

## PHILIPPINES: Divorce between 2 filipinos is illegal even if obtained in foreign country

By *Cristobal Delgado* on November 22, 2009

I was reading a law professor's blog at the following address <http://www.abogadomo.com/archives/971> and he claims divorce is illegal in the Philippines. I did some more digging and there seems to be quite a bit of truth to that which is somewhat incredible! Like Malta, the Philippines have illegalized divorce! And why? It seems the filipinio civil laws are still very much influenced by the Catholic Church. But if you think about it, the Vatican has more influence in the Philippines than even in Italy. Or even Latin America which is still heavily influenced by the Church. Even though the rate of divorce in Italy is so low, still, at least people can get divorced for cause in Rome. In Mexico and other Latin American countries, divorce is very much legal.

But in the Philippines, they cannot. Divorce is illegal. There is absolutely no divorce allowed. There is an annulment. But it functions like the ecclesiastical annulment of the Catholic Church. Parties have to prove there was a "pre-existing condition" to the divorce that warrants an annulment of the marriage. Domestic violence is not a pre-existing condition so even if one's spouse uses one as a punching bag on a regular basis, that is not grounds for a divorce in the Philippines.

But the situation is even more dire than just that. Because let's say two filipinos obtained a divorce here in the United States. That divorce is invalid in the Philippines! Null and void even if legally obtained here in the U.S. According to the professor. He says in Part:

*This is due to **Article 15 of the Civil Code of the Philippines**, which states that "laws relating to family rights and duties, or to the status, condition and legal capacity of persons are binding upon citizens of the Philippines, even though living abroad". Moreover, Paragraph 3 of Article 17 of the same Code states that "prohibitive laws concerning persons, their acts or property, and those which have for their object public order, public policy and good customs shall not be rendered ineffective by laws or judgments promulgated, or by determinations or conventions agreed upon in a foreign country".*

There is one exception to this general rule of **Article 26 of the Family Code of the Philippines** and that is where a Filipino citizen who marries another Filipino later obtains citizenship by naturalization of another country and subsequently obtains a foreign divorce decree in the foreign country. In a case like that, the spouse who is left behind in the Philippines can also obtain a divorce in the Philippines.

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Ref.: <http://www.divorcesaloon.com/philippines-divorce-between-2-filipinos-is-illegal-even-if-obtained-in-foreign-country>

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