

Why Are We Still Afraid of Divorce?: Marriage and the Traces of Neocolonial Control in the Philippines

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Abstract: The title's question is raised on behalf of the Filipino people and calls for the Philippines's critical self-reflection as to why the country's current sociopolitical climate remains in opposition to a divorce law. To truly understand the fear of a divorce law, one would have to look into the very institution that created the need for a divorce law in the first place: marriage. Across different cultures, Stephanie Coontz (2005) identifies two commonalities to the institution of marriage: (1) marriage is a universal institution, and (2) marriage is always subject to some set of rules. Taken together, these two characteristics imply the idea that marriage has the potential to impose a certain type of power and control over the people who engage in it. With that said, this paper aims to explore a critical theory of marriage in the Philippines as a site of neocolonial power and control by examining how marriage reproduces and enforces certain conditions of neocolonial control. This paper begins with a brief account of marriage as an institution and how the history of colonization in the Philippines has led to the modern version of Philippine marriage we have today. As a product of colonization, this paper argues that the current state of Philippine marriage reproduces the conditions of two (2) neocolonial systems of control upon Filipinos: (1) Capitalism and (2) Patriarchy. Examining this particular perspective on marriage, as we will see, will also unlock a new understanding of the significance of divorce.

Keywords: Philippine marriage, divorce, neocolonialism, capitalism, patriarchy



Introduction

Earlier this year, in January 2025, a TikTok video falsely claiming the legalized status of divorce in the Philippines has been making rounds throughout various social media platforms and has prompted discussions once again about the matter of divorce in the Philippines (Rappler 2025). A few months prior to this viral post, the Philippine House of Representatives had approved the third and final reading of the House Bill 9349 entitled “An Act Reinstating Absolute Divorce as an Alternative Mode for the Dissolution of Marriage” which, contrary to the TikTok video’s false claims of the same bill, simply sends the bill to the Senate for next process of review. If you have taken the time to go through some form of credible information or report about the status of divorce in the Philippines, there is a chance that you may have learned that the Philippines remains the only country outside of the Vatican that is without a divorce law. Historically speaking, however, divorce is not necessarily a new concept that attempts to penetrate Philippine society for the first time. In precolonial Philippines, Spanish chroniclers had observed in the Visayas region that divorce was readily initiated among the Visayans (Camacho 2019). After a long absence during the Spanish colonial period, absolute divorce returned to the scene with the passing of Act No. 2710 on March 11, 1917, during the American colonial period (Reyes 1953). During the Japanese occupation, a new divorce law was passed in the form of Executive Order No. 141, and it was not until the enactment of the Civil Code of the Philippines that absolute divorce was abrogated from the Philippine laws and continues to be absent up to today.

By raising the question “Why are we still afraid of divorce?” in the title, the paper calls for the Philippines’s critical self-reflection as to why the country’s current sociopolitical climate remains in opposition to a divorce law despite the numerous calls for its revival. For the most part, the continued absence of a new divorce law is attributed to the country’s deep ties to Catholic beliefs and traditions. A majority of the protests against the legalization of divorce in the Philippines revolve around the significance and sanctity of marriage as something indissoluble that is mediated by God, rather than arguing the problematic effects of divorce (Aspinwall 2024). This approach to the matter is, of course, understandable since the very reason behind the existence of divorce is brought about by the existence of marriage, specifically the problems within it. Following this line of thought, one can investigate and understand the country’s strong resistance against divorce by critically examining the current state and nature of the country’s socio-economic institution of marriage. The question to be asked in this discussion is: What is it about marriage, particularly marriage in the Philippines, that makes people put up such a strong resistance against divorce? In the attempt to answer this question, this paper aims to explore a critical theory of marriage in the Philippines as a site of neocolonial power and control by examining how marriage arrangements enforce neocolonial systems of control upon the people. Aside from the most apparent reason of religious influence (specifically Catholic) on Philippine marriage, this critical examination focuses on how the country’s



institution of marriage enforces two neocolonial systems of control, namely, capitalism and patriarchy.¹

Before proceeding with the examination of how Philippine marriage enforces neocolonial systems of control, a few foundational points must be established. First, we have to understand what marriage is. Clarifying common concerns, such as regarding the nature of marriage (whether it be a legal arrangement or a holy sacrament) or the reasons for engaging in marriage, would help establish a common idea of marriage as the starting point for this discussion. Second, a brief history of marriage in the country would be helpful in showing that the current version of Philippine marriage is actually a product of colonization. This makes it easier to understand that, being a product of colonization, marriage has the potential to also function in a way that maintains neocolonial systems of control over the Filipino people. Lastly, there is also a need to establish the idea that the neocolonial systems of control that this discussion proposes are indeed foreign systems that have been, in one way or another, integrated into Philippine society. Once these foundational points have been established, the discussion will proceed to how such neocolonial systems of control are manifested within marriage arrangements in the Philippines. With that said, let us begin establishing the foundations with an account of marriage by historian Stephanie Coontz.

An Account of Marriage

In Stephanie Coontz's *Marriage, A History* (2005), she provides a historical account of marriage as a social invention unique to human beings. There are over hundreds of theories, stories, and even myths surrounding the invention of marriage and what society was like before the invention of this social arrangement. In the Blackfoot tale of Piegan Blackfoot Indians, men and women of ancient Piegans did not live together with a significant difference with regard to their living conditions. Women were believed to have lived in better conditions, such as having lodges for shelter and being knowledgeable in matters involving homemaking and food-gathering, which paints the picture of women being highly self-sustainable. Men, on the other hand, were very poor with no lodges and

¹ While I acknowledge the ongoing debates and discussions about the other kind of "marriage" between Marxism and Feminism (Hartmann 2020) and considering that this paper also brings these two traditions under the same topic, I will refrain from delving into issues regarding their reconciliation for two reasons. First, bringing up this concern between Marxism and Feminism, which has been a substantial topic for years, risks sidetracking this paper from its main topic on marriage and divorce in the Philippines. Second, I believe tackling capitalism and patriarchy separately allows us to cover more ground and depth for the discussion. Although much of the issues raised in this paper's arguments are intersectional in that we cannot completely solve such issues just by looking at it from one angle (e.g., sex, class, race, etc.), each issue does present itself to be categorized more under one aspect than the other. For example, a general discussion on slavery is for the most part and at its forefront a matter of racism but also presents underlying issues on sex and class oppression (History 2025). Treating the issues under capitalism and patriarchy separately allows us to address these concerns with appropriate depth and focus.



