological incapacity because he's into drugs, and he lied about his past na he's into drugs. One point na iyon, then he continues when we got married—nag-stop, then continue, stop, continue. So, I suffered a lot emotionally. Not physically, because takot lang iyon sa akin. Tingin ko pa lang.

So ang annulment, there's no marriage at all. And iyon, madali lang yung annulment ko. 1.5 years lang.

Follow up question: Prior to the annulment, alam niyo na po yung mga options na iyon?

Informant: Yes, I have my lawyer. A lady lawyer, tinuruan niya ako. Madali lang kasi hindi ka magsisinungaling, yung factual ang sasabihin ko. And I have the proof na dalawang beses siya na-rehab. So, it's there.

Researcher: Alam mo ba na ayon sa mga pandaigdigang prinsipyo ng karapatang pantao, mahalaga ang pagkakapantay-pantay, dignidad, at pagkakaroon ng legal na paraan para maresolba ang mga problema sa kasal at pamilya? Sa palagay ninyo, paano ito nauugnay sa iyong karanasan?

Informant: Sa karanasan ko, I took care of him. Prinsipyo ng pantao. Even if we're annulled, he's with me. I provide food, medicines, clothing, everything—shelter, water, everything. Nada siya. Wala siyang saysay. And gamot niya—take note ha, pinapagamot ko pa siya.

Yes, I have the rights. I have the right to annul him because of the situation. But because mahalaga ang dignidad niya, hindi ko siya ipu-push away. We're still friends until mamatay siya.

Researcher: Sinubukan mo bang dumaan sa alinman sa mga legal na proseso ng pagtatapos ng kasal, o naghiwalay na lang po ba kayo nang hindi dumadaan sa mga prosesong ito?

Informant: Sabi ko nga legal iyon, proseso iyon pati psychological, physical, money, etc... All the aspects, legal iyon.

Researcher: Maaari mo bang ipaliwanag ang iyong naging karanasan sa proseso, lalo na sa mga hakbang na ginawa, gastos, at gaano katagal bago ito natapos?

Informant: Hiwalay sa hiwalay, lahat ng gamit niya akin pa rin nanggagaling. Lahat ng kailangan niya kasi wala siyang work.

For the price, alam mo kasi itong aking kababayan, isang non-government organization way back—150k lang. Cheap lang sa akin because she's my friend, the lawyer is my friend, and one of the NGOs na kasama ko rin siya. So discounted. Wala siyang masyadong siningil sa akin

Hakbang—syempre may witness na ako rin ang witness. Pumunta ako sa Manila trial court. At ito pala, because nagsasama kami, bawal iyon sa legal. So ang kinuha kong—legal pa rin—ang kinuha kong address sa ate ko. So doon bumabagsak, may darating na notice. Doon nabagsak yung notice, so legal pa rin. Sinabi lang na hindi kayong puwede magsama habang ongoing yung hearing. Pero magkasama kami ha, sa iisang bubong. Magkaibang kwarto.

Follow up question: Anong parte ng proseso ang pinakamahirap para po sa inyo?

Informant: Yung sa process, nag-ask sa pastor, “Pastor, puwede po ba mag-annul?” So binasa namin sa Bible, meron. When the man, lalo na kung nambabae, there's annulment. But me, being annulled, can't be married at all unless mamatay siya, then puwede na ako. That's the Bible-based ah, Bible version.

Researcher: Pagkatapos ng paghihiwalay, ano ang mga naging epekto na naranasan mo sa mga usaping pampamilya?

Informant: Ang anak ko matanda na 'to. Isa lang anak ko. Matanda na siya nung nagpa-annul ako, wala sa tabi ko. Wala namang child support. Nada. Pangalan pa rin namin pareho because we only have one child. So it's okay with me, walang hatian. Lahat ng property ko naka 'married to,' hindi 'and,' para mas easier.

Researcher: Sa tingin mo ba, naapektuhan ng iyong kasalukuyang legal na status ang kakayahan mong gamitin ang ilang karapatan, tulad ng pagbuo ng bagong pamilya o legal na pagtatapos ng kasal na hindi na maayos?

Informant: It's easier for me. As a Christian, you have God to depend on. Bakit ko siya iti-take care kung annulled na kami? Sabi nga nila sa akin, napaka-martyr mo naman because I took care of him as a Christian. As a friend na lang. Hindi kami galit sa isa't isa, naiintindihan din niya. At the end of the day, nung namatay na siya, nagpatawaran na.

Affected Individual 2 (A2) - Formal

Researcher: Ano ang pagkakaintindi mo sa annulment, declaration of nullity, at legal separation bilang mga legal na paraan para tapusin ang kasal sa Pilipinas?

Informant: Sa declaration of nullity at saka sa annulment, alam ko iisa lang siya. Sa legal separation, iyon yung kasal pa rin kayo pero meron kayong usapan na puwedeng yung girl magkaroon ng iba, yung boy magkakaroon ng iba, pero hindi sila puwedeng ikasal kasi kasal pa sila. Sa annulment, parang divorce din, kasi diba sabi sa Pilipinas wala raw divorce, sa ibang bansa meron. Sa Pilipinas may annulment, iyon yung parang pinaka babalik ka sa talagang—kagaya ko, bumalik ako sa pagiging single. Siya ganun din, puwede rin siyang magpakasal sa iba. Bale, ma-vo-void talaga yung kasal.

Follow up question: Sa tingin niyo po ba nagbago yung pagkakaintindi niyo before yung process tapos yung after? May nakuha po ba kayong bagong definition or nagbago po yung definition before or after ng process?

Informant: Ah oo, kasi akala ko dati kapag sinabing legal separation, okay na iyon, puwede na. Eh kailangan pala ng ganito, mas legal yung ganito. Halimbawa magkaroon man ako, wala na siyang ikakaso sa akin, tapos yung sa kaniya wala na rin ako ikakaso. Pero sa ganito, alam ko meron ding arrangement para sa bata. Kagaya ko, ang sa akin kasi, sa akin ang custody tapos support sa kaniya, tapos puwede niya ring hiram sa yung mga bata pero sa akin yung custody. Depende sa pag-uusap siguro.

Researcher: Alam mo ba na ayon sa mga pandaigdigang prinsipyo ng karapatang pantao, mahalaga ang pagkakapantay-pantay, dignidad, at pagkakaroon ng legal na paraan para maresolba ang mga problema sa kasal at pamilya? Sa palagay ninyo, paano ito nauugnay sa iyong karanasan?

Informant: Tama na merong karapatan bawat isa, kasi kahit sabihin mo kasal na, kagaya sa akin five years kaming mag-asawa pero hindi naman nag-work, so mas okay na rin siguro iyan na magkaroon ng ganiyan.

Para sa akin, nakuha ko karapatan ko kasi ayokong magkasama kami tapos may iba pala. Yung karapatan mo as tao, nawala kasi inaasikaso mo tapos meron palang iba. Ngayon mas nakuha ko yung karapatan ko, siya nagagawa niya rin gusto niya.

Researcher: Sinubukan mo bang dumaan sa alinman sa mga legal na proseso ng pagtatapos ng kasal, o naghiwalay na lang po ba kayo nang hindi dumadaan sa mga prosesong ito?

Informant: Yung sa akin kasi, yung annulment, siya kasi ang nag-file talaga. Siya rin ang nagbayad.

Researcher: Maaari mo bang ipaliwanag ang iyong naging karanasan sa proseso, lalo na sa mga hakbang na ginawa, gastos, at gaano katagal bago ito natapos?

Informant: Ayun nga sabi ko kanina, sa La Union niyan finile. Hindi ko alam kung paano eh. Basta may dumating na lang na papel na may hearing daw monthly. Siguro kulang-kulang two years din siya. Hindi ako naka-attend. Siguro ang ano ng korte na ayoko na rin, kaya vinoid na siya. Pero matagal din, kulang-kulang dalawang taon.

Ang alam ko na nagastos niya is worth 150k. Pero ngayon ata lampas na eh. Pero noon, noong time na iyon, 2016, mga 150k. Tapos, monthly merong dumadating sa akin, tapos nag-decide yung court doon na i-void na lang.

Kaya lang, meron ding kasing cases na meron silang ginawa na hindi dapat. Para mapabilis yung process, meron silang ginawa o pinalabas na masama yung babae. Ang ginawa niya sa akin, lahat kabaligtaran. Ayun, mga pangit lahat pero karamihan doon hindi totoo—para mapabilis lang siya.

