

A SOCIO-LEGAL STUDY ON THE UNDERUTILIZATION OF LEGAL SEPARATION IN THE PHILIPPINES: PERCEPTIONS OF INFORMALLY SEPARATED COUPLES

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ABSTRACT

This study explores the underutilization of legal separation in the Philippines through the lived experiences of informally separated individuals. Despite being a legally available remedy, legal separation remains rare due to its complex, costly, and restrictive nature. Guided by a socio-legal perspective and grounded in Social Constructivism Theory, the study employed a qualitative narrative inquiry design using semi-structured interviews with thirty informally separated participants. Findings revealed that participants perceive legal separation as a “half-measure” that fails to grant emotional or legal closure since it does not dissolve the marriage nor permit remarriage. Legal, financial, and procedural barriers such as the high cost of litigation, the five-year prescriptive period, and the doctrine of In Pari Delicto discourages its pursuit. Social stigma and limited legal awareness further reinforce the preference for de facto separation. It recommends reforms to make marital remedies more accessible and humane, including extending the prescriptive period, lowering filing costs, and enacting a Divorce or Dissolution of Marriage Law to ensure genuine closure and protection for separated individuals.

Keywords: *Legal Separation, Socio-Legal Perspective, Social Stigma, Thematic Narrative Analysis, Social Constructivism Theory*

INTRODUCTION

Marriage is a sacred commitment recognized by both the Church and the State. Marriage is a contract of permanent union between a man and a woman who entered into it in accordance with law for the establishment of conjugal and family life (Article 1 F.C., 1987). In such circumstances, legal separation becomes a meaningful alternative. It allows couples to live apart while maintaining the marital bond. It legally provides for the separation of properties, offering both emotional and practical relief within the bounds of the law and faith.

In the Philippines, where marriage holds deep cultural and religious significance, many couples find themselves unable to legally separate due to the process being both costly and time-consuming. As a result, families often remain stuck in toxic, abusive, or broken relationships. Research shows that union dissolution is on the rise, with more couples choosing informal separation rather than going through the legal hurdles of annulment, declaration of nullity, or legal separation (Abalos, 2017). It leads to the phenomenon of informally separated couples, also known as de facto separation, where spouses choose to live apart without a final judgment (Respicio, 2024a). These barriers impact women the most, as they tend to face not only financial burdens but also social stigma when attempting to leave unhappy marriages (Constable, 2003; Raposas, 2008).

Marriage in the Philippines is both constitutionally and culturally upheld as a permanent and sacred institution. Article 15 (2) of the 1987 Constitution states that “Marriage is an inviolable social institution,” emphasizing its permanence and protection by the State, a view reinforced by Supreme Court rulings that allow dissolution only in rare cases (Lazaro, 2018; Alliance for the Family Foundation Philippines Inc., 2020). Culturally, this permanence is deeply rooted in tradition and religion, as approximately 80% of the Filipinos are Catholic and they view marriage as a divine sacrament central to family and social life (Lazaro,

2018). Centuries of Catholic influence and indigenous practices have shaped a society where marriage is seen not merely as a legal contract, but as a lifelong spiritual and communal commitment. Consequently, the Philippines is among the few nations that do not have a comprehensive divorce law, which underscores the country’s enduring respect for the sanctity and permanence of marriage (Lazaro, 2018).

Despite the cultural and legal emphasis on the sanctity of marriage in the Philippines, many unions face serious challenges that lead couples to seek separation. Legal dissolution options are limited in the Philippines, with divorce still not legalized and annulment or legal separation often inaccessible due to strict legal grounds, high costs, and lengthy procedures (Barrero, 2023; De Vera, 2025; Respicio, 2024a; Respicio, 2024c). The system’s complexity and expense make it difficult for most to access, and the law rarely accommodates more personal or emotional reasons for separation (Barrero, 2023; Respicio, 2024a; De Vera, 2025).

As such, studies show that many Filipinos end their marriages by simply living apart, especially among poorer couples who cannot afford the cost and complexity of legal separation or annulment (Aglam, 2024). This trend leaves women and children vulnerable, lacking legal protection for support, property, or safety.