no knowledge of skills and crafts that aid in their survival. In this arrangement, it was the men who needed marriage and would wait patiently for women who would choose them as their husbands and allow the men in need to live with them. Another perspective on the invention of marriage, known as the protective theory of marriage, proposes that marriage was invented for the protection of women. This theory, now known to be a widespread myth relying on the false naturalness of male dominance, proposes that women and infants in early societies need the protective and providing characters of men in order to survive. Even when one takes a religious perspective on the origins of marriage, it was not until the 13th century that the Catholic Church began to formally regulate marriage and declare it a holy sacrament (Coontz 2016). Prior to that, the Catholic Church, which now holds marriage with such high regard and divine significance that it has become the strongest resistance against divorce, barely had any interest in marriage as an institution and believed it to be primarily a civil matter.

Among these three and all other available theories or stories on the origins and invention of marriage, one particular characteristic of marriage maintains throughout every interpretation. That is, the idea of marriage as an institution that is socially constructed to serve a particular need. Similar to the discussions on the origins of marriage as an institution, the characteristics of marriage also vary widely across different cultures and traditions. One particular misconception about marriage is the idea that everyone marries in the name of love. Unfortunately, to the dismay of romantics, love has rarely been seen as the main reason for marriage. In some cultures, love has been seen to be incompatible with marriage, and in others, marrying for reasons of love has even been seen as a threat to social order. Aside from the fact that not all marriages are done in the name of love, Coontz (as summarized by Halwani 2018) lists other examples to highlight how marriage as an institution differs in terms of practice, participants, and even reasons for engaging in marriage, such as follows:

1. Marriage does not always involve cohabitation of the spouses.
2. Marriage does not always involve the economic cooperation of the spouses.
3. Marriage does not always involve a man and a woman.
4. Marriage does not always involve another human being as a spouse.
5. Marriage does not involve being married to only one spouse at a time.
6. Marriage does not always involve the regulation of property and inheritance rights.
7. Marriage does not always involve the reproduction and rearing of children.
8. Marriage is not always intended to be forever.
9. Marriage does not always involve a non-related spouse.
10. Marriage is not always regulated by the state.

Despite these differences, Coontz identifies two commonalities throughout all these versions of marriage. The first of which is that marriage is a universal institution (Halwani



2018). Regardless of the differences in practice, participants, and reasons, each society has or has had a form of marriage as a highly significant institution. A second commonality is that marriage is always subject to some laws, whether it be a form of contract agreed upon by the people engaging in marriage or the laws and traditions imposed upon marriage by the government, religion, or other forms of cultural and societal authority. With these two commonalities, we can now come up with a working definition of marriage as a universal institution that is subject to some laws of the state or culture. However, to further narrow down the definition insofar as our discussion is only concerned with marriages involving people, the definition of marriage will now be: A universal institution that involves a legal arrangement between people that is subject to laws of state or culture.

With a working definition of marriage, the next task is to examine the history of marriage in the Philippines. By visiting the history of Philippine marriage, we can trace back the origin of modern Philippine marriage to the Spanish colonial period, with an emphasis on the religious transformation of Filipino society.

Philippine Marriage: Before and After the Church

Assistant Professor Olivia Habana (2014) of Ateneo de Manila University notes that marriage practices, as first encountered by Spanish religious chroniclers, quickly attracted their attention for two reasons. The first reason is that marriage was seen as the basis of most social relations. The second and perhaps more obvious one is that Philippine marriage and its practices, prior to the arrival of Spanish influence, were vastly different from what the Spanish chroniclers were accustomed to.

In matters of courtship, the giving of dowry was practiced, with the bride and her family being on the receiving end, which contrasts with Western traditions wherein the brides is tasked to prepare the dowry. In Western versions, the dowry that women prepared was seen as a property to be given to and enjoyed by the husband, while our ancestral version of it sees the dowry being enjoyed not only by the bride but also her kin group. While this “reversed” practice of dowry-giving was negatively perceived by the Spanish missionaries as the “buying of a bride,” the practice is properly understood as the recognition of the woman’s social status and individual worth. Another aspect of marriage that drew the passionate decries of Spanish missionaries is how easy it was for married couples to annul or dissolve their marriages with the help of relatives from both parties and elders as mediators of the affairs. In the case of divorce, the dowry is either returned to the husband or is retained for the wife and her parents if the divorce is caused by the husband’s fault. Property acquired in common was divided equally, while gains or income acquired individually without participation from the spouse remain in the ownership of the appropriate spouse. As for the process or solemnization of marriage itself, it consisted in



the mutual agreement of both concerned parties, the giving of dowry, and a day-long celebration of the occasion (Morga 1609).

Along with the religious colonization, Spanish missionaries noted that their first task in the country was to disentangle marriages for the newly baptized and the soon-to-be baptized to ensure their accordance with Catholic doctrine. The evangelization also brought major changes to the institution of marriage in the Philippines. Among the biggest changes brought by the Spanish evangelization are the indissolubility of marriage, the transfer of authority in solemnizing marriages to the religious officials, and stricter rules to avoid instances of polygamy (Camacho 2019). Although these early years of the Spanish colonial period are long gone, the version of marriage that the Philippines has today still very much reflects Catholic values that were first established during that period. Philippine marriage today still acknowledges priests or religious officials as among the people who may solemnize or conduct marriage ceremonies (Official Gazette 1987). Although the number of church-officiated marriages only comprises 54.9% of the total registered marriages in 2022, with 32.8% being specifically Roman Catholic, the laws and customs being followed remain in line with Catholic doctrines (Philippine Statistics Authority 2023). Among such doctrines are the prohibition of divorce or absolute dissolution of marriage, polygamous marriages (except for Islamic Filipino communities), and the absence of same-sex marriages.