Researcher: Pagkatapos ng paghihiwalay, ano ang mga naging epekto na naranasan mo sa mga usaping pampamilya?

Informant: Ang nangyari sa amin, sa akin yung kustodiya ng bata, tapos support lang sa kaniya. Puwede niya ring hiram, tapos yung mga gamit na iba napunta lahat sa amin. Tapos yung mga personal niya, kaniya. Yung mga binili niya naman nung kasal na kami, akin. Pero yung bahay na para sa amin, wala na, nabenta na siya.

Follow up question: Paano naman po yung pagbenta sa lupa?

Informant: Oo, naka-declare yung lupa as conjugal. May consent, kaso ang nangyari, ang katwiran niya siya raw yung may work nun. Pero okay lang sa akin, basta sa akin yung mga anak ko.

Sa pagsasama, wala naman problema sa amin. Kapag lalabas sila, kasama ako kasi hindi masyadong sumasama yung mga bata sa kaniya.

Sa documents, ang alam ko sa beneficiaries meron pa rin yung mga bata, pero ako wala na. Sa akin ganoon din, inalis ko na rin siya. Kahit naman nag-change ako ng apelyido, beneficiaries ko pa rin yung mga bata kasi makikita naman sa documents na ako yung nanay eh.

Follow up question: Nasunod po ba yung arrangement sa child support kasi may certain amount po na kailangan?

Informant: Sa child support, nasunod naman, pero lately hindi na kasi may bago na siyang family, so nahahati na. Pero noong una, noong wala pa yung pangalawang pamilya, okay naman. Continuous pa rin naman pero hindi na siya ganun ka-parehas. May amount siya nung una pero wala na rin naman. Ayoko na rin kasi ng gulo kaya hinayaan ko na.

Follow up question: Tingin niyo po ba naging priority yung welfare ng mga bata habang nag a-annul kayo?

Informant: Siyempre nung una, ang hirap sa mga bata ng broken family. Pero yung mga bata, sa akin naman talaga. Pero sa mga bata, nasanay sila na ako yung kasama nila. Cameraman yung daddy nila, so kapag umuuwi siya, tulog na yung mga bata. Tapos gising na sila, yung daddy naman nila yung tulog. So, parang nasanay din sila na wala yung daddy nila. Okay din naman sila, hindi sila ganun naapektuhan.

Researcher: Sa tingin mo ba, naapektuhan ng iyong kasalukuyang legal na status ang kakayahan mong gamitin ang ilang karapatan, tulad ng pagbuo ng bagong pamilya o legal na pagtatapos ng kasal na hindi na maayos?

Informant: Wala sa isip ko iyan eh. Siya kasi meron na, diba? Eh sa akin masaya naman na ako. Pero kung may dadating, siyempre okay lang. Pero mahirap sa mga bata. Okay lang naman magpakasal ulit kung mas bata-bata pa ako. Pero ngayon hindi na ako naniniwala sa kasal.

Follow up question: How about naman po sa process, naging smooth po ba or fair para sa inyo?

Researcher: Okay lang sa akin, mas masaya na kahit matagal yung process. Yung sa dahilan, hindi siya naging fair kasi hindi ako nakalaban eh. Kung sa process, payag na ako. Ayoko na rin naman. Hindi naging fair kasi ang layo niya, hindi ako nakapagsalita, hindi ko nasabi kung ano yung side ko—puro sa kaniya. Pinapangit yung side ko. If aapila pa ako, magbabayad din ako. Eh ano bang ibabayad ko kung wala akong trabaho nun? So okay na rin sa akin. Doon ako nawalan ng karapatan, hindi ko nasabi kung ano siya. Unfair

yung process kasi hindi ako nakalaban, pero okay na iyon. Masaya pa ako. Sa process lang talaga—hindi ko nasabi yung dahilan eh.

Affected Individual 3 (A3) - Informal

Researcher: Ano ang pagkakaintindi mo sa annulment, declaration of nullity, at legal separation bilang mga legal na paraan para tapusin ang kasal sa Pilipinas?

Informant: Ito ang pagpapawalang bisa ng kasal ngunit nakabase ito sa kung ano ang mga grounds ng pagsasama. Ito ay nangangailangan ng matibay na evidence to prove kung nararapat ba talaga na ma-annul.

Researcher: Alam mo ba na ayon sa mga pandaigdigang prinsipyo ng karapatang pantao, mahalaga ang pagkakapantay-pantay, dignidad, at pagkakaroon ng legal na paraan para maresolba ang mga problema sa kasal at pamilya? Sa palagay ninyo, paano ito nauugnay sa iyong karanasan?

Informant: Ang lahat ng tao ay puwedeng mag file ng ganitong case sapagkat karapatan nila iyon at ito ay may batas na siyang makakatulong para dito. Ang naranasan ko pa lang ay barangay level of separation na kung saan napagusapan ang tungkol sa child custody at sa needs nila.

Researcher: Sinubukan mo bang dumaan sa alinman sa mga legal na proseso ng pagtatapos ng kasal, o naghiwalay na lang po ba kayo nang hindi dumadaan sa mga prosesong ito?

Informant: Hindi pa pero nagkaroon na kami ng usapan sa barangay tungkol sa mga bata at sa amin dalawa. In short, separated in barangay level pero wala pang bisa para mapawalang bisa ang kasal na dumaan sa process.

Researcher: Maaari mo bang ipaliwanag ang mga dahilan kung bakit hindi mo piniling dumaan sa legal na proseso, lalo na kung may kinalaman ito sa gastos, pagiging komplikado ng proseso, tagal ng panahon na kinakailangan, o iba pang mga dahilan?

Informant: Unang-una, mas inisip ang kapakanan ng mga bata kaysa sa kung ano man ang problema naming dalawa. Pangalawa, nangangailangan magkaroon ng matibay na evidence to prove the point. It requires money and time.

Researcher: Pagkatapos ng paghihiwalay, ano ang mga naging epekto na naranasan mo sa mga usaping pampamilya?

Informant: Nagkaroon lang kami ng usapin tungkol sa child support. Ang naging usapan naman sa barangay, nanatili ang child custody sa aming dalawa na kung saan nagsasalit-salitan kami sa mga bata.

Researcher: Sa tingin mo ba, naaapektuhan ng iyong kasalukuyang legal na status ang kakayahan mong gamitin ang ilang karapatan, tulad ng pagbuo ng bagong pamilya o legal na pagtatapos ng kasal na hindi na maayos?

Informant: Nakaapekto siya at some point pero since may process na kailangan sundin at hindi naman biro ang oras at pera na kailangan ilaan, kaya nagiging problem siya. Na parang may pumipigil para sa peace na gusto mo. Ang problema lang ay ang batas natin na kung saan walang mabilis na paraan para maging legal ang pakikipaghiwalay.

Affected Individual 4 (A4) - Informal

Researcher: Ano ang pagkakaintindi mo sa annulment, declaration of nullity, at legal separation bilang mga legal na paraan para tapusin ang kasal sa Pilipinas?

Informant: Para sa akin ang divorce ay pagpapatapos ng kasal, alam ng batas na may kasal pero maari kaming magpakasal ulit. Pagpapawalang bisa ng kasal, ang nullity of marriage and legal separation ay hindi maaring maikasal ulit dahil sa mata ng batas kasal pa rin ang mag-asawa pero magkaiba ng bahay.

Follow Up: Aware po ba kayo na may tatlong options para po mapawalang bisa ang kasal sa Pilipinas?

Informant: Yes, actually alam ko na may tatlong paraan para mapawalang bisa ang kasal pero maraming factor kasi kung bakit hindi ko sya ginamit while nasa loob ako ng marriage. Una sa lahat, dahil sa kung ano ang sasabihin ng mga tao sa akin bilang babae. Bilang babae sa Pilipinas, kalakip ng kasal ang worth mo bilang isang babae, kapag kinasal ka ibig sabihin may silbi ka, kapag inanakan ka, ibig sabihin mabuti kang babae. Lumaki ako na hinubog para maging asawa, kaya kung mag-see ko ng legal process para mapawalang-bisa ang kasal namin ng asawa ko, ano ang sasabihin ng ibang tao? Para sa akin noon nakakahiya, isang factor pa ay when it comes to financial and time syempre kung mag-see ako ng legal process, kailangan may pera ako, dapat may time ako na pumunta sa mga consultations and hearing. Isa pa, para sa akin kasi noon ang legal process like annulment na meron tayo rito sa Pilipinas ay pang-mayaman lang, hindi naman ako mayaman para dyan. And last but not the least, may emotional attachment pa rin ako sa naging asawa ko kaya mahirap para sa akin na sya yung pinili ko noon na iharap sa Diyos at bumuo ng pamilya tapos sa huli hindi rin pala kami ang magkakatuluyan. One major factor siguro nito ay yung sini-sell sa mga babae na love stories and such pero kapag nasa reyalidad kana, hindi pala sya ganon.