As union dissolution rises, informal separations and cohabitation have become more common, seen as easier alternatives to marriage but offering little to no legal safeguards (Abalos, 2017). Moreover, existing research in the Philippines mainly centers on annulment and the divorce debate, leaving legal separation underexplored and underutilized despite its legal availability. Public discourse and studies often overlook the lived experiences of legally or significantly separated individuals, creating a gap in understanding their realities. While annulment cases have increased, legal separation remains rare and seldom addressed in research or policy discussions (Abalos, 2017; Dagami et al., 2022).

Legal separation in the Philippines functions as an alternative to absolute divorce, aligning with the Philippines' constitutional and cultural view of marriage as a sacred and enduring union. It permits spouses to live apart and divide their assets but does not dissolve the marital bond, thereby preventing either party from remarrying (Respicio, 2024b; FCB Law Office, 2024). This legal measure serves as a middle ground within the country's conservative legal framework, where divorce continues to be prohibited.

Legal separation in the Philippines is regulated under Articles 55 to 67 of the Family Code, which limits its grounds to serious marital misconduct such as repeated physical abuse, abandonment, drug addiction, adultery, or imprisonment exceeding six years (Global Rights for Women, 2024). These provisions emphasize the law's view of marriage as an indissoluble union, allowing separation only under severe circumstances (Respicio, 2024b). Additionally, a six-month cooling-off period is mandated before the decree may be granted, underscoring the State's intent to promote reconciliation between spouses whenever possible (Respicio, 2025).

Despite being a legally available option, legal separation in the Philippines remains underutilized mainly due to its complex, costly, and evidence-intensive nature, which is comparable to the annulment process. It suggests that it mainly serves individuals bound by moral or religious beliefs who still seek legal remedies for safety and property concerns (Respicio, 2024b; FCB Law Office, 2024). Often regarded as a "moral substitute" for divorce, it reflects a legal framework that values reconciliation and family preservation over the dissolution of marriage (Respicio, 2025; Global Rights for Women, 2024). However, this contends that it inadequately protects victims of long-term domestic abuse, as the marital bond endures even after separation, preventing them from fully rebuilding their lives (Respicio, 2024b; Respicio, 2025; FCB Law Office, 2024).

Hence, by analyzing the lived experiences of informally separated individuals, this study sheds light on the practical and emotional barriers that deter individuals from pursuing legal separation. The State maintains strict control over granting annulments and legal separations, as it seeks to safeguard the family. Further elaborated in Article 15, Section 1 of the 1987 Constitution: "The State recognizes the Filipino family as the foundation of the nation." Furthermore, Article 2, Section 12 emphasizes, "The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution." Lastly, marriage, as defined in Article 1 of the Family Code of the Philippines (F.C., 1987), states: "Marriage is a special contract of permanent union between a man and a woman." This definition highlights the Family Code's clear stance on the term "permanent," emphasizing the enduring and indissoluble nature of marital unions under Philippine law.

The study's objectives are: (1) To examine the perceptions and lived experiences of informally separated individuals in legal separation as a remedy for irreparable marital relationships. (2) To explore the legal, social, and economic barriers that contribute to the underutilization of legal separation in the Philippines. (3) To identify key socio-legal barriers and generate insights from participants' experiences that could propose policy recommendations regarding the underutilization of legal separation in the Philippines.

In line with these objectives, this study seeks to capture and understand the lived experiences of informally separated individuals in the Philippines, particularly in relation to their decision not to pursue legal separation despite its availability under existing law. This paper aims to answer the following questions: (1) How do informally separated individuals in the Philippines narrate their decisions not to pursue legal

separation? (2) How do they perceive the legal, financial, procedural, and social barriers to legal separation? (3) What policy reforms do participants believe would make legal remedies more accessible and meaningful?

This study is limited to the perceptions and lived experiences of informally separated individuals (De facto separation) in the Philippines who are no longer cohabitating with their spouses but have not pursued any legal remedy regarding their marital status. This focus was intentionally chosen due to the extremely low number of Legal Separation cases filed annually in the Philippines. The research explores how these individuals perceive legal separation as a potential remedy and seeks to understand the factors that contribute to its persistent underutilization. The rarity of the legal separation makes it impractical to rely solely on respondents who have undergone the legal separation process.