This comparison between the characteristics of marriage prior to the Spanish colonization and now shows how the influence of the Spanish evangelization and the Catholic church have really penetrated the country's institution of marriage. Thus, the marriage that the country has today is a product, albeit a more modernized one, of the Spanish colonization. This brings us to the main question of marriage in this discussion: How does Philippine marriage maintain itself as a site of neocolonial systems of control? As we will see in the following sections, the argument to be raised is that the country's practice of marriage reproduces conditions of neocolonial power that maintain marriage as a site of neocolonial control. This paper's arguments begin with a critical examination of how Philippine marriage reproduces the conditions of capitalism as a neocolonial system of control.

Marriage within Capitalism

Capitalism is generally understood as an economic system succeeding feudalism, characterized by private ownership of the means of production with private owners (capitalists) employing workers who receive wages in exchange for labor (Liberto 2025). Under Marxism, based on the works of German philosopher Karl Marx, capitalism is viewed as an economic system that specifically sees the capitalists exploit the working class of society with the aim of maximizing the owners' profits. One significant characteristic of



capitalism, which is important for this discussion, is its power to commodify almost, if not, everything available for us humans in the capitalists' search for more profitable avenues (Hall 2024). However, in order to establish capitalism as one of the neocolonial modes of power and control within Philippine marriage, an argument on capitalism's original foreign nature to us Filipinos is an important matter to emphasize.

Benjamin Velasco (2023) traces the first stirrings of capitalist development during the final years of the Spanish colonial period, and the succeeding events, such as engaging in world trade and the later American colonial period, had only further strengthened this development. Thus, he states that the development of capitalism and the growth of the working class in the Philippines have been largely determined by colonialism and neocolonialism. The growth of the working class in the Philippines also implies the existence and growth of the ruling class, which is brought about by the capitalist society that the colonizers have introduced to us. Prior to the changes in marriage brought about by the Spanish colonial period, the economic arrangements among our ancestral communities ranged from being communal to being an Asiatic form of feudalism (Constantino 1975, 30). There have also been accounts of a system of landholding that allowed for public and private lands (Agoncillo 1990, 49). As such, there were lands considered as public property that could be used freely by anybody, and there were also lands considered to be the private preserve of the nobles and datus. Precolonial Filipino society was also observed to lack labor-exploitative characteristics, which are apparent in capitalist societies. For example, Filipinos were observed to be disinclined towards accumulating riches, and the means to systematically exploit the labor of others were not available yet (Constantino 1975, 30-31). In other words, there were no exploitative capitalists during that time who would have transformed precolonial Filipino society into a capitalist one. Naturally, a socio-economic arrangement that is neither labor-exploitative nor obsessed with accumulating riches is exhibited in marriage and familial arrangements. This is due to the precolonial community essentially being structured like an extended family with most of the community members being related by blood or marriage (Constantino 1975, 28). In showing how Philippine marriage reproduces conditions of capitalist power and control, this section will look into two specific cases, with the first being the commodification of the institution of marriage.

Marriage has always involved a form of economic transaction (e.g., dowry giving), and one of the more common reasons for engaging in marriage is to pool economic resources and forge economic ties. What has not always been the case is the commodification of the aspects of marriage. Before the pandemic shook up the world's economy, various reports noted the optimistic growth of the country's wedding industry, which was projected to grow into a billion-peso industry with weddings costing around PHP 300,000 up to as high as PHP 1,000,000 or even higher for the wealthy Filipino (Bellosillo 2016; Gatdula 2014). In relation to this, a 2018 report by the Philippine Statistics Authority highlights that there has been a decline in the number of marriages from 2008



to 2017, with 40% of the total marriages in 2017 being civil ceremonies due to their significantly lower cost (Takumi 2018). More recently, a survey about church weddings conducted by Radio Veritas reports that 32% of the respondents identify the costs of a wedding as the biggest obstacle to doing a church wedding (Macairan 2023). On another perspective, a recent study conducted by the Commission on Population and Development (CPD) reports a rising trend in cohabitation or “live-in arrangements” as the more practical and beneficial arrangement in pursuing family and marital goals (Gasgonia 2025). For reference, the 2022 National Demographic and Health Survey also indicated that the number of women aged 15-49 engaged in live-in arrangements has risen from 5% in 1993 to 19% in 2022. As expected, most of the reasons for such a trend are economic, with one explicitly stating the expense of formal marriage. The said study by the CPD also highlights how social media further amplifies the already troublesome perception of marriage as being expensive through engaging contents that showcase ideal or dream marriages (Recuenco 2025). It also does not help that the Philippines currently ranks #4 globally in terms of social media use, logging more than 3 hours on social media per day (Ayeng 2025).

While people may perceive the shift to civil ceremonies and live-in arrangements as taking a stand against the commodification of traditional marriage, the hands of capitalism have nonetheless already taken hold of marriage as manifested in how Filipinos currently perceive it. Traditional marriage is now perceived as an expensive ambition rather than a basic institution at the core of society. With that said, it would be important to clarify that the primary problem of the commodification of Philippine marriage is not that it is always expensive. As mentioned, affordable options are available such as civil ceremonies or simple weddings. Rather, the problem is specifically that the current perception of marriage among Filipinos is that it is an expensive tradition when it does not have to be.