Researcher: Alam mo ba na ayon sa mga pandaigdigang prinsipyo ng karapatang pantao, mahalaga ang pagkakapantay-pantay, dignidad, at pagkakaroon ng legal na paraan para maresolba ang mga problema sa kasal at pamilya? Sa palagay ninyo, paano ito nauugnay sa iyong karanasan?

Informant: Hindi, wala akong ideya na may ganyan sa pilipinas. Para sa akin, tiniis ko na kasal pa rin kahit na nambabae sya dahil ang gusto ko ay magkaroon ng buong pamilya para sa anak namin.

Researcher: Sinubukan mo bang dumaan sa alinman sa mga legal na proseso ng pagtatapos ng kasal, o naghiwalay na lang po ba kayo nang hindi dumadaan sa mga prosesong ito?

Informant: Hindi ko na sinubukan na dumaan sa legal na proseso dahil una sa lahat, kailangan ng kaukulang pera para diyan, hindi ko kaya na maglabas ng pera dahil ako nalang ang inaasahan ng mga anak ko. Kaya bago ko unahin ang kahit anong legal na proseso sa pangangaliwa ng asawa ko, isinaalang-alang ko muna ang pera para sa mga anak ko.

Researcher: Maari mo bang ipaliwanag ang mga dahilan kung bakit hindi mo piniling dumaan sa legal na proseso, lalo na kung may kinalaman ito sa gastos, pagiging komplikado ng proseso, tagal ng panahon na kinakailangan, o iba pang mga dahilan?

Informant: Finances ang reason dahil hindi ko afford na kumuha pa ng abogado as well as yung time. Alam naman natin sa pilipinas na mabagal ang pag-usad ng kaso, alam ko na aabutin ako ng napakaraming taon kung uunahin ko pa na dumaan sa legal na proseso kaya hinayaan ko nalang ang asawa ko sa babae nya dahil sya pa rin ang tatay ng anak ko.

Researcher: Pagkatapos ng paghihiwalay, ano ang mga naging epekto na naranasan mo sa mga usaping pampamilya?

Informant: Sustento ang isa sa naging hamon ng paghihiwalay namin, yung tipong siya na nga ang nangaliwa, wala pa siyang gana na magbigay para sa anak niya sa akin. In terms of child custody, ako pa rin ang nanay kaya pipiliin ako ng mga anak ko. Sa ari-arian, hati pa rin kami pero sa ngayon wala na kaming komunikasyon sa isa't-isa lalo na at hindi naman sya nagbibigay ng sustento.

Follow up: Nagkaroon po ba kayo ng problema sa pagkuha ng mga benepisyo mula sa gobyerno o trabaho? Halimbawa po sa SSS, PhilHealth, o iba pang benepisyo, wala po ba kayong naging problema sa pag-update ng records o pag-claim ng benefits?

Informant: Wala naman, kasi nga kasal pa rin ako, technically, dala ko pa rin ang last name niya. Pero may malaking factor sa akin na ayaw ko na talaga gamitin ang last name niya kasi siyempre, it means asawa ko pa rin yung cheater na iyon. Naalala ko may part sa akin during job seeking and government process na hindi sabihin yung word na Mrs. kasi first of all, nakakahiya talaga siya.

Researcher: Sa tingin mo ba, naapektuhan ng iyong kasalukuyang legal na status ang kakayahan mong gamitin ang ilang karapatan, tulad ng pagbuo ng bagong pamilya o legal na pagtatapos ng kasal na hindi na maayos?

Informant: Yes, dahil sa mata ng Diyos at batas kasal pa rin ako kahit na may kinakasama ang asawa ko. Bilang nanay nasa akin ang hirap na magsimula ulit dahil kargo ko ang mga anak ko, mahirap na kumilala ulit ng hindi sinasabi na may mga anak ako o kasal dahil may bisa pa rin ang kasal namin. Hindi ko pinagsisihan ang mga anak at naging desisyon ko sa buhay pero sa pag-aasawa na hindi naging maganda ang kinalabasan, sana'y may mas magandang alternatibo na hindi aabutin ng taon o kailangan maglabas ng pera para mapawalang bisa ang kasal.

Roman Catholic Church Leader

Researcher: What are the key teachings of your religion regarding the nature, purpose, and permanence of marriage?

Informant: First and foremost, marriage is actually a vocation. Kapag sinabi nating vocation, unang-una yun ay way natin when we respond to that vocation for sanctity. When we say sanctity, yan yung way natin to be with God in heaven. Ito ay mga way or paraan to sanctify ourselves. Hindi siya, in a way, balakid o problem o sabihin nating curtail sa freedom ng isang tao. Kasi when we say ayoko magpakasal, kasi wala na akong freedom. Kapag isipin mo ganoon pero hindi. Actually, in the reality, hindi. It's our choosing, and when we choose that we sanctify ourselves.

So if we say marriage in the church, unang una it's a sacred. When we say sacred, we have to treat this as a sacred thing. Ibig sabihin din noon kapag sacred 'yung bagay, galing yan sa Diyos. Yung pagpapakasal itself is galing sa Diyos, kaya nga dapat kapag nagsasama 'yung dalawang tao dapat may basbas ng Diyos sa simbahan kasi you are partaking, you are cooperating. And then diba, yung end nung marriage is actually for mutual na love and respect of couple, and nandiyan din yung upbringing of children to the world. Tatlo yan. The other is the education for the children, so makikita niyo na ung nature, is sacred, for the purpose ung tatlong yan—yung mutual respect, procreation, education. So kapag mahirap yung tatlong intindihin, mahihirapan kayong mag enter into marriage. Kasi yung iba ayaw mag anak, which is problematic. Bakit kayo magpapakasal kung gusto niyo goldfish lang or aso aso lang? Or yung iba naman maraming anak pero bumabagsak sa education. You have to educate your children, so kung hindi kayang ieducate ung children wag kayo masyadong mag anak na marami, napapabayaang yung mga bata.

Pero the first purpose or nature or agenda ng marriage is the mutual respect and love ng husband and wife, ng man and wife, which is kapag kinakasal na, yun yung unang nakakalimutan kasi they focus too much on children, they focus too much on work kasi they have to pay the bills, etc, because of the growing family... etc. and they end up not really understanding each other and it's a problem na pumapasok at pumapasok ung hiwalayan kapag hindi na nagkakaintindihan.

Paraan 'yan ng Diyos para mas lumakas yung ugnayan natin sa kaniya. It's sacred. It comes from God.

Researcher: International human rights frameworks recognize access to marital dissolution as part of the protection of individual rights and dignity. How does your religious tradition view this perspective in relation to its teachings on the permanence of marriage?

Informant: Pero when we say dissolution of marriage, masiyadong mabigat yung dissolution of marriage kasi in the first place, sa church, yung tawag natin kaya wala tayong divorce is an annulment. When we say annulment, unang unang proclamation yan is that wala talagang nangyaring kasal. So when we dissolve it, ibig

sabihin may something and then you try to dissolve it to get rid of it. So, malayo siya sa concept ng simbahan, ang annulment, kasi ang proclamation, walang talagang nangyaring kasal.

Sa divorce, they mentioned na sa mata ng Diyos, sa mata ng bayan ay kasal pa rin kayo. But the divorce is there para maganda lang yung hiwalayan, diba? Pero again, they're still married. Baka sabihin niyo unfair ang simbahan kasi baka nga may problema na sa marriage tapos kaya nga pumapasok yung international law/human rights to protect the rights of the individual. "Kasi father gusto kong maging masaya ulit," which is walang problema, at saka ganun naman tayong lahat diba.