The study is grounded in a socio-legal perspective, which aims to bridge a gap between Family Law and the lived realities of couples who are effectively separated but remain bound together by the law. This paper intends to emphasize how Social, Cultural, Legal, and economic contents shape their understanding of legal separation.

This study contributes to the Socio-legal understanding of family laws in the Philippines by examining the underutilization of legal separation through the lens of lived experiences and perceptions of informally separated individuals. By highlighting the practical, emotional, and legal barriers to pursuing legal separation, the research provides insights that may inform policy reforms aimed at making marital dissolution more accessible and equitable, especially amidst the ongoing national debates on divorce and family law reform.

Review Related Literature

This section presents a review of existing literature and related studies that explore the underutilization of legal separation in the Philippines. It focuses on how cultural norms, legal structures, and economic realities influence individuals' decisions to remain informally separated rather than pursuing formal legal remedies. The review provides a foundation for understanding the broader socio-legal context of marital dissolution in the country, highlighting how societal values, gender roles, and financial constraints shape perceptions and choices regarding separation. By examining these themes, this section aims to deepen understanding of the factors contributing to the low utilization of legal separation.

Legal Framework of Legal Separation and its Benefit

Legal Separation, also referred to as relative divorce, is one of the legal remedies available to couples in the Philippines. It allows spouses to live separately and divide their property, but the marital bond remains legally intact. Despite being a legal option, it is rarely utilized, as it does not grant complete marital dissolution. In 2024, only 200 legal separation cases were filed, in stark contrast to the 13,166 cases filed for annulment and declaration of nullity (Philippine Statistics Authority, 2024).

Grounds for legal separation encompass several serious violations that justify the dissolution of conjugal relations without terminating the marriage itself (Article 55 F.C., 1987).

The grounds are as follows; Article 55 (1) addresses repeated physical violence or the grossly abusive conduct directed against the petitioner, their typical child, or the petitioner's child, which includes continuous physical harm or severe verbal and psychological abuse. Article 55(2) protects a spouse's freedom of religion and political beliefs by recognizing as grounds the use of physical violence or moral pressure to coerce the petitioner into changing their religious or political affiliation. Furthermore, Article 55(3) criminalizes attempts to corrupt or induce the petitioner or their children into prostitution, including any collusion in

such acts, as a serious breach of marital trust. Under Article 55(4), a final judgment sentencing the respondent to imprisonment exceeding six years, regardless of whether a pardon has been granted, also constitutes valid grounds for legal separation. The law also recognizes the respondent's drug addiction or habitual alcoholism as a ground, as stated in Article 55(5), where chronic substance abuse impairs the respondent's ability to fulfill marital obligations. Article 55(6) lists lesbianism or homosexuality of the respondent as grounds, reflecting the traditional views on marital relations. Article 55(7) states that if the respondent enters into another marriage while the first one still exists, whether the bigamous union occurs in the Philippines or abroad, that becomes a valid ground for legal separation because it violates the monogamous nature of marriage. Under Article 55(8), the respondent's acts of infidelity or sexual misconduct likewise qualify as grounds for legal separation. Article 55(9) adds that any attempt by the respondent to take the petitioner's life is also a sufficient basis for filing. Finally, Article 55(10) considers the respondent's unjustified abandonment of the petitioner for more than one year as another lawful ground for legal separation.

However, under the current legal framework, the State still does not allow the complete dissolution of marriage, which limits the autonomy of individuals who are trapped in irreparable unions. It is one of the reasons why legal separation is not a popular option, as it keeps the marriage bond legally intact, preventing couples from entirely breaking free from a broken marriage (Daytec-Yangot, 2014). Although legal separation does not dissolve the marriage, it can still offer significant benefits to those who choose to avail themselves of it. It is particularly suitable for couples who uphold the sanctity of marriage but seek a way to live apart from their aggrieved spouse.

Article 63(1) of the Family Code, which states that "the spouses shall be entitled to live separately from each other, but the marriage bond shall remain intact and shall not be severed" outlines the legal effects of legal separation. Upon the issuance of a decree, the marital relationship continues to exist in law despite the physical separation of the spouses. They can still be held criminally liable for adultery, concubinage, or bigamy if they commit the act (Santa Maria, 2022). Under Article 63(2), the dissolution and liquidation of property are governed by the existing property regime (either the Conjugal Partnership of Gains or the Absolute Community of Property). Notably, the offending spouse forfeits all rights to any net profits earned by the respective regime. Article 63(3) F.C. awards the custody of the minor child to the innocent child, subject to the Article 213 of the Family Code. Article 63(4) disqualifies the offending spouse from inheriting from the innocent spouse by intestate and testate succession pursuant to Article 921(4) of the New Civil Code.