Another way that Philippine marriage reproduces capitalist power and control is through the promotion of a ruling-class ideology. The notion of a ruling class, a term highly associated with Karl Marx and Friedrich Engels (2016), refers to the social class that is economically dominant, owns the means of production, and is the ruling material and intellectual force in society. The ruling class also has the power to dictate and shape the values that society holds in such a way that reproduces the conditions of their rule. In adopting this idea and appropriating it to the arrangements of marriage, the “ruling class” in such a scenario would refer to the spouse who is depended upon for economic matters (e.g., breadwinner) and has a powerful influence on household decisions. Engels (1902) had already seen this perspective of a ruling class within monogamous marriage in his book *The Origin of the Family, Private Property and the State*. In this anthropological work, he presents an idea he shared with Marx, which is that “the first division of labor is that of man and wife in breeding children” (79). He adds to this thought by saying that “the first class antagonism appearing in history coincides with the development of the antagonism of man and wife in monogamy, and the first class oppression with that of the female by the male sex.” Within the context of a society that designates the male as the hunter, gatherer,



or provider, he is then automatically in a position to be the breadwinner and thus the economically superior spouse in the marriage. As a result, within the marriage, Engels states: “he is the bourgeois, the woman represents the proletariat” (89). Expanding on this idea, Annette Kuhn (2013) focuses on how a marriage contract resembles a contract of employment in the sense that the husband gains the right of control over the wife’s domestic labor, whether to support his own labor or to bear and care for his children (56-58). Of course, there are differences, such as the fact that the wife cannot change her employer (unless divorce is available and applicable) and is unpaid for her domestic labor. While it is not the case for all wives to be fully engaged in domestic labor, Kuhn argues that so long as marriage exists partly as a labor contract, the domestic labor provided serves as the basis of class (and sex) oppression within a capitalist society.

One of the ways that a ruling class ideology² is produced by contemporary Filipino marriage arrangements is in how the economically superior spouse (e.g., by means of salary, net worth, or family background) is seen to have a stronger influence in household decision-making. In a study on the roles and involvements of Filipino husbands and wives in household decision-making, a wife’s unemployment is seen to contribute to a decrease in her decision-making involvement, especially on matters of children’s school, household budget, family finance and investments, family health, and family planning practices (David 1994). Although it is also common among Filipino couples for the male breadwinner to surrender his earnings and responsibility to manage household finances to the wife, I believe this actually emphasizes the economically superior spouse’s control over the decision-making processes (Declaro-Ruedas and Guico 2023). The breadwinner does not actually “surrender” their earnings and power of financial management to the spouse, but rather shows the breadwinner’s power in dictating who gets to manage the household finances. The wife’s false sense of power and control over household financial decision-making is emphasized in the common scenario of a breadwinning husband’s being dishonest in turning over their income (Tsai 2016). This prevalent behavior, known as *kupit* in Tagalog, refers to dishonest actions by the breadwinning husband such as declaring “ghost expenses” or refusing to fully declare the total income earned (e.g., unexpected bonuses). Being the designated financial decision maker, it is usually the wife who is blamed for the financial difficulties that arise from cases of *kupit*.³ What is worse is that, while being designated as the financial manager only provides a false sense of control, a limited study by Tsai reveals that such designation also increases the woman’s risk of experiencing intimate partner violence (IPV) if the husband is not in agreement with the wife’s financial decisions.

² It is also important to clarify here that when I use the term “ruling class ideology,” I am not necessarily referring to the ideologies promoted by the ruling class but rather the ideology that a ruling class exists.

³ Commonly used to mean “stealing in small amounts,” *kupit* also gains another meaning when used in this scenario (Tsai 2016).



On a different perspective regarding this type of arrangement, people can see women as having high levels of control within their households for two reasons: (1) an existing stereotype of women being the household budgeters which reinforces the tradition of transferring to them the financial powers over the household and that (2) contributing to the household income on top of being the budgeters increases the said control within the household. However, these levels of control are still ultimately dependent on the breadwinning husband, which may mean that the wife would never have any true control in the household at all. Nonetheless, I believe that these examples used for this argument show one underlying claim: whoever has control over the economic resources has a greater influence upon the household's decision-making processes.

Patriarchal Power and Control

Another neocolonial system of control that is being reproduced by Philippine marriage is that of patriarchy. In her essay *Understanding Patriarchy*, bell hooks (2004) states that patriarchy is a political-social system that imposes the idea that males are inherently dominating, superior to everything and everyone (especially females), and has been endowed with the right to dominate through various forms of psychological terrorism and violence. Furthermore, hooks emphasizes that a patriarchal society targets not only females but also males who do not appear to fit the ideals of patriarchy. This is exemplified when she states that young boys are forced to feel pain and deny their feelings in order to indoctrinate them into the rules of patriarchy. With this brief definition of patriarchy, the first thing we must establish is the claim that patriarchy is a foreign system that has been introduced to us by colonizers.

Prior to the Spanish colonial period, it is widely agreed among historians that Filipino society was egalitarian, and to some extent, scholars would even refer to precolonial Philippines as matriarchal (Jose and Alfaro 2021, 126). One of the best examples of this is the notion of the babaylan, or a well-respected spiritual leader whose role is usually taken up by a woman and acts as a mediator between the physical and the spirit world (Center for Babaylan Studies n.d.). Aside from the babaylan, women generally had a larger participation in the social processes of the communities and had equal rights, recognition, opportunities, and access to various resources as men. In her work, Luz Lopez Rodriguez (1990) traces the rise of patriarchal society in the Philippines to the Spanish colonial period, wherein the Spanish and their institutions had essentially redefined the Filipino woman to be a subordinate and submissive subject. Rodriguez further emphasizes how the Spanish colonial period controlled the Filipino women by means of imposing patriarchal Roman Catholic beliefs, marginalizing and limiting women in terms of labor, and a fully systematic reproduction of patriarchal ideology through various institutions such as education and mass media. Among these, however, the greatest turning point towards the subordination of women can be attributed to the demonization of the



aforementioned spiritual leader, the babaylan (Piscos 2023). The Spanish colonizers demonized the babaylan's highly respected position by spreading Western beliefs of mythologies and misogyny. One of the ways they did this was by spreading the belief that the babaylans' rituals were meant to fool people into paying for their services and that babaylans in general are associated with witchcraft and demons. It is worth noting as well that accusing someone of witchcraft has been particularly utilized to shame and invalidate women who exhibit notable capabilities, knowledge, and skills which appear threatening to the superior status of men of their time. While the demonization of the babaylan may be easily seen as a conflict of beliefs, it serves a greater purpose for the colonizers in the sense that such demonization automatically places the Spanish missionaries in spiritual power by replacing the babaylans as the new spiritual authorities. In terms of colonization, this allowed Spanish missionaries to hit two birds with one stone: the imposition of Catholic beliefs and the assertion of male dominance over females. Now that we have established the foreign nature of patriarchy, how does the current version of Philippine marriage continue to reproduce conditions of patriarchal control?