The problem and the one thing that dapat natin ipush more than the divorce or more than the dissolution of marriage is the preparation for the marriage itself. You have to look back on the preparation, baka naman kasi one week lang kayo and then nagpakasal na kayo kasi masaya. And you end up after having children and being with each other for 10 years, and then you realize "after hindi pala siya ung pinakasalan ko" precisely. Hindi kayo nag-usap ng mabuti at nagkakilala ng mabuti. So ang sinasabi ng simbahan, kung may kasal, may kasal. Kung walang kasal, walang kasal. So, kung may kasal na nangyare problema niyo na un bakit hindi nio kinilala ung isa't isa. You have mentioned kanina na meron tayong mga parameters to dissolve a marriage, and to say yes for annulment, yung psychological incapacity, etc... ang gagawin niyan you will look back, ita-trace mo. Baka nga kasi in the process meron talagang nangyari, an element na magsasabing wala talagang nangyaring kasal.

The permanence of marriage is very sacred, kasi babalik tayo sa nature, hindi yan galing per se sa tao, galing yan sa Diyos. So, when we say we have a god that is permanent and absolute, all na ibibigay niya is permanent and absolute. Kapag binago mo un mawawala o masisira ung nature ng diyos. The same with marriage, kaya hindi tayo nag didivorce. Ang sinasabi sa annulment kasi wala talagang nangyareng kasal.

Follow up question: In relation po sa permanence of marriage, may mga situation po ba na under ng catholic doctrine na considered na acceptable or necessary yung separation?

Actually, kapag basta may problema sa revocation ng husband or wife, that's another thing. Then, may mga bagay kasi na kailangan din i-disclose sa, mayroon kasi tayong tinatawag before the wedding na canonical interview. So, sa canonical interview, we have the husband or the wife na magpapainterview sa pari, individual yan and then magiging couple and then that's the time na idedeliberate ng pari kung ano talaga yung lalim o rason ng pagpapakasal ng husband and wife.

So, I'm saying this kasi for example, yung babae o lalaki mayroon pala siyang sakit na tinatago at sabihin natin na impotence or merong heart problem diba tapos ngayon tinanong ko yung babae, "Alam mo ba or may sakit ka ba na gusto mong sabihin to your wife or husband? Tapos sinabi ng wife, na "Father wala." Tapos tinanong ko yung husband "Ikaw, may sakit ka ba or may something ka ba na makakahinder with that three purpose." So, sabi "Father, wala." So, ako siyempre hindi ko naman alam or I mean the pari hindi niya alam, so with that, it's binding. Now, you end up may sakit pala. So, babalikan ko yung interview titingnan ko yung laman, ay sabi dito wala kang sakit, Nagsinungaling ka, that's the time dadalhin yung paper sa huwes or sa simbahan and that's the time idedeliberate and most probably, malaki yung percentage niyan na madidissolve yung marriage kasi in the first place nagsinungaling yung other party. Pero, there are instances na inamin naman ng couple na may sakit sila, now in spite ng marriage kasi diba the promises for better or for worse. So, kapag sinabi mo "Father, ayoko na kasi yayo o yaya lang ako.", babalikan ko yung paper, diba nagsignify ka and then you said ok lang so you have to accept your wife or husband kasi that's part of loving. You don't only love the best or the best character na mayroon kasi human tayo, meron at meron yan problem or incapacity. But still, since you love, you also love those baggages. Ang akin lang, is that sana honest. Marami yan, marami yan, pero the honesty kasi nasa canonical interview yan eh. Once masabi mo, kahit anong problema mo, nagiging binding na siya. Now, kung hindi mo sinabi, and then lumabas sa dulo, nagiging binding din siya familypara madissolve yung kasal. So, maraming specific, pero actually nandoon yun, kapag honest ka.

You may also say, "Father sinasaktan lang ako lagi. Paano kung inaabuse lang ako lagi?" That's the problem sa marriage kasi again, hindi mo siguro masiyadong nakilala yung husband or wife mo. "Eh Father ganoon

talaga siya.” Hindi naman pinanganak yung tao na galit eh, along the way mayroon yan. So, now as a husband or a wife I think it's also your job no or wife description yan husband description yan to understand and to help kasi hindi naman dapat lagi dapat masaya lang. So, kapag inaabuse ka, hindi yan rason. Yung rason bakit ka inaabuse. You might also be wondering, paano father kung extra marital? The extramarital, mahaba yung proseso niyan. Kasi nga, nangyari kasi yan in the marriage eh and hindi yan problema ng kasal. Problema yan ng dalawang kinasal. Kasi we are talking again, the sacredness of marriage. Kasi kung lahat na lang nang mangyayari sa inyo, may problema sa kasal, wala talagang magpapakasal, wala talagang magtitiwala sa kasal which is yun yung nangyayari sa mga kabataan.

They thought that the evil or the problem is the marriage. No, it's a beautiful communion, commitment. The problem is yung preparation natin before entering the marriage kaya courtship is very important. You have to really know the person kasi again, marriage is for life.

Basta you have to be honest, kasi wala naman talagang specific eh. Basta honest ka, ok.

Researcher: How do you view the relationship between your religious teachings on marriage and existing Philippine civil laws, and should religious principles shape such legislation?

Informant: Actually, we are very Catholic in the Philippines. So lahat ng, hindi man lahat, pero at least yung family code natin, yung marriage laws natin with the teachings of the simbahan. Which is good thing, hindi dahil pari ako pero kasi it's absolute to safeguard yung family. Kasi alam niyo yung nagseseparate, yung umaalis, yung umaayaw, yung nasasaktan doon yung magiging anak. Hindi man nasasabi pero there is psychologic and development, character development ng bata na hindi natin maeexplain hanggang tumatanda na lang kasi pala hindi lumaki with both sides, with nanay or tatay. Pero sasabihin natin, “Okay lang yan Father kasi may dalawa ng pamilya.” Hindi ganoon, hindi ganoon.

I'm saying it's a good thing na nandiyan yung simbahan. Kasi kung wala, lahat na lang ng maisip na gagawa ng batas dahil na lang ano. Kasi yung iba, in the first place, gusto lang pala ng divorce kasi may nakakitang maganda. “Di ba? Or may nakitang mas mayaman. Wala na yung pagsasakripisyo sa pamilya. Wala na yung life-giving na element sa pamilya. Wala na yung selfless, giving ng oneself sa pamilya. Ang nangyayari kasi, with divorce, and with other laws na ipapatag natin kung mayroon nagdissolution ng marriage, parang nagiging backdoor siya, nagleless yung commitment natin with each other kasi puwede naman pala ng exit exit.

O kaya naman hindi man natin sabihin pero for sure, ayoko kasi ng kapag nagmamahal yung nagtitira, kasi hindi ganoon yung pagmamahal. Pero, with the divorce and dissolution of marriage, magtitira't magtitirahan yan para sa sarili kasi nag iisip ka willing pa ako magpakasal sa iba. At sino yung nasasaktan diyan? Yung mga bata or mga anak.

Ang akin, mas nagiging tight yung family. And with this, actually, in a bigger picture, yun yung image kasi ng simbahan, yung family. Nagsisimula yan sa family, yung image ng simbahan. So, kung the family is destroyed or hindi siya functioning well, mahihirapan mag-penetrates yung simbahan to the family. Kasi imagine niyo, anong sasabihin noong pari tapos yung pamilya pala nila ay hindi maganda. I'm not saying naman na laging ganoon pero it's the environment din kasi. Wala naman akong discrimination, lalo na kung mayroon talagang mangyayari na hindi kumpleto pero as much as possible, ito yung standard natin. Ito yung dapat. Now, walang nanay walang tatay, nagseseparate nga, wala naman tayong discrimination or hindi naman yun problema or kakulangan yun sa bata in a way. Ang atin lang, kasi yun yung standard yung may wife, and that's the beautiful contribution ng simbahan.

Pero ngayon gusto nila ng divorce, and yung mga proponents noon yung may mga kabiti. Alam niyo yung iba nagmumuslims? Kasi nga yung muslims, they can have many wives without divorcing the other as long as nabubuhay nila which is yun yung nangyayari sa mga mayayaman. Hindi problema yung marriage, ang problema gusto mo ng marami kahit bawal na kahit mali na. Hindi lang corruption yan, sakit na rin yan.

Iglesia ni Cristo (INC) Church Leader

Researcher: What are the key teachings of your religion regarding the nature, purpose, and permanence of marriage?

