



## A Comprehensive Literature Review of Marital Dissolution in the Philippines: Legal, Socio-Cultural, and Feasibility Perspectives

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**ABSTRACT:** This research provides an overview of the topic of annulment and the possibility of divorce in the Philippines. The study used a qualitative approach through case studies to collect and identify experiences and to explore the legal framework of annulment, socio-cultural factors influencing attitudes towards annulment, the impact of annulment on individuals and families, public perceptions and stigmatization, the feasibility of introducing divorce as an alternative, and international practices and case studies of divorce. Defined by Executive Order No. 209, under the Family Code of the Philippines, outlined the grounds for annulment. Due to the country's predominantly Catholic population, the Philippines' socio-cultural influences have shaped the attitudes of its fellow citizens towards annulment, with an additional increasing acceptance of divorce as a practical solution. Meanwhile, impact studies show positive and negative consequences on individuals and families, showing that coping mechanisms play a crucial role in reducing difficulties. On the other hand, public perceptions and stigmatization of annulment require further research. Lastly, the feasibility of introducing divorce within the Philippines may encounter challenges due to different factors. Further research on international cases may offer additional insights into the legalization of divorce and managing its social implications. The study highlights the difficulties of ending marriages in the Philippines. The researchers wanted to recommend this work to future researchers conducting a study about divorce and the Philippine system to create support connections and legal reforms to ensure the protection and well-being of individuals and families when going through relationship changes.

**KEYWORDS:** legalization, nullity of marriage, practices, separation, traditional beliefs.

### INTRODUCTION

Sarana (2010) referenced an excerpt from the 1957 version of the Notes and Queries on Anthropology, defining marriage as the "union between a man and a woman such that children born to the woman are recognized legitimate offspring of both parents." It is a fundamental part of society that has undergone significant evolutions through the years, such as the notable legalization of same-sex marriage in some countries. With its continuous evolution, a significant development within the recent decades has been the upsurge of divorce cases, which was defined as "the legal termination of marital union due to various reasons." (Cabilar & Yilmaz, 2021) According to an article by Wallerstein & Blakeslee (2017), it has been noted by the writers that out of the fifty of the married couples they have interviewed, majority are remarkably aware of the high incidence of divorce in the society. Though it only occurs limitedly, it has become a prevalent aspect of the modern era, which affects individuals and families worldwide.

Divorce, legally dissolving a marriage, results from various factors such as lack of commitment, infidelity, excessive conflict, marrying too young, financial problems, substance abuse, and domestic violence. Anderson (2014) underscores the importance of promoting healthy marriages and discouraging divorces, except in cases of unresolvable marital violence, emphasizing the benefits of children living with married biological parents. However, divorce may lead to a "moratorium on parenting" due to parents' emotional and temporal struggles post-divorce. In a study by Auri (2022), the researcher aimed Bangladesh to identify financial crises and extramarital relationships as major causes of divorce, with significant negative impacts on victims, including social stigma and economic difficulties. Despite limitations like small sample size and reliance on document analysis, it highlights the need for further research and policy interventions. The study by Scott et al. (2013) on divorced individuals emphasizes the importance of addressing specific issues like lack of commitment and infidelity in relationship education programs to prevent marital distress and



divorce. However, the focus on program participants might limit generalizability. Overall, these studies enhance understanding divorce's causes and effects, underscoring the necessity for tailored interventions to mitigate its societal impacts.

In the Philippines, a marriage can be dissolved through the declaration of nullity or annulment, though legally, their terms and conditions are different; they aim for the same thing, and it is the dissolution of marriage. The declaration of nullity for marriage is a legal process wherein marriage is considered void from the beginning despite formally getting married. (Calleja Law, 2023) When there are minors in the marriage, bigamous or polygamous relationships, incestuous, or psychological incapacity are some of the grounds to establish a nullity of marriage. Annulment refers to the process whereby a valid marriage is considered void (Calleja Law, 2023). The process of annulment aims to fail to acknowledge a valid marriage, instead rendering it as something that never happened. The ground for annulment consists of insanity from partner/s, fraud, forced marriage between the couples, impotence, and Sexual Transmitted Diseases. There is also a choice for legal separation, wherein the married couple will live in separate homes. Legal separation is simply a remedy rather than a long-lasting choice for the couple, as it does not terminate the marriage legally.