I propose to explore three (3) particular characteristics of Philippine marriage today that reproduce a patriarchal system of control. First, I would like to bring up the laws in place that punish a spouse's infidelity. Under the Revised Penal Code of the Philippines, adultery (under Article 333) is committed by a married woman and her paramour, who knows of the woman's marital status, when engaging in sexual intercourse (Philippine Commission on Women n.d.). On the other hand, concubinage (under Article 334) is committed by a married husband who (1) keeps a mistress in the conjugal dwelling, (2) has sexual intercourse under scandalous circumstances with a woman who is not his wife, or (3) cohabitates with the said woman in any place. At first glance, it is immediately clear how these laws on spouse infidelity exhibit a gender bias that favors men. For adultery, proof of an offending wife's extramarital sexual relations is deemed sufficient, while concubinage demands stricter yet rather ambiguously defined proofs. Furthermore, the penalties for these offenses also exhibit a gender bias, favoring men as adultery offenders are charged with medium to maximum periods of imprisonment, while concubinage offenders are charged with a lower penalty of minimum to medium periods of imprisonment.

Another legal characteristic of marriage that reproduces a patriarchal system of control is the mere fact that a legal option to dissolve marriage is not available. In a statistic-filled article by Michelle Abad (2023) for Rappler, reports from 2022 show that 17.5% of women aged 15-49 in relationships/marriage have experienced some form of domestic violence (physical, emotional, sexual), with around 41% of victims admitting to not having reported their experiences to anyone. Without an option to dissolve a marriage, women are stuck in these violent and dangerous circumstances. A report from ABC News shares a couple of testimonies of being stuck in a violent and hopeless marriage (Day 2024). One of them is Michelle Bulang, who still bears the scars and burn marks caused by her husband's



violent behavior, coupled with his drinking problem. It is not only her but also her four children who get beaten up by her husband. Stella Sibonga also shares her story of spending more than a decade and thousands of dollars trying to escape her own abusive marriage. She recalls how her husband would often come home drunk and in a violent rage, and would attempt to kill her and her children with a knife. While legal separation is available in the Philippines, it does not actually dissolve the marriage, which means that the abused wife would still be legally stuck to the husband, in terms of family name and access to assets and liabilities.

The third characteristic of Philippine marriage I will explore is the absence of same-sex marriage. I argue that the country's refusal to legalize same-sex marriage ensures that marriage arrangements allow for patriarchal representation. Recall for a moment that for hooks, males who do not fit the ideal image of a patriarchal man are either subject to its indoctrination or its oppression. Drawing from Freudian psychoanalysis, Joan Copjec (2012) argues that sexual difference can only be thought of in two. That is, the male (libido) and the other, which refers to everything else that cannot be counted as male. We can easily appropriate this claim of sexual difference into how a patriarchal point of view perceives the world. One can either fit into the ideal image of the patriarchal male or be categorized as part of the other, which constitutes everything and everyone else that does not fit patriarchy's ideal male image. Now, getting back to the matter of same-sex marriage, the legalization of same-sex marriage allows the institution to produce marriage arrangements that do not have any patriarchal representation within them, as such is only present among heterosexual marriages. This leads to marriage arrangements wherein a heterosexual male who could represent the patriarchal system would be absent. In other words, legalizing same-sex marriage would weaken the patriarchy's control of Philippine marriage and its arrangements.

The discussion so far has shown us how the institution of Philippine marriage can function as a site of neocolonial systems of power and control by enforcing capitalist and patriarchal modes of control. What is left now is to return to the very question posed in the title of this paper, the reason why a critical examination of Philippine marriage was needed: Why are we still afraid of divorce?

What is Divorce and Why Fear it?

Ever since the first attempt to reinstitute divorce in the form of House Bill 6993 in the 11th Congress (1998-2001), there have been at least 29 other divorce bills, with the most recent House Bill 9349 having the most progress (Respicio & Co. 2024). Leading the push for the legislation of divorce are Gabriela Women's Party, the late politician Edcel Lagman, House Representatives Arlene Brosas, Luz Ilagan, France Castro, and Senator Risa Hontiveros, among others. Civil society and non-government organizations such as the



Divorce For The Philippines Now and the Divorce Pilipinas Coalition play significant roles as well in not only raising awareness and proper information about the need for divorce to the public but also working collaboratively with legislators in crafting bills on divorce (Gonzaga and Versailles 2025; Sitchon 2024). Despite these efforts, the greatest and most apparent obstacle to the legislation of divorce in the country (aside from the arguments raised in this paper) remains to be yet another kind of neocolonial influence in the form of the Catholic Church and aligned religious groups. The opposition remains as firm as ever with the same reasons they have rallied behind in the past two decades, such as how divorce violates Filipino Christian values, weakens the value of marriage, and even being anti-family or outright evil (Esmaquel II 2024; Elemia 2018). Perhaps even firmer than ever when you consider the “super coalition” against divorce that was formed last June 2024 (Hermoso 2024). With this brief legislative history of divorce, the challenges it faced, and the arguments raised in this paper so far, it is finally time to ask: What is divorce, and why is there a persisting fear of its legislation?

As most recently defined in the House Bill 9349 or the “Absolute Divorce Act,” absolute divorce refers to “the judicial dissolution of a marriage or the termination of the bond of matrimony where spouses return to their status of being single with the right to contract marriage again,” (Senate of the Philippines 2024). In this sense, divorce offers something significantly new and distinct that the current laws on annulment or legal separation could not offer. To have a clearer understanding of the basic differences among the three and the merits of divorce compared to the others, below is a table outlining their differences (Blanco 2025; Respicio & Co 2024).

