

Gaming the System: Using Religion to Circumvent the Personal Laws of the Philippines

Gabriel Paolo L. De Guzman

Christian A. Drilon

58 ATENEO L.J. 953 (2014)

SUBJECT(S): FREEDOM OF RELIGION, FAMILY CODE, CODE OF MUSLIM PERSONAL LAW

KEYWORD(S): FREEDOM OF RELIGION, FAMILY CODE, CODE OF MUSLIM PERSONAL LAW, LAWS ON MARRIAGE

The 1987 Philippine Constitution grants the freedom of religion to the Filipino people. Recent controversy has, however, shown that there are certain ways in which Family Law in the Philippines may be circumvented, and it involves the exercise of this freedom. The enforcement of laws in the country was not written to favor any religion over another, and defiance of such comes with both criminal and civil liability, but this fact faces difficulty when challenged with one's constitutional right to freedom of religion.

This Article addresses the problem that the law is currently facing. In this case, one sees how it has become possible for some individuals to escape liability for bigamy by converting to Islam, a religion that expressly allows its religious to contract more than one marriage. The case of Freddie Aguilar is on point, as it allows the Authors to contrast the Family Code of the Philippines with the Code of Muslim Personal Laws, and raises questions on the motivations of individuals for converting to another religion, one that has not been — and most probably, will never be — addressed by the courts, or the law.

The Article aims to address the issues that arise when the principles of law and religion clash. While it seems that currently there is no definite answer to the question, and no remedy for such circumventions, to acknowledge this reality is an effective first step to finding the right solutions — those which will ensure adherence to the rule of law while according full respect to one's freedom of religion.