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From Vows to Verdicts: The Impact of Catholicism on Family Laws in the Philippines and East Timor

DARREN JAVIER GONZALES¹ AND REENA CLARISSE AVIÑANTE CARLOS²

ABSTRACT

This paper explores how Catholicism has shaped the family law frameworks of the Philippines and East Timor—two predominantly Catholic nations in Southeast Asia with strikingly divergent legal approaches to marriage dissolution. The Philippines stands as the only country in the world, aside from the Vatican, that continues to prohibit divorce, reflecting an unwavering adherence to Catholic teachings on the sanctity and indissolubility of marriage. By contrast, East Timor, despite sharing similar religious roots, permits divorce under its Civil Code. This comparative study examines how these two nations, bound by faith but separated by history, interpret Catholic doctrine in relation to family law.

Through a mixed-methods approach centered on qualitative and comparative legal analysis, this research investigates the historical, cultural, and judicial contexts that have influenced each country's legal framework. The study reveals that the Philippines' strict prohibition of divorce stems from its colonial legacy and deep entanglement with Catholic orthodoxy, leading to significant legal and social consequences, including restricted access to justice for individuals in irreparable marriages. East Timor's approach, on the other hand, represents a pragmatic balance between religious principle and social necessity, allowing divorce to coexist with Catholic values through cultural flexibility and a human rights-based interpretation of family law.

Ultimately, the findings underscore that religion's role in shaping law is neither monolithic nor immutable. While Catholicism remains a defining moral compass in both countries, the divergence in their family law systems illustrates the dynamic interplay between tradition, sovereignty, and evolving social realities.

Keywords: Catholicism, Family Law, Divorce, Philippines, East Timor, Legal Pluralism, Comparative Law

¹ Author is an Associate Professor at John Wesley School of Law and Governance Wesleyan University, Philippines.

² Author is an Associate Professor at Graduate School, Wesleyan University, Philippines.

I. INTRODUCTION

Family law operates at the crossroads of legal obligation and moral conviction. In Catholic-majority nations, it embodies not only state regulation of familial relationships but also a profound reflection of spiritual and cultural values. The intersection between religion and law becomes particularly vivid in the regulation of marriage and its dissolution, which in many societies remains the most contentious aspect of family law.

The Philippines and East Timor, two predominantly Catholic nations in Southeast Asia, serve as compelling case studies for examining this dynamic. Both countries share similar religious traditions and colonial histories that rooted Catholicism deeply into their legal and moral frameworks. Yet their approaches to family law—particularly concerning divorce—could not be more distinct.

The Philippines, despite decades of modernization and constitutional secularism, remains the only country in the world aside from the Vatican City that does not recognize divorce for the majority of its population.¹ This prohibition persists even amid mounting social and legislative pressure, reflecting the profound influence of Catholic doctrine on Philippine jurisprudence and social policy. Although annulment and legal separation provide limited avenues to end or suspend marital obligations, these remedies are often costly, cumbersome, and inaccessible to the poor.

By contrast, East Timor, while equally Catholic in its demographic composition, has legalized divorce under Article 54 of its Civil Code.² This decision, made in the context of postcolonial nation-building, signals a pragmatic approach to lawmaking—one that respects Catholic values but recognizes the necessity of legal remedies for dysfunctional or abusive marriages.

This study investigates how both nations' family laws reveal differing interpretations of Catholic principles, shaped by historical experiences, political evolution, and social context. Specifically, it examines how the Philippines' rigid adherence to ecclesiastical norms contrasts with East Timor's more flexible, human rights-oriented approach. By exploring the interplay among religion, law, and culture, this paper seeks to illuminate how Catholicism continues to define, yet also diversify, legal understandings of marriage and divorce in Southeast Asia.

II. HISTORICAL CONTEXT AND RELIGIOUS INFLUENCE

The Philippines

The historical roots of Philippine family law lie in nearly four centuries of Spanish colonization, during which Catholicism was not merely a religion but a state ideology. The Spanish Civil

Code, introduced in the late 19th century, carried with it a distinctly Catholic conception of marriage as an indissoluble sacrament.³ Marriage was viewed less as a civil contract and more as a covenant before God—an understanding that would persist long after Spanish rule ended.

Following the Spanish-American War in 1898, the Philippines came under U.S. sovereignty. American influence brought secular legal institutions and due process norms, yet the deeply ingrained Catholic ethos remained largely unchallenged in matters of family law. Even after the 1946 declaration of independence and the eventual promulgation of the 1987 Family Code, the central idea of marriage as an indissoluble union endured.

Article 1 of the Family Code defines marriage as a “special contract of permanent union” between a man and a woman, entered into in accordance with law.⁴ This language—emphasizing permanence and sanctity—illustrates the enduring ecclesiastical imprint on Philippine civil law. The absence of divorce is not an oversight but a deliberate reflection of the moral order endorsed by the Catholic Church, which continues to exert considerable influence on legislative policy.

East Timor

East Timor’s legal trajectory, though parallel in its Catholic heritage, diverged markedly in its postcolonial development. As a Portuguese colony from the 16th century until 1975, East Timor inherited a civil law system infused with European Catholic moralism. Yet the 24-year Indonesian occupation that followed introduced elements of Islamic and secular law, creating a unique hybrid legal environment.