Informant: Ang pangunahing turo o aral ng Iglesia Ni Cristo tungkol sa kalikasan, layunin at habang buhay na katangian ng kasal ay mula sa mga aral ng Diyos na nakasulat sa Biblia. Ang kasal ay sagrado at mahalaga sa Iglesia Ni Cristo sapagkat ang nagtatag mismo nito ay ang Dios. Ang halimbawa nito ay ang mga unang tao. Binasbasan niya ang unang nilalang Niya, ang mag asawang sina Adan at Eva. Mababasa natin iyon sa Genesis 1:26-27. Ang ginawang pagbabasbas ng Dios ay katumbas ng pagkakasal. Kaya sa Iglesia Ni Cristo, bago magsama ang "babae at lalake" ay kailangan munang magpakasal bago sila magsama. Hindi puwedeng magsama nalang sa iisang bahay ng hindi kinakasal. Ito ay lalabag sa utos ng Dios na nakasulat Biblia na mababasa natin sa I Cor. 6:9-10, na hindi maliligtas pagdating ng Araw ng Paghuhukom ang mga nangangalunya, nakikiapid (Pre-marital Sex, Extra Marital Affair.) Kaya sa loob ng Iglesia Ni Cristo ay mahalaga ang pagkakasal.

Ang kasal ay sagrado at banal, kaya dapat ito ay igalang. Hindi dapat magsama ang isang lalaki at babae lalo na ang premarital sex ng walang kasal o basbas ng Ama. Ito ay kalooban ng Ama na nakasulat mismo sa Bibliya. Kaya sa Iglesia Ni Cristo, ang kasal ay ginagalang at sinusunod. Dapat din nating maunawaan na ang pag-aasawa ay hindi lamang isang panlipunang kontrata kundi isang banal na institusyon para sa "companionship" at "help." Gaya ng nakasulat, hindi mabuti na ang tao ay mag-isa, kaya nilalang ng Diyos ang katuwang para sa isa't isa. Layunin din nito na protektahan ang mga kaanib mula sa pagkakasala ng imoralidad, dahil ang pag-aasawa ang tanging itinakdang paraan ng Diyos para sa pagsasama ng lalaki at babae.

Researcher: International human rights frameworks recognize access to marital dissolution as part of the protection of individual rights and dignity. How does your religious tradition view this perspective in relation to its teachings on the permanence of marriage?

Informant: Alam natin na inilulunsad ng Pamahalaan ang ukol sa pagpapawalang bisa ng kasal. Bilang Iglesia Ni Cristo, ang aming sinusunod ay mga aral ng Dios, ang nagtatag ng pagkakasal ay ang Dios. Ayaw ng Diyos na ang Kaniyang pinapagsama ay papaghiwalayin ng tao. Namumuhi o nagagalit ang Diyos sa diborsyo. (Malakas 2:16 New Pilipino Version (Salin ng Biblia). Ang tanging makapag hihiwalay lamang sa kanila ay ang kamatayan at hindi sinumang tao sapagkat silang dalawa na ikinasal ay natatali sa kautusan o tuntunin ng Diyos kaya ang dapat masunod ay ang Diyos(Roma 2:12). Hindi rin ipinahihintulot sa mga kaanib na mag asawa ng panibago habang nabubuhay ang dati niyang pinakasalan sapagkat sila'y nakatali sa kautusan.

Sa Iglesia Ni Cristo, kung sakaling hindi maiiwasan na maghiwalay ang magasawa ay dapat manatiling walang asawa o hindi kaya ay makipagkasundo sa asawa. Dahil kung hindi ito masusunod ay may disiplinang iginagawad sa kanila-may Pagtitiwalag sa Iglesia Ni Cristo. Naninindigan kami na "for they are no longer two but one." Ang pagkakaisa ng mag-asawa ay iginiit ng Panginoong Jesucristo na hindi dapat paghiwalayin ng tao. Dahil dito, ang anumang batas ng tao na nagpapahintulot sa paghihiwalay ay hindi kinikilala ng Diyos. Ang tanging hangganan ng kasal ay ang kamatayan; hanggang ang asawa ay nabubuhay, ang bawat panig ay nakatali sa isa't isa sa ilalim ng batas ng Panginoon.

Researcher: How do you view the relationship between your religious teachings on marriage and existing Philippine civil laws, and should religious principles shape such legislation?

Informant: Sa ngayon ay nakikita natin na walang anumang problema, maayos ang batas ng Pilipinas para sa kapakanang pantao. Pero isinusulong ng batas ng Pamahalaan ng Pilipinas ang ukol sa Divorce at Annulment na iyon naman ay hindi kasang ayon sa aral ng Iglesia Ni Cristo. Hindi namin sinasabi na kung ano ang aral ng Iglesia Ni Cristo ay dapat ng sundin ng tao kahit hindi kaanib. Iyon ay para lamang sa mga miyembro. Ang Iglesia Ni Cristo ay sumusunod sa batas ng Pilipinas pero may hangganan. Batay sa Gawa 5:29 ay itinuro ng mga Apostol noon na siyang namahala sa unang Iglesia na "Dapat munang magsitalima sa Dios, bago sa mga

tao.” Ibig bang sabihin ay hindi na susundin ang batas na nakalatag sa bansang Pilipinas? Susundin parin pero kapag labag na sa utos ng Diyos ay hindi na ito pinahihintulutan. Makakaapekto na ito sa pagitan ng dalawa (Church and State) hindi dapat mangyari ito. Utos din sa mga kaanib sa Iglesia Ni Cristo na kami ay magpapasakop sa Pamahalaan na siyang nangunguna sa bansa sapagkat iyon ay aral din ng Diyos.

May mga bansa sa kasaukuyan na pinagtitibay at pinahihintulutan ang tinatawag na divorce at annulment. Ito ay pinagbabawal ng Diyos dahil alam naman ng tao na bawal ng Diyos na papaghiwalayin ng tao ang pinagsama ng Diyos. Hindi rin sumasang ayon ang Iglesia Ni Cristo sa same sex marriage dahil ito ay karumaldumal sa Panginoong Diyos. Naninindigan ang mga kaanib sa loob ng Iglesia Ni Cristo sa batas ng Diyos, kahit ito ay pinairal ng mga tao dito sa lupa. Kaya kahit magkaroon ng mga bagong batas sibil ukol sa marital dissolution, mananatiling tapat ang Iglesia sa utos ng Diyos. Ang pamilyang Kristiyanong ay itinatag sa pag-ibig na selfless at hindi naghahanap ng "backdoor" o "exit" sa oras ng pagsubok. Ang pagsunod sa batas ng Diyos ang nagpapatibay sa moralidad ng ating lipunan.

Islam Church Leader

Researcher: What are the key teachings of your religion regarding the nature, purpose, and permanence of marriage?

Informant: Kapag nag asawa yung babae tsaka lalaki tas gusto nila mag hiwalay, pwede sila mag hiwalay. Basta may mga magulang o kamag anak na saksi, pwede sila maghiwalay. Pwede ipa walang bisa yung kasal kapag may saksi. Kunwari yung babae o kaya yung lalaki may kalapit na kamag anak, pwede sila maghiwalay o mapawalang bisa yung kasal. Sa aming batas, ang Nikah o kasal ay hindi lamang isang kontrata kundi isang pagsasama na itinakda ng Allah para sa procreation at upang magkaroon ng katahimikan o tranquility sa buhay. Bagama’t ito ay seryosong pangako, kinikilala ng Islam na may mga pagkakataong hindi na talaga magkasundo ang mag-asawa.

Follow up question: Paano ‘yung hatian ng anak, ari-arian, o kayamanan?

Informant: Sa mga anak, yung babae mapupunta sa babae. Yung lalaki mapupunta sa lalaki. Lahat yan dapat suportado nila kahit hiwalay.

Sa kayamanan naman, tatlong hati. Isa sa lalaki, isa sa babae, isa sa anak.

Ayon sa Code, ang ina ang may karapatan sa custody (Hadhana) ng mga bata hanggang sa umabot sila sa pitong taong gulang. Pagdating naman sa ari-arian, sinusunod namin ang regime ng complete separation of property maliban na lamang kung may kasunduan o stipulation bago ikasal. Ang obligasyon ng lalaki na magbigay ng nafaqa o suporta sa kanyang mga anak ay mananatili kahit tapos na ang kasal.