	Annulment	Legal Separation	Divorce (House Bill 9349)
Status of Marriage	Considered null/defective in the first place	Still married but live separately	Dissolved/Terminated
Basic Grounds for Filing	Psychological incapacity, fraud, coercion, misunderstanding of the nature of marriage	Repeated physical violence or grossly abusive conduct, drug addiction, sexual infidelity	Repeated physical violence or grossly abusive conduct, drug addiction, sexual infidelity (largely adopted from the grounds for legal separation)
Period Acknowledged as Grounds for Filing	Grounds for annulment must be at the time of the celebration of marriage and does not consider any of the	Any time after celebration of marriage	Any time after celebration of marriage



circumstances after
the celebration as
relevant to the case

In the case of annulment, marriage is seen as valid until declared void on the grounds stipulated under the Family Code of the Philippines (GMA News Online 2022). Annulled marriages are not so much terminated or dissolved marriages, but rather when one says that a marriage is annulled, it is considered to have not existed in the first place. In the case of legal separation, couples remain married but are allowed to live separately. Unlike these two options, divorce recognizes the validity of marriage and attempts to dissolve it. From the details, it is clear to see the merits that divorce has over the other options. When compared to legal separation, divorce allows the dissolution of marriage, which is the obvious reason why divorce would be preferred in the first place. Unlike mere legal separation, divorce frees the oppressed spouse not only from marital ties and obligations but also from other legal ties, such as the sharing of assets and liabilities. When compared to annulment, while both offer a way out of marriage, annulment is limited to concerns relevant to the time of the celebration of marriage. The grounds for annulment are also difficult to meet or even implausible for couples that, although they did not experience any dishonesty or coercion when they consented to legal marriage, would want to escape the said marriage later on for other reasons. Divorce allows the dissolution of a marriage based on issues and concerns that occur anytime throughout the couple's married lives. In light of this paper's discussion, however, divorce is not simply the dissolution of marriage.

With the critical examination of how Philippine marriage maintains as a site of neocolonial power and control, I argue that divorce is an institution that disrupts and reshapes the current power dynamics and relations within Philippine marriage to allow for the emancipation of the oppressed. To further illustrate this perspective, allow me to offer three brief examples on how divorce disrupts and reshapes the power dynamics of Philippine marriage.

Patriarchy

The patriarchal power and control over Philippine marriage is easily the most disrupted form of power brought about by the enactment of divorce. In fact, under section 3 of the House Bill 9349, it explicitly states that the bill's aim to offer absolute divorce is a pro-woman legislation since, in most cases, it is the wife who is entitled to a divorce in order to escape abusive relationships. While divorce is not necessarily the definitive solution to completely eradicate the existing patriarchal features of Filipino society, it does help weaken the patriarchal features of Philippine marriage. Once divorce is legalized, Philippine marriage will no longer be perceived as a lifetime bond wherein one is at risk of



Carlos

being stuck with an oppressive patriarchal figure. In other words, if a woman finds herself bound to an oppressive patriarchal figure, divorce now allows her a way out of such an oppressive arrangement. Filipina feminists such as Assistant Professor of Philosophy Krissah Marga Taganas (2024) of the University of the Philippines Los Baños see this as the strongest argument as to why the divorce bill should be passed. While this argument alone sums up the feminist perspective on the issue, Professor Taganas adds that the legalization of divorce is also a positive step towards gender justice and equality issues. With divorce as an option, cases of marital rape and domestic violence, which are often shrugged off as “private matters,” are now taken more seriously by not only offering mere legal separation as the answer but also the actual dissolution of the marriage. As she states, we must acknowledge that marriage and family can be sites of oppression, but it does not mean that it has to be that way, and for her, divorce is the tool to change that.

Capitalism

Divorce also disrupts capitalism’s power and control over Philippine marriage arrangements. Divorce clearly helps in scenarios wherein a ruling class ideology present between couples would lead to an oppressive marriage. To illustrate this point, a spouse’s economic superiority can lead to the oppression of their significant other’s autonomy and interests on household matters on the grounds of being the household’s primary or only source of income. Similar to how divorce gives power to women against patriarchal marriages, it also allows a way out for Filipinos who are stuck in a marriage with a spouse who resembles an oppressive ruling class. In this aspect, divorce disrupts how financial management structures among Filipino families or couples reproduce capitalism’s ruling class features. However, regarding the commodification of marriage, I must admit that divorce does not offer a straightforward solution for this issue. Considering how capitalism is “capable of metabolizing and absorbing anything with which it comes into contact” (Fisher 2009), it is also not implausible that a divorce industry would arise soon after its legalization. I would, however, like to clarify that the concern is not that marriage (and possibly divorce) is a profitable industry. Rather, the concern is that, as clarified earlier, marriage has been perceived to be (un)necessarily expensive. With regards to divorce and the possibility of a divorce industry, our focus should not be on whether or not it booms as an industry, but to ensure that divorce remains to be seen as an affordable and accessible option for those who need it, especially when this is one of the features being advertised on the divorce bill.

Church

Lastly, although I decided to forego a discussion on how marriage imposes religious (specifically Catholic) beliefs upon couples, I believe it is still worth briefly mentioning how divorce also disrupts the current power and control that the Roman Catholic church has over Philippine marriage. Obviously, the Catholic church and other Christian religious



institutions will not be the ones conducting the process of divorce, as such a law is against the generally Christian belief in the sanctity of marriage. What this implies is that not only do they weaken their religious influence over the indissolubility of marriage, but they are also unable to extend their control as to how the divorce is being implemented or solemnized and how it influences marriage arrangements in the country.