The study's objectives are to contribute to a better understanding of divorce, identify the factors associated with divorce, identify and understand the consequences of divorce to partner and/or child/ren, review international cases of divorce, connect reviewed international cases to the Philippines, and lastly, so surmise the findings whether the pros and cons are viable for the Philippines to implement the divorce law. Additionally, the researchers aim to contribute in the following sectors: students to give knowledge and information about divorce; parents to know how divorce may affect their family; general public to give additional insights on divorce cases from outside the country and how these factors may relate and benefit them; and future researchers to be informed how divorce works from outside the Philippines and how it could be or could be not beneficial to fellow citizens.

## STATEMENT OF THE PROBLEM

The research aims to answer the following critical questions in order to acquire all the necessary knowledge and documentation:

What is/are the existing legal framework of annulment in the Philippines, including historical context, current legislation, and any proposed changes?

What is/are the socio-cultural factors influencing attitudes towards annulment in the Philippines? Including cultural norms, religious beliefs, and societal expectations.

What is/are the impacts of annulment on individuals and families in the Philippines, including legal assistance, counseling, and support networks?

What are the public perceptions and stigmatization of annulment in the Philippines, including attitudes toward annulled individuals and families?

Can the feasibility of introducing divorce as an alternative to annulment in the Philippines be evaluated, considering its legal, social, and cultural implications?

How do international best practices and case studies of countries where divorce has been successfully introduced as a legal option for marital dissolution contribute to the evaluation process?

## METHODOLOGY

The researchers aim to identify and summarize what has previously been published. The researchers intend to collect and analyze several anecdotes or accounts of experiences connected to divorce to develop a strong foundation about the topic's extent of the subject matter. Furthermore, this literature review is expected to build and develop research findings, help connect the cases in the Philippine context, and surmise whether these collected data will support and prove the approach of the topic. The researchers utilize this methodology to look for thematic occurrences observed in both experience accounts and existing studies and continue to expand the foundation of knowledge regarding the subject further. An analytic methodology will also help in understanding statistics present in studies and their connection to cause and effect.

Through data collection, the researchers collected data through comprehensive information from various sources. They are delving into legal texts to understand the legalities of divorce, reading academic articles to gain insights into the sociological and psychological aspects, and exploring personal stories to grasp the human impact of divorce. This multi-faceted approach will ensure a holistic understanding of the subject. Furthermore, the researchers will compare international cases to our local context to envision how divorce might work in the Philippines—considering unique cultures, beliefs, and social norms. This will involve studying how



other countries with similar cultural backgrounds have handled divorce and its impact on their societies. Lastly, the researchers summarized the findings to conclude whether legalizing divorce would benefit the Philippines. The researchers aim to weigh the pros, such as providing individuals with protection from unhealthy marriages and the freedom to remarry, against the cons, like the potential negative impact on children and the challenge of shifting societal views.

## RESULTS

### *Legal Framework of Annulment*

Under Executive Order No. 209, it was signed in 1987 by former president Corazon Aquino, governed by the Family Code of the Philippines. Annulment, otherwise known as the annulment of marriage, refers to a marriage that was previously valid until it has been annulled. Several grounds for the application of annulment were specified in Article 45 of the Family Code of the Philippines, which are lack of parental consent, insanity, fraud, coercion, impotence, and serious and incurable sexually transmissible disease, which must exist during the time of the marriage.

Additionally, one or more grounds must be met before a petitioner seeks the annulment application. The annulment process may take anywhere from one (1) to two (2) years, even longer, depending on the intricacy of the case. (Respicio & Co., 2023) And on January 24, 2023, the Supreme Court issued a resolution allowing the modified guidelines to verify compliance with the "jurisdictional criteria in petitions for declaration of absolute nullity of marriage, annulment of voidable marriage, and legal separation." (Ocampo & Suralvo Law Offices, 2023)

### *Philippines' Socio-cultural Factors Influencing Attitudes Towards Annulment*

Divorce is universally seen as negative across many cultures, which may give different perspectives to an individual (DiPietro Law Group, 2019). A norm becomes the standard that changes over time and varies per country; as the world progresses into betterment, people's beliefs and behaviors also evolve. Many people do not adhere to this concept since the Philippines is known as a Catholic country. However, as other countries legalize divorce, its context is being considered in the Philippines, such that it is called a lawful option to obtain freedom from unhealthy marriages, cheaper, faster to resolve, and the reality of life (Phil Star, 2011).