When East Timor regained independence in 2002, its lawmakers sought to balance tradition with modern human rights standards. The adoption of the Civil Code in 2011 codified this balance, allowing divorce as a legitimate form of marriage dissolution.⁵ This choice reflected both a pragmatic response to social realities—such as domestic violence and incompatibility—and a theological openness within East Timor’s Catholic hierarchy, which had historically advocated for reconciliation but recognized civil autonomy in legal matters.

III. LEGAL FRAMEWORKS COMPARED

The Philippines

Under the Family Code, marriage may be terminated only through **annulment** or **declaration of nullity**, both of which treat the union as void from the start rather than dissolved. Grounds include lack of parental consent, psychological incapacity, fraud, or force.⁶ Legal separation, which allows spouses to live apart without ending the marriage bond, is available under specific

conditions such as adultery, abandonment, or violence.⁷

This structure mirrors the Catholic doctrine articulated in *Gaudium et Spes* (1965), which emphasizes that marriage “is a covenant by which a man and a woman establish between themselves a partnership of the whole of life.”⁸ The State, through law, becomes a custodian of this sacred ideal. Consequently, divorce is perceived not as a social remedy but as a moral threat to the stability of the family and the moral order.

East Timor

East Timor’s Civil Code departs from this rigid model by recognizing divorce on both **mutual consent** and **fault-based** grounds, including adultery, abandonment, and domestic violence.⁹ It also upholds the possibility of separation *de facto* before divorce proceedings, reflecting a more pragmatic and humane view of marital breakdown.

This legal flexibility does not signify a rejection of Catholic values but rather an adaptation. In the Timorese context, Catholic teaching on compassion, mercy, and justice complements legal recognition of personal freedom and human dignity. The result is a family law framework that respects faith while acknowledging the realities of modern life.

IV. JUDICIAL PROCEDURES AND ACCESSIBILITY

The Philippine judicial system is characterized by procedural complexity and economic barriers. Annulment cases are heard by Regional Trial Courts and Family Courts, often requiring psychological evaluations and voluminous documentary evidence.¹⁰ These processes, typically lasting several years and costing hundreds of thousands of pesos, effectively reserve legal remedies for the upper and middle classes.

In contrast, East Timor’s judicial approach emphasizes accessibility. District Courts handle divorce petitions, and in rural communities, customary mediations often precede formal litigation. This hybrid model integrates traditional reconciliation practices with state adjudication, enabling local resolution while maintaining judicial oversight.¹¹

The Philippine approach reflects a theologically conservative interpretation of law as moral discipline; East Timor’s reflects a pastoral one—seeing law as an instrument of healing and social order. Both arise from Catholic worldviews, but their applications diverge sharply in light of differing political and cultural realities.

V. CULTURAL AND SOCIAL IMPLICATIONS

The prohibition of divorce in the Philippines has profound sociological consequences. It traps many individuals, particularly women, in abusive or loveless marriages, violating international

human rights norms that protect dignity and personal autonomy.¹² The current system incentivizes *de facto* separations, bigamous relationships, and overseas migration as informal escape routes from marital constraints.

Moreover, annulment has evolved into a quasi-divorce system for the wealthy—an inequity that undermines both justice and the sanctity the law purports to uphold. The Catholic Church's influence in legislative debates continues to prevent reform, framing divorce as antithetical to Filipino identity and morality.

East Timor's approach, while still balancing religious and cultural expectations, provides a release valve for social pressure. The availability of divorce reduces domestic conflict and aligns with international commitments under instruments such as the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW).¹³ Culturally, the coexistence of Catholicism and customary practices creates a more inclusive understanding of family, one that integrates forgiveness with legal accountability.

VI. CONCLUSION

This comparative study underscores the paradox of Catholicism's legal influence: the same theological foundation can produce radically different laws depending on a nation's history, politics, and social conditions. The Philippines represents the conservative endpoint of this spectrum—where Catholic doctrine dominates the public sphere and law becomes a guardian of sacramental permanence. East Timor, by contrast, demonstrates a contextual theology of law, where Catholicism coexists with pluralism and pragmatism.

The persistence of the Philippine divorce ban highlights the ongoing struggle between faith and individual rights. It exemplifies how colonial legacies, political conservatism, and clerical power shape modern jurisprudence. East Timor's model offers a potential roadmap for reconciling faith-based values with secular governance, showing that adherence to Catholic principles need not preclude compassionate legal reform.

Ultimately, Catholicism's influence on family law is neither wholly restrictive nor entirely liberating—it is interpretive. The challenge lies in harmonizing moral ideals with human realities, ensuring that laws designed to protect the sanctity of marriage do not become instruments of injustice.

VII. RECOMMENDATION

1. **For Policymakers:** The Philippine legislature should consider enacting a limited divorce law that respects the sanctity of marriage while addressing cases of irreparable

breakdown, abuse, or mutual consent. Such reform should draw from East Timor's balanced model.

2. **For Legal Practitioners:** Promote mediation and restorative justice mechanisms to resolve family disputes efficiently, reducing emotional and financial burdens.
3. **For Religious Institutions:** Engage in sustained dialogue with policymakers to explore reforms that uphold Catholic values of compassion and dignity rather than rigid legalism.
4. **For Future Research:** Conduct interdisciplinary and longitudinal studies examining how family law reforms affect social cohesion, gender equality, and faith adherence in Catholic-majority societies.

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