While in custody and support of the children, it is often awarded to the innocent spouse. The parent who best suits to take care of them, except for a child who is below 7 years of age, in which Article 213 will govern. Article 56 of the Family Code of the Philippines states that a petition for legal separation may be dismissed when any disqualifying circumstance is present. These include: (1) Condonation, or the act of forgiving the offense after its commission; (2) Consent, when either party agreed to or did not object, with full knowledge, to the act that constitutes a ground for legal separation; (3) Connivance, where a party knowingly facilitates or cooperates in the commission of a wrongful act that is later used as a ground for separation; (4) Equal guilt, also known as *in pari delicto*, where both parties acted in bad faith by committing acts that constitute grounds for legal separation; (5) Collusion, where there is a corrupt agreement between both parties to obtain the decree; and (6) Prescription, where a ground for legal separation must be filed within its prescriptive period; otherwise, it will not be granted. Article 57 expounds Article 56(6)

further by stating that the petition must be filed within five years from the occurrence of the ground.

Lived Experiences of Informal Separation or De Facto Separation

A rise in informal separations corresponds with the growing prevalence of cohabitation, a union type associated with higher rates of dissolution compared to formal marriage. Between 1993 and 2013, the percentage of cohabiting Filipino women almost tripled from 5.2% to 14.5% (Abalos, 2017). In the predominantly Catholic Philippines, marriage is regarded as sacred and unbreakable, with any form of separation or marital breakdown often seen as a violation of traditional family values (Abalos, 2017; Barrero, 2023). Those who seek Legal Separation are often expected to maintain the marriage regardless of hardships; commonly, it discourages women from pursuing legal separation despite the abuse or neglect. Children from separated families experience stigma and are commonly labeled as born out of wedlock, which affects the children's social integration and self-esteem (Collantes et al., 2024). This stigma is powerful in rural areas, where traditional values are deeply rooted. Women are expected to maintain the image of a stable family, even at the expense of their well-being.

In contrast, those from urban areas are more likely to leave toxic marriages due to greater access to legal resources and more progressive social views (Abalos, 2021). Women who pursue them are often judged harshly and told they should not "give up" on their marriage. These gendered expectations reinforce harmful narratives that keep women trapped in dysfunctional unions (Barrero, 2023).

Adultery, Concubinage, and Bigamy in De Facto Separation

De Facto Separation occurs when spouses choose to live separately without a formal court decree. This informal arrangement often leads to potential legal complications for either party. Article 333 of the Revised Penal Code defines adultery when it is committed by a woman who engages in sexual relations with a man not her husband. Similarly, concubinage, defined in Article 334 RPC, applies to a man who keeps a mistress in his home or has sexual intercourse with a woman who is not his wife. Even when spouses are granted legal separation by the state, they are still legally married; thus, involvement with a third party may still constitute a criminal offense. Bigamy, as defined in Article 349 RPC, is committed by one person who contracts a subsequent marriage while the former marriage is valid and subsisting.

Rights of an individual in De Facto Separation

Article 127 of the Family Code states that a de facto separation, where married couples live apart without obtaining a formal court decree, does not legally dissolve the marriage. However, Separation in fact only offers a few remedies on Support, Court authorization, and family support liability.

Summary Judicial Authorization on separation in fact between husband and wife focuses on when the law requires spousal consent. The Family Code provides a summary procedure for judicial authorization when consent is withheld or cannot be obtained. Separation, in fact, will not affect the property regime as it will retain its conjugal nature (Villanueva v. Chiong, G.R. No. 159889, June 05, 2008). Summary Judicial Authorization gives remedy to those who are in a de facto status where both spouse consent are required for such transaction or there is not enough community or conjugal property and the present spouse need the authority to administer or encumber the other spouse separate property to support the family (Family Code of the Philippines, 1987, Art. 100 & Art. 127).