The Philippines being open to Catholicism led some of the people, especially the Catholic hierarchy, to contradict the idea of divorce, such that, according to Hutt (2016), it is "anti-family" and "anti-life," and to Cornelia (2018) as "taboo" and "moral depravity." These beliefs pre-empt the suggestion of the alternative, annulment, as it somehow brings a solution by declaring the marriage null and void, but the record remains on file.

Marriage is majorly and widely perceived as purely commitment and love between two (2) couples bound to live together until death, giving it its sacredness (Times of India, 2023). This creates the concept that it is viewed as a "heaven-created" union (Cornelio, 2018) that it influences attitudes towards annulment, and not divorce as it ends a marriage, which can affect the child inside the created relationship and the societal views on the persons between that marriage (Government of Canada, 2022).

### *Impact of Annulment on Individuals and Families in the Philippines*

In a study by Torres-Ricafrente (2022), the impacts of annulment on women after the process were largely positive. Mentally and emotionally, the women described feeling "free from pain" and gaining more self-confidence and self-esteem. They no longer felt burdened by the emotional turmoil of their previous marriages. Financially some women became more financially stable, with one participant stating that she had become "successful" after the annulment. In terms of the practices the women relied on, they mentioned several coping mechanisms. Some relied on psychological or therapeutic counseling to help them process their experiences. Others engaged in self-care activities like meditation, exercise, and freewriting to work through emotions. Crucially, the women also emphasized the importance of social support from friends and family in helping them move forward after the annulment. This social support was a key factor in regaining their self-concept and outlook on life. Overall, the annulment process has a transformative effect on these women, allowing them to reclaim their sense of self and find a more positive path forward emotionally and practically. The support systems and coping strategies they employed played a vital role in this healing and empowerment process.

In a similar study by Escareal-Go (2014), the researcher conducted a case study as well, finding out the impacts of annulment on the women after the annulment varied, and those who participated in the study varied. For Patti, the annulment process was emotionally and financially challenging. She had to go to court to demand financial support from her ex-husband, but the amount



granted was insufficient to cover her expenses. However, her ex-husband did send their sons to study in the US from high school to college. For Amy, the annulment process was also emotionally and financially challenging. She felt that annulment did not force the husband to provide financial support or alimony, and she believed that divorce would be a better solution to provide women with more freedom. While Therese felt that annulment was like "purgatory" - it was neither here nor there, and it assumed something must have been wrong from the beginning. She believed that divorce was a more straightforward process that recognized that people could grow apart over time. Hannah also felt that annulment was too personal and destructive and that divorce was a more "business-like" solution. Like the other women, she relied on her work as an outlet, and her annulment or separation did not matter to anyone in her industry. Overall, the women relied on various coping mechanisms, including seeking counseling, financial assistance, and support from their families and communities, to navigate the challenges of the annulment process and its aftermath. They relied on practices like hiring a psychologist for therapeutic sessions, spending large amounts of money on visiting beautiful places and shopping, finding social support, distraction through work, or writing about all the painful experiences.

On the other hand, in a study by Relucio (n.d.), unlike in the previous studies, the study instead explored the different stresses and coping reactions of separated women in the Philippines and the different phases of marital separation. The study's results indicated that the women who participated in it experienced different stresses and coping reactions before and after the separation. Before the separation, the stresses were more internal, while after the separation, the stresses were more external and directed outward. The women employed various coping strategies, such as reliance on prayer and deep faith in God, seeking support from family and friends, and engaging in physical and creative activities to channel their stress. After the separation, the women also learned new coping strategies, such as reaching out and interacting with people outside their family and friends and becoming active members of clubs and organizations. The study also confirmed a previous framework for newly separated individuals, which includes stages such as shock and denial, anger and depression, grieving and mourning, acceptance and understanding, recovery and growth, and the outreach stage. In relation, as stated in Administrative Order no. 7, series of 2005, given the usual work and responsibility of counselors or therapists to restore, maintain, or enhance their client's capacity to adapt or adjust to their current reality, achieved through the provision of services, be it individual or as a group by providing emotional support. A social broker connects the client to needed services in the community, engaging in various activities like being a helper, interpreter, etc.