Follow up question: Wala po bang requirements o dahilan na kailangan para maghiwalay?

Informant: Wala po, basta nagkasundo sila pati mga magulang nila. Hindi na kailangan ng husgado, hindi na kailangan ng ganun.

Pero sa ilalim ng ating batas sibil dito sa Pilipinas, kailangan pa rin itong i-rehistro sa Shari’a Circuit Court upang maging legal ang divorce o Talaq. May iba’t ibang uri kasi tayo niyan, gaya ng Talaq (ng lalaki), Khul (ng babae na may bayad), at Faskh (sa pamamagitan ng utos ng korte kung may mabigat na dahilan gaya ng pagpapabaya o neglect).

Follow up question: Ano po ‘yung kaparusahan if ever po na hindi po nasusuportahan ‘yung mga bata o hindi nasusunod ‘yung kasunduan?

Informant: Malaking parusa, lalo na kay Panginoon. Sa batas natin, ang hindi pagbibigay ng suporta ay maaaring maging mitsa ng pagpapakulong o pagmulta. Ang Shari’a Court ay may kapangyarihan na utusan ang lalaki na magbigay ng suporta mula sa kanyang kinikita.

Researcher: International human rights frameworks recognize access to marital dissolution as part of the protection of individual rights and dignity. How does your religious tradition view this perspective in relation to its teachings on the permanence of marriage?

Informant: Samin naman po, hindi naman makakaapekto ‘yung relihiyon. Magkaiba kasi eh. Kasi yung batas sa Pilipinas tsaka batas ng relihiyon ng Islam. Sabi ko nga kanina, kapag nangaliwa yung babae, pwede pugutan ng ulo. Sa batas ng Pilipinas kasi, ipapakulong o ipapasawalang bisa yung kasal. Sa batas ng Muslim kasi, ang humahawak ng paghihiwalay, yung lalaki, kapag gusto ng lalaki na mag hiwalay. Pwede sila mag hiwalay. Pero kung yung babae lang may gusto, hindi pwede yun. Maliban lang kung may mga dahilan o mabibigat na dahilan, pwede sila makipag hiwalay.

Ang pagkilala sa divorce sa Islam ay mismong proteksyon sa dignidad ng tao upang hindi sila mabilanggo sa isang malupit o hindi masayang pagsasama. Hindi namin ito tinitingnan na laban sa human rights dahil ang layunin nito ay kapayapaan sa loob ng pamilya.

Follow up question: Anong po ang tingin ng muslims sa divorce?

Informant: Sa muslim kasi, may divorce. Kapag ayaw ng lalaki, o ayaw na nila sa isa’t isa. Puwedeng pwede mag divorce. Hindi naman na yan kailangang iano sa batas natin e. Bagama’t pinahihintulutan, itinuuro rin sa aamin na ang divorce ang pinaka-ayaw ng Allah sa lahat ng mga bagay na pinapayagan. Kaya bago mag-divorce, may proseso muna ng reconciliation sa pamamagitan ng Agama Arbitration Council.

Follow up question: Lalaki lang po ba ‘yung pwede mag pasa or makipag hiwalay?

Informant: Pwede rin naman ang babae, basta may mabigat na dahilan. Kunwari yung lalaki sugarol, pwede na dahilan yun. O kaya babaero, lasinggero, o ayaw magbigay ng suporta. Sa ilalim ng Code of Muslim Personal Laws, ang babae ay maaaring humingi ng Tafwid (kung binigyan siya ng asawa ng karapatang mag-divorce) o kaya ay Faskh kung ang asawa ay hindi nakakapagbigay ng suporta sa loob ng anim na buwan o kung ang asawa ay may malubhang sakit.

Policy Expert - Committee on Populations and Family Relations

Researcher: How do you think the current regulations on marital dissolution under the Philippine law, such as annulment, legal separation, and declaration of nullity, align with the Philippines’ obligations under international human rights frameworks?

Informant: Itong current law ay hindi receptive sa current situations ng mga asawang may problema. Unang una, mahal ang annulment. Ang annulment sinasabi nila ay just for the rich kasi umaabot siya ng 1M or 500k. Kaya sino sa isang ordinaryong mag asawa na wala naman at maaaring kaya sila ay nag-aaway dahil walang pera. So, paano sila magfale ng annulment? Ang ano nalang sa kanila yung legal separation na may mga qualifying ano rin para maka avail. So parang hindi din ganoon ka fair pagdating sa pagrespond sa requirements ng mga mag asawang may problema. Hindi compliant itong current law. Mahirap ding avail ang mga requirements para magqualify. Katulad ng sinasabi nila na “differences”, kapag lagi silang nag aaway, kailangan pa nilang magbayad ng mga expert para ijustify yung claim. Talagang hirap ang mga mag asawa na gustong may avail ng legal separation and annulment para makapaghiwalay.

Follow up question: For clarification, would you say na yung current marital dissolution mechanisms ay nagpoprovide ng “effective legal remedy” na ineemphasize ng mga international human rights framework na dapat ginagawa rin ng Philippines?

Yung mga indigent na mag asawa, hindi nila kayang mag avail noon. Unang una, pagdating sa legal yung fees mahal, hindi nila kaya. Mahal ang magpa annul dito sa atin so hindi siya compliant doon sa international law on separation.

Researcher: What do you consider to be the primary factors contributing to the continued absence of divorce legislation in the Philippines? (Ano sa tingin mo ang mga pangunahing dahilan na nag-aambag sa patuloy na kawalan ng batas sa diborsiyo sa Pilipinas?)

Informant: Sinasabi na tayo ay catholic country, marami sa atin mga 80% although hindi naman ganoon kaseryoso yung iba. But, matinding maglobby ang Catholic Bishops' Conference of the Philippines, ang Catholic Church. Unang una, pumupunta sila sa mga house members and sinasabi nila na hindi iboboto yung house member yung mga legislators na mag eendorse. Kaya, itong sila legislators natatakot din na magvote in favor of the proposal. Natatakot sila sa sinasabi ng Catholic Church.

Follow up question: What are the common arguments raised against divorce?

Informant: Actually, the term divorce itself yun ang kinokontra at inaayawan nila. Kapag sinabing divorce, negative ang connotation. Yung terminology na divorce, yun ang kinokontra nila kasi ang sasabihin nila kapag may naapprove na raw na divorce sa atin anybody can avail and then kunwari isang couple na nag avail na ng divorce pupwedeng niyang ulit-ulitin ang pag avail ng divorce. Pero puwede naman yun malagyan ng remedy, kunyari bibigyan lang siya ng one or two chances na makaavail noon, yun ang isang remedy. Kapag sinabing divorce, negative kaagad ang tingin sa kanya.

Researcher: What legislative or policy reforms do you believe could strengthen Philippine marital dissolution laws while balancing international human rights standards with local cultural and religious values?

Informant: We have a number of proposed bills or amendments to the following: Merong annulment of marriage, may catholic annulment and then kailangan naming iamend yung mga pag avail sa legal separation. Kailangan irevise namin so may mga bills na pending sa amin to amend the family code.

Follow up question: For you, amendments po ang pinakapossible action?

Informant: Amendments ang pinakapossible na mag address ng ating annulment of marriage problems.

Follow up question: Hypothetically, what do you think will be better, the amendments or the introduction of divorce?

Mas prefer ko na mag enact din tayo ng batas on divorce kasi maraming gustong mag avail nito. Unang una, yung grounds, mas madali and hindi ganoon kaproseso kasi hindi na dadaan sa judicial proceedings na katulad sa annulment of marriage na napakatagal na proseso minsan ilang years pero yung sa divorce may procedures lang na icomply. Kaya lang ang mahirap sa atin, yung term na divorce, yun yung kinokontra.

Follow up question: Sa tingin niyo anong stage ng legislative ang mahirap i-face ng proposed bills ng divorce?

Informant: Sa committee, kung hindi aapprove ng committee, wala. Walang magiging report, walang ittransmit sa plenary at walang pagbobotohan. Kung sa committee pa lang pinatay na nila, wala na. And then kung luckily maapprove sa committee pagdating sa plenary pagbobotohan ulit and by the number lagi ang laban. So, kung maraming mag lobby, kasi ang ginagawa ng catholic church, yung mga may kaibigan from their area pinupuntahan at pinapakiusapan na nila. So, minsan kahit supportive yung ano, kapag nakaasap ng friend na pari, hindi na bumoboto or tumatahimik na lang. Yun ang matinding challenge, ang magsusupport.