Article 370 of the New Civil Code provides married women with several permissible options for how they may style their surnames. They may

retain their maiden surname and append their husband's surname, use their maiden first name and surname together with their husband's surname, or take their husband's complete name with an appropriate title indicating their marital status. These surname choices may be adjusted even while the marriage subsists. Philippine jurisprudence, particularly *Remo v. Secretary of Foreign Affairs* (G.R. No. 169202, March 5, 2010), clarifies that adopting the husband's surname is a privilege granted to the wife and is not a compulsory requirement.

Article 134 of the Family Code of the Philippines protects both parties to their property relations between spouses under *de facto* Separation, which continues to be governed by the existing property regime, whether it be absolute community of property or conjugal partnership of gains. It means that assets acquired during their Separation are still presumed to belong to both spouses unless proven otherwise. Moreover, any dealings involving joint property generally require the consent of both parties; if one acts without the other's consent, the aggrieved spouse may contest the transaction in court. In addition, both spouses will remain legally obligated to support each other and their children as mandated in Article 68 of the Family Code of the Philippines. Even when living apart, a dependent or non-working spouse may seek financial support, and both parents continue to share equal responsibility for the care, education, and upbringing of their children. Failure to fulfill these duties may lead to legal consequences. In regard to custody, *De Facto* Separation does not change parental authority. Both parents continue to share custody rights unless modified by a court order. It ensures that children remain under the joint protection of both parents despite the Separation. However, because such arrangements lack judicial enforcement, conflicts over custody, support, or property often arise.

Moreover, lastly, for personal safety and protection, a spouse who experiences abuse in a *de facto* separation may seek remedies under Republic Act No. 9262, or the Anti-Violent Against Women and Their Children Act. This law provides for protection orders, financial support, and access to social and legal services through local government units. Often, once a petition for Legal Separation has been approved, both parties are legally permitted to live apart and independently manage their assets (Saklaw, 2025). Parental custody then comes into play, as the court determines which parent shall have custody of the minor children, always considering the best interests and welfare of the child as provided under Article 213 of the Family Code of the Philippines. The parent not granted custody is typically given visitation rights and may still be required to provide child support. The parental responsibilities do not cease. Instead, they evolve into a co-parenting arrangement where both parents must collaborate in raising their children despite living apart. The success or failure of this dynamic significantly influences the emotional and psychological well-being of the children.

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Barriers to Legal Separation

A process of obtaining an annulment or Legal Separation can be financially burdensome to Filipinos. The average income for Filipino

families reached ₱353,230 per year, or approximately ₱29,435 per month (Manila Bulletin, 2024). This income level, while reflecting a 15 percent increase from ₱307,190 in 2021, still may not be sufficient to cover the substantial expenses that arise during an annulment, declaration of nullity case, or Legal Separation, especially when the family income is already stretched thin.

One of the most significant expenses in the annulment process is the attorney's fee, which can vary depending on the complexity of some instances and the lawyer's experience. These fees can range from ₱100,000 to ₱500,000, or even more (Respicio, 2024). Adding to the struggle, every year only 5,860 cases out of 13,166 cases of declaration of nullity and annulment cases had been Decided, This does not includes the backlog of previous year cases; not topping to an additional pending which results to remaining undecided cases to 12,212 for December 2024; In contrast to Legal Separation, to 200 cases were filed and only 87 were decided (Philippine Statistics Authority, 2024). Legal separation cases in the Philippines can take up to two years before reaching finality, and even then, there is no guarantee that the petition will be granted. Filing for legal separation requires a thorough understanding of the grounds specified under the Family Code of the Philippines, as the petitioner must carefully choose and justify the most applicable basis for their case. The process is often lengthy, emotionally draining, and financially burdensome. It demands not only legal knowledge but also the ability to present substantial evidence to support one's claims. The Philippine law opts to push both couples to stay intact due to the sanctity of marriage. Article 1 of the Family Code states that "Marriage is a special contract of permanent union between a man and a woman entered into in accordance with law for the establishment of conjugal and family life." It shows the constitutional mandate, explicitly stating that marriage is a permanent and inviolable institution. Consistent with this principle, Article 58 of the Family Code imposes a mandatory six-month cooling-off period at the outset of a petition for legal separation, during which the family court is tasked with facilitating reconciliation efforts (Art. 59, F.C.). The cooling-off period aims to allow both spouses to reconsider the path of their marital relationship and, where possible, to restore conjugal relations.