In annulments, the custody and support of the children are determined through legal proceedings, including custody arrangements, visitation schedules, and child support, with the court prioritizing the children's best interests in its decisions, ensuring the children's well-being and stability. In connection with this, a study by Ibarra et al. (2023) discusses the effects of parental separation on family members' mental and financial well-being and coping mechanisms. These effects are enumerated as such: firstly, we have Mental. Parental separation can negatively affect young adults, such as academic challenges, difficulties in interpersonal relationships, and fear/trust issues. However, parental separation can also have positive effects, motivating and inspiring some young adults to strive for better things. The experiences of parental separation led to both negative and positive impacts on the participants, confirming that it can be a traumatic event with detrimental effects but also potential positive outcomes. Second is financial stability; among the participants, only one participant shared difficulties in the financial aspect, such as their mother having to work multiple jobs to provide for the family after the separation. At the same time, another participant did mention their father's financial problems with his other family being passed on to them at times. Lastly, how they coped in response to such events can be traumatizing. Some participants found their experiences with parental separation to be motivation and inspiration to do well and excel. Participants discussed becoming stronger, learning to appreciate themselves and others more, and being more sensitive to other people's feelings as coping methods. The study notes that participants were at different stages of overcoming the challenges related to parental separation, with some having already overcome them and others still in the process. The study suggests that parental separation can have mixed effects on family members' mental and financial well-being, with both negative and positive outcomes. The coping mechanisms employed by the young adult participants include drawing motivation, developing resilience, and becoming more self-aware and empathetic.

### *Public perceptions and stigmatization with annulment in the Philippines*

While there is no specific research on the public perceptions and stigmatization of annulment in the Philippines, we can infer from related studies that stigma is a significant issue in the country. For instance, studies on the stigma experienced by people with mental health problems and former drug dependents in the Philippines highlight the culturally and socio-economically specific contexts,



consequences, and impact modifiers of experiences of stigma. These studies suggest that negative attitudes and discrimination are widespread among the Filipino general public.

Similar stigmatization could occur in the context of annulment, given that annulment can be seen as a public admission of a “failed” marriage. This could lead to negative perceptions and discrimination against annulled individuals and their families. However, more research is needed to fully understand the specific attitudes towards annulled individuals and families in the Philippines.

### *Feasibility of introducing divorce as an alternative to annulment in the Philippines*

The feasibility of introducing divorce in the Philippines has been a topic of ongoing debate. The Philippines, known for its conservative Catholic values, is one of the only countries where divorce remains generally prohibited. However, exceptions and legal alternatives are available for Filipinos, such as annulment and legal separation. In recent years, there has been a push for legal reforms to introduce divorce legislation in the Philippines. Advocates argue that such laws would provide a more humane and practical solution for irreparably broken marriages, especially for those involved in abusive relationships. Proposed legislation has sought to introduce divorce on grounds such as irreconcilable differences and psychological incapacity while also considering the welfare of any children from the marriage.

The introduction of divorce in the Philippines could have significant legal, social, and economic effects. Legally, it would require adjustments to family law, including provisions related to child custody, property division, and spousal support. Socially, it could challenge traditional views on marriage and family. Economically, it might impact spouses' financial arrangements, especially regarding alimony and child support. However, any efforts to legalize divorce face significant legal, cultural, and religious challenges in the country. As of 2023, there is still no divorce in the Philippines, although there are efforts to try introducing it. Therefore, while it is feasible to evaluate the possibility of introducing divorce as an alternative to annulment in the Philippines, implementing it would require overcoming these substantial challenges.

### *International Practices and Case Studies of Divorce*

An article by Respicio & Co. (2024) states the status and legislative efforts regarding legalization. Various legislative proposals aiming to legalize divorce have been introduced in Congress over the years, emphasizing the need for an option to dissolve irreparably damaged, abusive, or harmful marriages. Public opinion in the Philippines is divided, with women's rights groups and civil society advocating for divorce legalization as a matter of personal freedom and human rights, while religious groups and marriage sanctity advocates strongly oppose it. Recent legislative efforts have made some progress in the lower house of Congress but need help gaining unanimous support and navigating the legislative process, particularly in the Senate. Legalizing divorce would entail comprehensive amendments to the Family Code, impacting property relations, child custody, and support provisions, and establishing procedural guidelines for divorce proceedings. Advocates argue that it could address social issues like domestic violence, offer an escape from unhappy marriages, and reduce stigma. At the same time, opponents express concerns about its impact on family units and societal values.