Now, we finally go back to the question: Why are we still afraid of divorce? We fear divorce because it disrupts the power dynamics that have been in play in the country ever since the Spanish colonial period. Whether it be patriarchal, capitalist, or even religious interests, politicians and powerful people cater to these interests in exchange for an ounce of power and control that these systems have not only over the institution of marriage but also over other significant institutions in the country. Divorce brings with it a social, political, and economic force that radically shakes these systems and the status quo as it targets the very institution that creates the basic unit of society: the Filipino family. Throughout all the years wherein a divorce bill is in the works, the heavy question that frames the discussions surrounding it was never about whether Filipinos need a divorce law. Rather, it has always been about who or what is stopping its legislation

References

- Abad, Michelle. 2023. "IN NUMBERS: State of Filipino Women in 2022." *Rappler*, March 10. <https://www.rappler.com/philippines/numbers-state-filipino-women-2022/>.
- Agoncillo, Teodoro. 1990. *History of the Filipino People*. 8th ed. Quezon City: GP Press.
- Aspinwall, Nick. 2024. "We Are Not Criminals': Philippines Considers Making Divorce Legal." *Al Jazeera*, July 5. <https://www.aljazeera.com/news/2024/7/5/we-are-not-criminals-philippines-considers-making-divorce-legal>.
- Ayeng, Raffy. 2025. "Pinoys Remain #1 Internet Users Globally, Says Digital 2025 Report." *Daily Tribune*, February 26. <https://tribune.net.ph/2025/02/26/pinoys-remain-1-internet-users-globally-says-digital-2025-report>.
- Bellosillo, Vince. 2016. "Wedding Industry Thrives in the Philippines." *SunStar*, August 26. <https://www.sunstar.com.ph/more-articles/wedding-industry-thrives-in-the-philippines>.
- Blanco, Dennis. 2025. "Divorce and Annulment of Marriage in the Philippines: A Comparative Analysis and Synthesis." *UP CIDS Policy Brief Series*, June 30. <https://cids.up.edu.ph/download/divorce-annulment-marriage-philippines-comparative-analysis-synthesis/>.



Carlos

Camacho, Marya Svetlana. 2019. "Marriage in the Philippines After the Council of Trent (Seventeenth to Eighteenth Centuries)." *Rechtsgeschichte – Legal History* 27: 153–62. <https://doi.org/10.12946/rg27/153-162>.

Center for Babaylan Studies. n.d. "What Is a Babaylan?" Accessed May 10, 2025. <https://www.centerforbabaylanstudies.org/history>.

Constantino, Renato. 1975. *The Philippines: A Past Revisited*. Vol. 1. Quezon City: Tala Publishing Services.

Coontz, Stephanie. 2005. *Marriage, a History*. New York: Penguin Books.

———. 2016. "The Catholic Church Didn't Even Consider Marriage a Sacrament for Centuries." *The Washington Post*, April 8. <https://www.washingtonpost.com/news/acts-of-faith/wp/2016/04/08/the-catholic-church-didnt-even-consider-marriage-a-sacrament-for-centuries/>.

Copjec, Joan. 2012. "The Sexual Compact." *Angelaki: Journal of Theoretical Humanities* 17 (2): 31–48. <https://doi.org/10.1080/0969725X.2012.701047>.

David, Fely. 1994. "The Roles of Husbands and Wives in Household Decision-Making." *Philippine Sociological Review* 42 (1/4): 78–93. <https://www.jstor.org/stable/41853664>.

Day, Lauren. 2024. "In the Philippines, Divorce Is Banned. It Has Left Women with Few Options to Rid Themselves of Abusive Partners." *ABC News*, May 15. <https://www.abc.net.au/news/2024-05-15/philippines-divorce-battle-looms-to-free-women-from-abuse/103828284>.

Declaro-Ruedas, Mary Yole Apple, and Mary Joy Guico. 2023. "Household Financial Management of Married Professionals in Occidental Mindoro State College, Philippines." *Journal of Social Sciences: Transformations & Transitions (JOSSTT)* 2 (5): 23. <https://doi.org/10.52459/josstt25230223>.

Elemia, Camille. 2018. "'Til Divorce Do Us Part?' PH Struggles to Marry Religion and Reality." *Rappler*, April 21. <https://www.rappler.com/newsbreak/in-depth/200630-divorce-bill-philippines-marriage-reality-religion/>.

Engels, Friedrich. 1902. *The Origin of the Family, Private Property, and the State*. Chicago: Charles H. Kerr & Company.

Esmaquel II, Paterno. 2024. "Couples for Christ to Lead People's Initiative If Philippines Legalizes Divorce." *Rappler*, June



Aguiro Global South Journal vol. 4, 2025, 27-47

ISSN 2984-8342

<https://doi.org/10.5281/zenodo.17275569>

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22. <https://www.rappler.com/philippines/couples-for-christ-ready-lead-people-initiative-against-divorce/>.
- Fisher, Mark. 2009. *Capitalist Realism: Is There No Alternative?* Winchester, UK: Zero Books.
- Gasgonia, Dennis. 2025. "Most Filipino Couples Prefer 'Live-In Arrangement': Study." *ABS-CBN News*, February 6. <https://www.abs-cbn.com/news/nation/2025/2/6/most-filipino-couples-prefer-live-in-arrangement-study-1644>.
- Gatdula, Donnabelle. 2014. "Wedding Planning Projected to Grow to a P1-B Industry." *The Philippine Star*, July 4. <https://www.philstar.com/business/2014/07/04/1342157/wedding-planning-projected-grow-p1-b-industry>.
- GMA News Online. 2022. "What's the Difference Between Annulment, Legal Separation, and Divorce?" February 17. <https://www.gmanetwork.com/news/lifestyle/familyandrelationships/822174/what-s-the-difference-between-annulment-legal-separation-and-divorce/story/>.
- Gonzaga, Pie, and Sai Versailles. 2025. "Lobbying for Philippine Divorce Bill Continues Even as Congress Adjourns." *Rolling Stone Philippines*, January 31. <https://rollingstonephilippines.com/state-of-affairs/politics/lobbying-ph-divorce-bill-continues-as-congress-adjourns/>.
- Habana, Olivia Anne. 2014. "Clues from Early Spanish Chronicles: Reconstructing Marriage and Family in the Pre-Hispanic Philippines." *Archium Ateneo*. <https://archium.ateneo.edu/history-faculty-pubs/118/>.
- Hall, Derek. 2024. "Does Capitalism Drive Towards the Commodification of Everything?" *Environment and Planning A: Economy and Space* 56 (7): 1916–35. <https://doi.org/10.1177/0308518X241254664>.
- Halwani, Raja. 2018. *Philosophy of Love, Sex, and Marriage: An Introduction*. 2nd ed. New York: Routledge.
- Hartmann, Heidi. 2020. "The Unhappy Marriage of Marxism and Feminism: Towards a More Progressive Union." In *Feminist Theory Reader*. New York: Routledge.
- Hermoso, Christina. 2024. "Lay Groups Form 'Super Coalition' against Divorce." *Manila Bulletin*, June 18. <https://mb.com.ph/2024/6/18/lay-groups-form-super-coalition-against-divorce/>.