Follow up question: Do you think that the absence of divorce reflects public demand or a gap between public needs and policy revisions?

Informant: Yes, talagang merong gap. Unang una, maraming nangangailangang couples kasi kaya sila nagpakasal ang alam nila mag woworkout yung kanilang marriage. Then, hindi nila ineexpect pagdating doon sa sila'y magkasama na nagkakaroon ng disagreements. So, marami sa kanila ang naghihintay ng divorce so talagang may gap, yung iba hindi naman makaavail ng annulment of marriage kasi very costly. Ang

nangyayari parang nag e-encourage tayo ng “common law”, yung ganun na lang. Dahil hindi maisabatas ang divorce, yung mag asawa na hindi na nagkasama inaallow na lang na makipag ano sa iba yun ang negative consequence.

Follow up question: In relation with the religious influence, do you think na dapat may impluwensiya sila sa pagsasabatas ng mga laws natin?

Informant: Wala tayong magagawa kasi may democracy tayo dito, may right sila na maglobby. Marami tayong priest dito kasi nga majority sa atin ay Catholic. Actually, we have divorce sa Muslim community.

Hindi nila iniisip paano kung yung mga anak or kapatid nila ang nandiyan sa problematic marriage. Yung ang mag-asawa merong violence tapos kawawa ang anak nakikita nila na ganoon yung parents. Hindi nila nakikita yun.

Policy Implementer - Mandaluyong City Social Welfare and Development Department (CSWD)

Researcher: What role does your office play in assisting individuals and families experiencing marital breakdown?

Informant: Ako yung nag ha-handle ng Women Welfare Program. So, ibig sabihin, lahat ng tungkol sa kababaihan. Ang problema, VAWC, and WEDC. Ako rin ‘yung focal person ng trafficking in person ng women, and child custody pati child support. With regards to your marital conflict, kami ang registered pre-marriage counselor. So lahat ng ikakasal na 25 years old below, kailangan mag undergo ng marriage counseling. As per family code yun, so prerequisite requirements yun sa pag a-apply ng marriage license. So, mag undergo sila ng pre-marriage counseling. And kami yung trained and registered na pre-marriage counselor. So siguro yun ang mga na encounter namin kasi family and community yun. Women, family, and community. Ang mga isang problema kasi pag may mga conflict, actually dito halos everyday ang conflict. Pag naghiwalay, naghahabol ng suporta, naghahabol ng kustodiya. Yan yung mga common na na-encounter namin dito. Ang lagi naming tanong is whether you’re either married or living together lang. Mas madali kasi i-handle kapag hindi kasal. Unlike dun sa mga kasal. Kasi sa mga kasal, may legalities. Unlike sa mga hindi kasal, tinitingnan namin, wineweight din namin. Pero it doesn’t mean naman na ... may mga contributing factors din kami pag nag a-assist ng mga marital conflicts.

Researcher: What specific programs or services does your office provide, and how do these address the needs and rights of individuals affected by marital separation?

Informant: First, yung counseling namin, we do home visit. Pag may problems sila, nagpapaschedule sila ng counseling. Pero minsan, sinsama na rin yung relative, in-laws, yung mga immediate, kapag kailangan. Pero as much as possible, within the couple muna kasi yung inaano namin. Pero kung kasama niya rin yung mga anak, involved na yung mga anak dun sa away, then we do family counseling.

Researcher: Based on your experience, what common challenges do individuals and families face when dealing with marital separation, particularly in terms of legal processes, access to support, and protection of their rights?

Informant: Actually, kung ang pag-uusapan yung sa mga legally married, siyempre ang mga na-encounter namin dito is yung hatian ng mga properties, kung saan mapupunta yung mga bata, mostly ayan yung mga nagiging problema. Yung iba naman, yung support, kunwari nag hiwalay. Hinahabol din nila yung support. Same thing sa mga hindi kasal. Ang pagkakaiba nila kasi, kapag sa mga property or aside doon, yung mga kakasuhan for third party involvement, syempre pag legally married, may kaakibat na batas. Kung kakasuhan ba ng adultery, bigamy, unlike doon sa mga hindi kasal na naghiwalay o nagkaroon ng problema, ang inaabala nila is yung visitation rights, yung suporta, kasi yun lang naman ang nagiging problema at kustodiya. Kung hindi kaya, hindi dun mapupunta yung bata. Pero mostly syempre yung batas, alam naman natin yung kaibahan niya dun sa mga kasal at hindi kasal. Pero mas mahirap kasi pag dun sa mga kasal kasi may mga legalities

silang inaano eh, kaya nahihirapan kami sa mga legally married na couple ung nagkakaran ng problema tas lumalapit dito.

Follow up question: Have you observed cases wherein informal separation cause more complications? O gaano or ano po yung pinaka mahirap na na-encounter niyo?

Informant: Pinaka mahirap talaga yung legally married. For example, hindi talaga sila taga dito per se. Taga province sila, nagkataon lang na si father nakabili ng property sa Mandaluyong. So, ang problema nun, may mga lawyer sila. So, parehas may lawyer. Parehas din naman silang edukado – may mga trabaho, professional pareho. Walang separation na nangyari, pero ang finile nila is custody. Custody ang finile. Hindi sila nag file ng legal separation. Yung babae gusto makuha yung bata, kaya lang, yung mga bata kasi nag tetestify sa court. Dumaan sa court kasi nga may hinahabol pero hindi sila dumaan ng legal separation. So mahirap sa part ng tatay kasi naka file ang case sa Cagayan, so nag ttravel pa sila doon para maka attend ng hearing. And yung mga bata dito nag aaral. Medyo traumatic yung nangyari nun. So ang ginagawa naman ng opisiina, nag-assist kami na i-refer sila for psychological assessment ung bata kasi medyo pag nakikita niya yung mother niya, natatakot talaga siya kasi may child abuse thing kasi sa mother niya. So pag nakikita niya yung mother niya, medyo agitated siya and may instance na nirecord nung father yung conversation nila nung anak. And maano mo dun, umiiyak talaga yung bata. Plus nung nag hearing sila, iniyyak niya talaga si Judge. Pero hindi siya nag file ng legal separation or something.

Follow up question: Anong pinaka biggest challenge ng legally married pero hindi separated legally?

Siguro yung ako ha, personally, yung support. Kasi minsan, lalo na pag ngayon kasi alam naman natin pag naghiwalay, syempre okay pag nag hiwalay ka, suportahan mo yan. Or ikaw bahala jan, un ung mahirap na naencounter ko. Meron din akong recent case, legally married pero hindi nakipag hiwalay. Parang nag rest lang siya for a month, tapos nung bumalik siya, nung nakipag usap siya. Sabi ko “ano, hiwalay na ba kayo?”, sabi “hindi ma’am nakipag balikan ako kasi walang magbabantay sa bata, at yung expenses.” so yung support, kahit na may trabaho siya, kasi sabi ng asawa niya kapag umalis ka dito, sagot mo na yan lahat. So since siya, nagsisimula pa lang mag work, financially medyo nakakaano pa. Laging suporta yung pinoproblema nila pag nakikipaghiwalay kasi un ung sinasabi nila “maam pano pag nakipag hiwalay ako pano ung suporta?”. Yun yung laging problema para sa mga kasal. Kahit nga sa mga hindi kasal, “maam pag nakipag hiwalay ako baka d na magbigay ung asawa ko”, syempre lalo na kung kakasuhan pa nila lalong magagalit ung pamilya. Un ung mga nagiging predicament ng mga wifi na nakikipag hiwalay, legally ah. Kasi may mga iba namang hindi kasala na talagang hinahabol lang nila, suporta talaga. Pero sa mga legally married, isa yun sa mga nagiging problema nila. Hindi na nga nila hinahabol yung ibang property eh. Ung inaano lang nila ung pang sustain nila, yung schooling ng mga bata.

Follow up question: In light of that, ano pong intervention yung ginagawa?

