

October 12, 2015; RP Annulments Easier for the Rich

Last week I discussed the legalities of filing a civil annulment in the Philippines. This week, let's learn about the realities of pursuing such an action through the experience of freelance journalist, Ana P. Santos. She wrote about her four-year odyssey to terminate her marriage through the civil annulment process in the Philippines.

Her first obstacle was a lack of ready cash. Annulments in the Philippines don't come cheaply. When she filed for an annulment, the average monthly wage of Filipino workers was \$300 per month. The court's filing fee alone was \$400. In her search for an attorney, she encountered a wide range in legal fees. Her budget was tight so she had to settle on an attorney whose \$2,000 fee was negotiated by her cousin.

However, she soon learned that you get what you pay for. Her case dragged on for four years. The legal hocus-pocus was relentless. Under Philippine law an annulment can only be granted if a party can prove that the marriage was invalid from the very beginning. "Psychological incapacity" is the most common ground cited by annulment applicants. The illness must be grave enough to have prevented the spouse from assuming "the essential obligations of marriage."

Psychological testing and testimony are often necessary to prove psychological incapacity. The Philippine Supreme Court has established guidelines for determining whether a spouse had such incapacity at the time of marriage.

The actual process can vary greatly from person to person and from court to court. Santos had to attend multiple court proceedings and was brought to tears on the stand when the judge grilled her on the specifics of her husband's purported "psychological incapacity." He probed her on the details of fights between her and her husband and asked if she tried hard enough to keep the relationship together.

She contrasted her experience with that of her wealthy friend, "Michelle," a physician who paid her lawyer an all-inclusive fee of \$8,000. Michelle's case was finished in 6 months. She only had to appear once in court and respond to one question – her name.

It helped that the legal wheels were greased with a generous payment, termed a "professional fee," made directly to the judge. Such payments aren't uncommon. The end result of this dysfunctional process is that only the wealthy can afford an annulment. The poor are often forced to stay married, regardless of the circumstances.

The Catholic Church supports the legal charade of annulment in the name of preserving the family. I'm always highly amused when church leaders decry divorces as the cause for tearing families apart. As I've said in past columns, I

believe that the major emphasis should be on finding ways to better prepare a couple for marriage and not necessarily on forcing a couple to stay married when there is no hope for preserving the relationship.

After all, how is the family structure helped when a couple with children, who could otherwise amicably end their marriage through a “no fault divorce,” are forced to battle it out in court? The emotional toll on parents and children alike is devastating.

In addition, the relationship between parents and children may be forever undermined.

Unhappy married couples who don't qualify for an annulment, or who can't afford one, simply drift apart and form new families. The result is thousands, if not millions, of illegitimate children who are stuck in legal limbo.

Of course, for the right price the Church is willing to turn a blind-eye on certain indiscretions that undermine family values, especially if committed by rich and famous Church benefactors.

A prime example is former Filipino movie star and senator, Ramon Revilla. In 2013, Revilla, who fathered 7 children with his late wife, and 65 additional children from 16 other women, received the Catholic Mass Media Lifetime Achievement Award from Cardinal Gaudencio Rosales. This award is given to those “who have promoted Christian values in an outstanding way.”

Perhaps Revilla qualified under the category of “going forth and multiplying.”

Ironically, none of these 65 “indiscretions” would be grounds for an annulment in the Philippines. Spouses of adulterous and abusive mates are stuck in their dysfunctional marriages until death. What a ridiculous outcome.