

## Ending Marital Iniquities and Revisiting the Issues on Divorce: Should it be Finally Allowed in the Philippines

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The Author once again revisits the age-old issue of divorce in the Philippines. She first examines the history of divorce in the Philippines prior to the Family Code: from the pre-Spanish period, under the Spanish regime, to the first Civil Divorce Law in the country, Executive Order No. 141 under the Japanese occupation, and finally the Civil Code of the Philippines.

The divorce issue is best situated in the context of marital relations here in the country. The Filipino style of marriage and family manifests itself under local legislation and the traditional roles of husband and wife. Nevertheless, marital iniquities are marital realities. Physical abuse and marital infidelities are not uncommon.

Because of the absence of a divorce law, the Author describes an “incapacitated” Supreme Court left with no alternative but to deny petitions for the declaration of nullity of a marriage. She examines the cases of *Marcos v. Marcos* (343 SCRA 755 (2000)); *Pesca v. Pesca* (356 SCRA 588 (2001)); *Dedel v. Court of Appeals* (421 SCRA 461 (2004)); *Republic v. Iyoy* (470 SCRA 508 (2005)); and *Perez-Ferraris v. Ferraris* (495 SCRA 396 (2006)).

In arguing for divorce in the Philippines, the Author analyzes the evolving norms of marriage and family in the country, the quality of institutions that the law seeks to protect vis-à-vis the kind of protection afforded, relief for victims of marital iniquities, the inadequacies of legal separation, and other issues regarding divorce.