Examining international practices and case studies can provide important insights into how to facilitate the legalization of divorce in the Philippines. According to Cherlin (2017), there are a few key reasons why studying international practices and case studies is important when legalizing and facilitating divorce in different countries. First is Institutionalizing divorce. Cherlin had gathered the passage notes that Goode observed, noting that "stable high-divorce societies had developed institutionalized ways of resolving difficult issues involving divorce and remarriage." Understanding how different societies have institutionalized the process of divorce and remarriage can provide insights for newly legalizing countries or seeing rising divorce rates. The second is Mitigating negative effects; Goode's notes argued that "Western nations in which divorce had risen in recent decades should follow this example and institutionalize the means of mitigating the harmful effects of divorce." Studying how other societies have adapted to high divorce rates can inform policies and practices to address the challenges of increased divorce. The third is addressing the lack of data. Cherlin noted that some countries, like India, had limited data on divorce rates in the past, reflecting the rarity of divorce. Examining regional and international case studies can help fill gaps in understanding divorce patterns, even in places where national statistics are lacking.

Lastly, when adapting to changing family structures, with the rise of cohabitation and non-marital unions, the passage emphasizes the need to look beyond formal divorce and understand the dissolution of intimate partnerships more broadly. International comparisons can provide insights into these evolving family dynamics. Studying diverse international experiences can offer valuable



lessons for countries seeking to legalize, institutionalize, and manage the social and demographic implications of increasing divorce and union dissolutions.

## DISCUSSION

Governed by Executive Order No. 209 – Family Code of the Philippines, the legal framework and specific grounds for the dissolution of marriage or annulment were outlined. As the annulment process generally takes from one to two years or more, and the recent resolutions of the Supreme Court aiming to streamline procedures to ensure compliance with jurisdictional criteria, the process of annulment remains a complex and lengthy process which can also be affected by several socio-cultural and individual circumstances.

Looking into the socio-cultural landscape of the Philippines. It showed how these factors shaped the point of view towards the topic of annulment. With the country being predominantly Catholic, opposition to the topic of divorce is assumed as it is often seen as a violation of the sanctity of marriage. On the other hand, there has been an increase in the acceptance of divorce as an alternative and practical solution for broken marriages. The development of traditional societal norms and international stances evidences this. However, the tension between traditional beliefs and modern perspectives emphasizes the ongoing debate related to the dissolution of marriage, specifically on its legal reforms.

Previously cited research studies illustrated how annulment impacts both individuals and families. While some individuals experience favorable results, such as increased confidence and stable finances, others suffer from financial and psychological difficulties. Several coping mechanisms, such as counseling, social support, and engagement with others, play a crucial role in combating the possible effects of separation for individuals and families. It is important to emphasize the need for support structures for those who are in need of help.

Lastly, The study by Jacob (2013) sheds light on the historical and legal evolution of divorce in the Philippines. The objection raised by Congressman Agustin Kintanar against divorce as "unchristian and fundamentally alien" made a step down to the country's original practice. The reintroduction of divorce is advocated for its fairness and alignment with international standards for equal protection under the constitution and to address the prohibitive costs associated with nullity or annulment. By recognizing the need for legal equality and eliminating discriminatory practices, the study underscores the importance of revisiting laws to ensure they serve the best interests of all Filipinos, regardless of religious or cultural backgrounds.

## IMPLICATIONS

The topic of ending a marriage in the Philippines is like walking a tightrope. On one side, people have the law as the basis, and on the other hand, society's beliefs and the personal stories of those involved. Annulment is one way to end a marriage, but it is not as straightforward as it seems. More often than not, it clashes with the deep-rooted views about the sacredness of marriage and the importance of family.

People who go through annulment show incredible strength, but it is not without challenges. For some, it is a path to freedom and healing; for others, it is a tough journey filled with emotional and financial hurdles. In addition, the stigma attached to annulment makes it increasingly complicated, affecting how people see themselves and how their community sees them.

Continuing with changes to the law, for example, introducing divorce, it is crucial to remember the human side of the story. Behind every piece of paper and all statistics are real people with their own experiences, dreams, and difficulties. By understanding and empathizing with these stories, looking for effective ways to help people end their marriages is pivotal.

Ultimately, it can be done through annulment, divorce, or other way. The researchers aim to help people and families navigate the end of their relationships with dignity, respect, and the resources they need. Mitigating the prevalence of unfair judgment and discrimination through the promotion of empathy and understanding. Individuals have a right to navigate through relationship transitions with necessary resources and proper systems that are easily available for them to use.

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