Carlos

History. 2025. *Slavery in America*. Last modified May 27. <https://www.history.com/articles/slavery>.

hooks, bell. 2004. *Understanding Patriarchy*. New York: Washington Square Press.

Jose, Mary Dorothy, and Ma. Rita Lourdes Alfaro. 2021. "The Origins of the Women's Movement in the Philippines and Thailand: A Preliminary Comparison." *Review of Women's Studies* 31 (1): 121–45. <https://journals.upd.edu.ph/index.php/rws/article/view/9098>.

Kuhn, Annette. 2013. "Structures of Patriarchy and Capital in the Family." In *Feminism and Materialism: Women and Modes of Production*, edited by Annette Kuhn and AnnMarie Wolpe. New York: Routledge.

Liberto, Daniel. 2025. "What Is Capitalism? History, Pros & Cons, vs. Socialism." *Investopedia*. Last modified April 6. <https://www.investopedia.com/terms/c/capitalism.asp>.

Macairan, Evelyn. 2023. "Couples Shun Sacrament over 'Extravagant' Church Weddings – Survey." *Philstar*, February 15. <https://www.philstar.com/headlines/2023/02/15/2245064/couples-shun-sacrament-over-extravagant-church-weddings-survey/>.

Marx, Karl, and Friedrich Engels. 2016. *The German Ideology*. New York: International Publishers.

Morga, Antonio de. 1609. "Narrative of the Philippine Islands and Their Natives, Their Antiquity, Customs and Government, Both During Their Gentility (Non-Conversion) and After the Spaniards Had Conquered Peculiarities." In *Sucesos de las Islas Filipinas*. Mexico: Casa de Geronymo Balli.

Official Gazette. 1987. "Executive Order No. 209, s. 1987." July 6. <https://www.officialgazette.gov.ph/1987/07/06/executive-order-no-209-s-1987/>.

Philippine Commission on Women. n.d. "Repealing the Revised Penal Code Provisions on Adultery and Concubinage." Accessed May 10, 2025. <https://pcw.gov.ph/assets/files/2019/10/PCW-WPLA-PB-02-Repeal-of-RPC-provisions-on-Adultery-and-Concubinage-AEB.pdf>.

Philippine Statistics Authority. 2023. "Registered Marriages in the Philippines: 2022." <https://psa.gov.ph/statistics/vital-statistics/node/1684061650>.



- Piscos, James Loreto. 2023. "Demonization and Sanctification of Indigenous Feminine Roles in the 16th Century Philippines." *Bedan Research Journal* 8: 59–80. <https://doi.org/10.58870/berj.v8i1.47>.
- Rappler. 2025. "FACT CHECK: Divorce Is Still Illegal in the Philippines." January 14. <https://www.rappler.com/newsbreak/fact-check/divorce-still-illegal-philippines-january-2025/>.
- Recuenco, Aaron. 2025. "Social Media Messages, Marriage Cost 'Scare' More Young Pinoy Couples from Getting Married." *Manila Bulletin*, February 6. <https://mb.com.ph/2025/2/6/social-media-marriage-cost-scare-more-young-pinoy-couples-from-getting-married/>.
- Respicio & Co. 2024. "Understanding Divorce, Annulment, and Legal Separation in the Philippines." April 30. <https://www.respicio.ph/commentaries/understanding-divorce-annulment-and-legal-separation-in-the-philippines-1>.
- . 2025. "Status of Divorce Legislation in the Philippines 2025." June 18. <https://www.respicio.ph/commentaries/status-of-divorce-legislation-in-philippines-2025>.
- Reyes, Deogracias. 1953. "History of Divorce Legislation in the Philippines since 1900." *Philippine Studies* 1 (1): 42–58. <http://www.jstor.org/stable/42718998>.
- Rodriguez, Luz Lopez. 1990. "Patriarchy and Women's Subordination in the Philippines." *Review of Women's Studies* 1 (1): 15–25. <https://www.journals.upd.edu.ph/index.php/rws/article/view/3248/>.
- Senate of the Philippines. 2024. "Absolute Divorce Act." June 11. https://legacy.senate.gov.ph/lis/bill_res.aspx?congress=19&q=HBN-9349.
- Sitchon, John. 2024. "Cebu Pro-Divorce Groups Urge People in Toxic Relationships to 'Let Go.'" *Rappler*, June 12. <https://www.rappler.com/philippines/visayas/cebu-divorce-advocates-urge-people-toxic-relationships-let-go/>.
- Taganas, Krissah Marga. 2024. "A Feminist POV: Why the Philippines Needs Divorce Now." *Esquire*, June 5. <https://www.esquiremag.ph/culture/why-the-philippines-needs-to-pass-the-divorce-bill-a7959-20240605-lfrm>.
- Takumi, Rei. 2018. "Fewer Couples Are Choosing to Get Married." *GMA News Online*, October 1. <https://www.gmanetwork.com/news/lifestyle/familyandrelationships/669653/fewer-couples-are-choosing-to-get-married/story/>.



Carlos

- Tsai, Laura Cordisco. 2016. "Household Financial Management and Women's Experiences of Intimate Partner Violence in the Philippines: A Study Using Propensity Score Methods." *Violence Against Women* 23 (3): 330–50. <https://doi.org/10.1177/1077801216642869>.
- Velasco, Benjamin. 2023. "Using Marx to Understand the Working Class in the Philippines." *Philippine Journal of Public Policy: Interdisciplinary Development Perspectives* 2023: 1–33. <https://doi.org/10.54096/RSFV2451>.

