

3 Ways to Legally Separate in the Philippines: Legal Separation, Annulment, Recognition of Foreign Divorce

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[Dissolution of Marriage](#)

This article covers the three ways in which Spouses can Legally Separate in the Philippines. Whilst a Divorce is not an option for Filipino Spouses (but is where one Spouse is foreign) there are ways to Legally Separate if a marriage has broken down.



Ending a marriage can be tough!

I will discuss the 3 ways to dissolve a marriage in the Philippines and provide an overview of the process.

If you wish to discuss your case with a lawyer please [contact us](#).

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3 ways you can Legally Separate in the Philippines



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There are a number of ways to end a marriage in the Philippines.

The fact is the Philippines is the only country (other than the Vatican) that still outlaws absolute Divorce.

A number of attempts have been made to allow [divorce in the Philippines](#). The latest Bill ([House Bill No. 78, an Act Reins tituting Divorce as an Alternative Mode for the Dissolution of Marriage](#)) which proposes the same grounds as Legal Separation and Annulment was submitted in July 2022 by Albay 1st District Rep. Edcel Lagman for consideration. This has not yet been passed.

Currently, other than through the death of one of the Spouses, there are only 3 ways to dissolve a marriage in the Philippines.

Each of these allows you to remarry again.

1. [Recognition of Foreign Divorce](#)

- Only for Filipinos who were married to a foreigner who is not a Dual citizen, and is not a Filipino (Naturalized)

- A year and a half
- Usually faster than Annulment

2. [Void Marriage](#)

- Marriages not valid from the beginning which include psychological incapacity grounds.

3. Voidable Marriages

- Marriages valid at the beginning but which can be annulled for certain reasons.

Don't get confused – there is also something called [Legal Separation](#) in the Philippines.

[Legal Separation Philippines](#) sounds like it should be about Annuling or dissolving a marriage. But what Legal Separation does is dissolve your Common Property Regime and releases you from the obligations of Marriage, such as living together. Legal Separation doesn't allow you to remarry in the Philippines.

This and [Judicial Separation of Property](#) deal more specifically with dividing Marriage Property.

Recognition of Foreign Divorce



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[Recognition of Foreign Divorce](#) is only for marriages where a foreign Spouse is involved. The requirement for this process is simply that at least one of the Spouses was a non-Filipino at the time of the Divorce.

The process is generally quicker and easier than applying for an Annulment of Marriage.

Foreign divorces can be acknowledge in the Philippines through a court process.

You are not eligible for this if:

- You are a Filipino who divorced another Filipino in a foreign country;
- You are a Filipino who divorced another Filipino and one of you later became a foreigner (by Citizenship).
- You were a Dual Citizen and your Spouse was a Filipino at the time of the divorce.
- You were both Dual Citizens at the time of the divorce.

But if both Spouses are Filipinos and one became a Naturalized citizen of another country (say the U.S.), and you later divorced, you can avail of this process.

[Recognition of Foreign Divorce](#) is usually faster and more certain than Annulment AND it allows you to remarry in the Philippines.

Filing for Recognition of Foreign [Divorce in the Philippines](#) is advisable since there may be property issues that will arise from not doing so. If you plan to live or retire here, if you have children together, or if you have Philippine property, you really should get this done.

Further information detailing the cost, process and other important aspects is found [here](#).

Void Marriages



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A Void Marriage allows 2 Filipinos to Legally Separate.

Void Marriages are marriages that are either against the law or didn't meet certain Requirements before they were celebrated.

To legally separate in the Philippines using Void Marriages, requires a court process to legally Dissolve it under [Declaration of Nullity](#).

So, what would make your marriage Void?

First, your marriage is Void when you haven't complied with basic requirements:

- One of you was under 18 at the time of the marriage;
- You had no marriage license;
- Your marriage was performed by someone not authorized to do so (unless you both believed in good faith that he was);
- You are already married (unless one Spouse was declared presumptively dead);
- You married and were mistaken as to the identity of your Spouse;
- You married before the judgment declaring your previous marriage void was recorded in the Civil Register.

Marriages are also void when it is an incestuous relationship such as between brothers and sisters or between Ascendants and Descendants.

It is worth noting that Adopted children also fall under this. Marriages that involve them and a member of their adopting family are also void. ([Article 37 and Article 38](#) of the Philippine Family Code)

Finally, the most resorted to Ground for Declaration of Nullity is the [Psychological Incapacity](#) of one or both of the Spouses at the time of marriage.

Psychological Incapacity can be a contentious Ground which requires significant evidence to prove. It usually requires a psychological profile and reports on both of the Spouses, and a professional Psychologist and other witnesses to testify to the psychology and history of either Spouse.

Annulment

For all other marriages, an [Annulment](#) is the only option to legally separate in the Philippines

- You can Annul the marriage for the following reasons:
- married without Guardian's consent if one was 18 but below 21;
- either party was of unsound mind;
- fraud;
- coercion;
- not able to physically consummate the marriage;
- serious sexually transmitted disease.



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Annulment is usually the only option when 2 married Filipinos wish to separate.

As with the other routes, this involves a court process.

The court where the Petition is filed often determines how quickly the case is processed. In addition, Property and Custody issues can lengthen the process.

There are several Hearings and Pleadings which also add to the cost.

Annulment Fees are composed of:

- Filing fees
- Court Appearance Fee
- Lawyer's Acceptance Fee
- Pleading Fees
- Miscellaneous Fees

To Legally Separate through Annulment might require more effort on your part but the peace of mind and being able to remarry is often worth it. It also helps to ensure that property issues do not arise.

Special Mention: Legal Separation and Judicial Separation of Property



Legal Separation splits the Marital Property but doesn't allow remarriage.

When you undergo Legal Separation, the following happens:

- You are awarded property if you are the Innocent Spouse;
- You are not required to fulfill marital obligations such as living together, etc;
- You are not allowed to marry again.

On the other hand, Judicial Separation of Property is usually a “no-fault” division of property. Spouses who no longer wish to be together can file for Judicial Separation of Property if they already agree on what Marital Property should be given to whom. This process can be with or without “Cause”.

As these can be complex cases, I recommend that you read my articles [How is the Marriage Property Divided in Legal Separation?](#) and [A Simpler Way to Divide Conjugal Property](#) for more details.

If you do have any questions or concerns you can [contact me](#) or leave a comment.

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While the above 3 are ways to Legally Dissolve a Philippine marriage, I want to take the opportunity to discuss [Legal Separation Philippines](#) and Judicial Separation of Property.

They can often be discussed in the same breath as Divorce or Annulment but they mainly deal with dividing the Marital Property. It is important to understand that they do not allow you to marry again.

Legal Separation involves property division and separation of bed and board when one of the Spouses is at fault.