Informant: Ang magagawa namin is more on counseling referral. Hindi lang naman economic ang naging problema niyo sa asawa niyo. Psychological kasi may ginagawa sa kaniya na abuse. Bukod sa pera, may abuso pang psychological sa kaniya. So nirerefer namin sila sa mga individual na mga professionals tulad ng psychologist, psychiatrist na puwedeng mag assist. Iba naman sa livelihood project, mga ganun o nakikipag coordinate kami sa ibang social worker baka may mga project sila kunyare mga livelihood program na sila ung puwedeng maging priority, beneficiary. So ganun lang, referrals and counseling. Ganun lang naman mostly aside nalang kung inabuse sila ah. And right now kasi meron tayong bagong bukas, bagong tayo na Mandaluyong City Protection Center for Women and LGBTQ, kung saan ung mga may kailangan ng temporary shelter, ay nag iistay doon. Simula January hanggang ngayon meron na kaming isang client na na refer doon at eventually na return to family sa benguet, mountain province. So ayun ung mga programang nabibigay namin sa ngayon.

Researcher: Have you encountered cases where a client’s marital status (e.g., still legally married but separated) affects their eligibility for benefits or services? If so, can you describe these situations?

Informant: Siguro yung mga iba na nag hiwalay na matagal pero hindi ano. Parang sa solo parent. Meron kasing category sila eh. So dapat hiwalay, may mga kukuha dapat ng patunay o mga certificate na kayo eh hiwalay. Yun yung siguro magiging problema sa pag avail. Hindi syempre sila makakapag avail nung solo parent kung legally married pa. Pero siguro meron kasi yung abandonment eh. May mga hindi naman yung solo parent ng certificate na abandonment. Siguro pag yung na issue na nila, pwede sila mag fall sa mga abandoned partner, pwede sila mag avail. So far naman sa mga ibang services, kahit legally married pa pero separated na, siguro wala naman kami na e-encounter na nahihirapan naman sa mga ibang serbisyo. Kasi both naman nabibigyan, may mga client din naman kaming lalaki, hindi lahat babae. It's so happen lang na mas siguro nabibigyan na natin yung mga kababaihan. May mga lalaki rin namang naabuso din naman. So ayun lang hindi naman siya nagiging hadlang, ung status nila.

Follow up question: How about sa children po?

Informant: Kung sila naman upon birth ay legally married, automatic naman yun. Naka-apelyidyo. Kunwari kay father, naka-apelyido naman yun. So, hindi naman nagiging, wala pa akong na e-encounter na ganun yung mga nagiging problema. Nangyayari lang yan, dun sa mga hindi kasal. Kasi may mga iba, nung okay sila, kunwari, naka apelyido. Meron ako kanina lang, okay sila, nung nag hiwalay na, pinapatanggal na yung apelyido ng lalaki kasi nagkahiwalay na kaya lang inilaban nila na hindi ilagay mo pa rin. Unlike sa mga legally married na kapag kasal kayo tas na-conceive na ang naipanganak na, automatic naman yun in the government. Ayun yung ina-assume ng batas, makakabuo ka ng anak within the marriage. Technically, yung mga iba na mga, siguro ang problema is gusto maghabol ng other family. Pero ang automatic yun ang nilalagay na apelyido yung pag married na kayo. Kasi diba kapag nanganak ka, hinahanap yung marriage certificate, tapos siyempre ilalagay yung apelyido doon. Automatic na yung sa tatay yung gagamitin. Kapag hindi naman kasal, automatic sa father pa rin, pero yung iba naman sa mother yung nilalagay. Dati kasi pag hindi kasal dapat sa mother pero nabago kasi un kaya pwede ng sa tatay iapelyido. Ngayon kasi pag legally married ka tapos nabuntis ka ng iba, ipapangalan parin yan sa kung saan ka kasal. Way back 2011 to 2016 kasi adoption yung hawak ko, so yung mga na e-encounter namin pag nagkakaroon ng dialogue together with the civil registry office. Sabi ko, ah kahit pala pag nabuntis ka ng iba pero legal in marriage ang ilalagay pa rin apelyido ng asawa ko. So kapag nag appeal about dun, ang magiging problema, ibig sabihin, technically naman, nagkaroon ng pagkakasala. Ma a-annotate naman yun, mag a-appeal ka, kaya lang magiging problema doon naman sa legal husband, kasi kasal ka dun eh tapos nag ano ka sa iba. And para mo mapatunayan yun, kailangan mo mag undergo ng DNA testing. Dapat papayag yung mga parents na mag undergo ka.

Follow up: Sa mga legal remedies po, like yung legal help po, may mga cases po ba or nag offer din po yung office niyo sa pagpapasawalang bisa ng kasal?

No, yan talaga is support pa rin talaga yan. Pag mga cases na talaga na kunwari, hindi na, kasi ganoon ang system kasi, pag hindi na ayos sa barangay, tapos, dinudulog yan sa city o sa city social welfare. Dito kapag mga VAWC cases, nasa batas yan sa Republic Act of 9262. Hindi puwedeng immediate ang VAWC ng 9262. So, automatic sa korte yan. So pag usapang supporta lang, pero hindi VAWC, civil case lang na support, ina-assist yan. Pero dito sa opisina namin, kapag nagkaroon ng pag-uusap tapos hindi sumunod, papatawag ulit. Pero pag laging nangyayare baka hindi na epektibo ung opisina namin, baka may mas mataas na. Irerefer namin yan sa korte na kasi sila ung puwedeng mag utos, kumbaga ung may ngipin ng batas, kumbaga sila ung magsasabi kung magpapawalang bisa o kaya bibigyan ng legal separation. Pero dito saamin, kung mapag uusapan lang, na hindi na aabot ng korte pero pag kailangan korte parin talaga.

Researcher: Strengths and weaknesses ng current system sa pag address or pag handle ng mga marital conflicts?

Informant: Medyo nandun pa rin tayo sa medyo traditional na ano, ayaw makipag hiwalay for the sake ng family, sa mga anak. So, nag stick pa rin sila doon sa kumpletong family. So yun pa rin yung malaking factor. Plus, siyempre, yung lagi na kamatayan lang yung magpapahiwalay. So ganun pa rin yung konsepto na hanggang sa huli. Pero hindi naman lahat. May mga ibang na bbreak na rin yung ganong pag iisip. Open sila sa idea, kasi unang una, ako hindi ako pro sa kung ano pa man pero mas mahirap naman pipilitin mo mag sama,

tas everyday nag aaway, nag mumurahan, nawawala na ang respeto sa pamilya. Hindi lang sa inyong mag-asawa, pati na sa buong pamilya. Nakikita ng mga anak mo, normal lang ba na kahit magsama kayo, nag mumurahan kayo, nag-aaway kayo, nagsasakitan kayo, normal nalang pala un. Hanggang sa paglaki nila, tas nagkaron sila ng sarili nilang pamilya, nauulit lang kasi nakita nilang normal lang pala un. So hindi ko un inaano na ah okay lang ako don sa divorce. Kasi ako married na for 27 years, may mga ups and downs pero hindi ako dumadaan sa mga ganun. Pero may kapatid ako na dumaan sa ganun. Na right now may marital conflict. Hindi ako pabor kasi nakikita ko yung epekto nun sa pamangkin ko. Nalulungkot ako sa parte ng mga pamangkin ko, so ang dapat tignan natin dito ung mga konsepto ng mga bata. Ngayon nagiging co parenting sila, pero longing parin ung mga pamangkin ko dun sa father. Siguro yun yong iniwasan ng ibang couple, ay gusto ko may buong pamilya, buo nga pamilya niyo pero lagi naman kayo nag aaway. So saan ka na. So siguro ako kung saan mas magiging okay, kung kayo naman ay nandun parin ung respeto para sa pamilya, doon ako.

Follow up question: Do you believe that legalizing divorce will make it easier, for your office, or for everyone, na ma protect yung karapatan ng bata, vulnerable spouses?

Informant: Minsan kasi nagmumula din kasi kung ano yung kinalakihan mo. kung ang paniniwala niyo sa kasal is sagrado, yung kasal is matibay, siguro naman hindi na. Nandun na rin kasi yung tanong sa kung paano ka, ano yung upbringing mo, pero kasi at the end of the day, lagi kasing may natatalo, kaya kailangan parin mamili niyan. Kahit sabihin mo na kawawa naman itong ano, laging naaabuso, ayaw pa rin makipag hiwalay, pero i wewewieight mo pa rin. Pag iniwan naman, pano yung pamilya? Magiging ano nalang talaga siguro yung kung ano ung tama para sa kalahatan.