Marriage Dissolution is not an option in the Philippines. Stigma from Socio-Cultural Beliefs.

Not all Catholics are up for the "No to Divorce" stance. Most of the younger Generation Y supports Divorce and Divorce Bills; Filipinos tend to engage at a high level of religiosity, resulting in less approval of the concept of divorce. The majority of high-level religiosity is Generation X and Generation Baby Boomer (Liwang, Palermo et al., 2023). Further, the catholic church's influence in the Philippines impacts political decisions, particularly concerning the legalization of divorce. With this, the deep-rooted catholic beliefs of many Filipinos play a significant role in shaping attitudes toward divorce. The catholic church's firm stance against it often leads families to view marital dissolution as a sin or a sign of moral failure. This religious influence significantly contributes to the stigma surrounding divorce and other methods of marriage dissolution. It remains one of the most substantial barriers to its legalization and acceptance in Philippine society (Aglam et al., 2024).

Family-driven social stigma heavily influences how divorce is perceived in the Philippines, often casting it as shameful and dishonorable. Women, in particular, face pressure to endure unhappy or abusive marriages to protect their family's reputation and avoid community judgment. Many are discouraged from leaving due to fears of being ostracized or seen as having failed their duties as wives (Fajardo-Jarilla, 2023). This stigma is powerful in rural areas, where traditional values are deeply rooted. Women are expected to maintain the image of a stable family, even at the expense of their well-being.

In contrast, those from urban areas are more likely to leave toxic marriages due to greater access to legal resources and more progressive social views (Abalos, 2021). Even annulments and legal separations, the only legal ways to end a marriage, carry a heavy stigma. Women who pursue them are often judged harshly and told they should not “give up” on their marriage. These gendered expectations reinforce harmful narratives that keep women trapped in dysfunctional unions (Barrero, 2023).

Church annulment refers to the catholic church’s declaration that a marriage was invalid from the start, which focuses on the validity of the marriage under Canon Law (De Borja, 2022). church annulment is offered in the Philippines and often used to bring spiritual and emotional relief to those who want to seek spiritual closure (Amos, 2017). Church annulment does not have any legal bearing in the Philippines; it only offers spiritual closure. Civil annulment addresses the legal status of marriage under Philippine law, which allows both parties to remarry legally, while church annulment focuses on the sacramental validity of the marriage.

Theoretical Framework

This study is anchored on social constructivism theory, which posits that social interaction, cultural beliefs, and shared meanings shape individuals’ understanding of the world. In the Philippine context, the legal concept of separation is not merely a legal mechanism, but one that is filtered through religious norms, familial expectations, and societal stigma. Informally Separated Individuals construct their own meanings around legal separation, often viewing it as unnecessary, inappropriate, or inaccessible, regardless of its actual legal provisions. By applying Social Constructivism, this study aims to uncover how such perceptions are formed and how they contribute to the persistent underutilization of legal separation in the Philippines. This paper will utilize Social Constructivism theory as its theoretical framework. The research ought to focus on learning as a social process in which an individual constructs their knowledge through interactions with others, particularly within a cultural and historical context (Creswell, 2013). Constructivism provides a framework for inquiry in which researchers engage with participants to explore personally constructed and subjective realities (Boyland, 2019).

METHODS

This study utilizes a qualitative Narrative Inquiry design, which treats the stories as the primary source of data to explore the lived experiences of informally separated individuals. Narrative inquiry enables the researcher to examine on how the individuals interpret and construct meaning from their personal experiences. In this study, the narrative inquiry design was employed to obtain an in-depth insight into the underutilization of legal separation through the participants personal experiences (De Mierop et al., 2023). Given the study’s focus on the socio-legal factors that influence the decision not to pursue legal separation, this approach allows a comprehensive examination of the emotional, cultural, and legal dimensions that shapes participants decisions. Through this narrative approach, the study explores the lived experiences and perspectives of individuals who have undergone informal marital separation and the factors contributing to the underutilization of legal separation in the Philippines. To ensure methodological transparency and rigor in qualitative research design, the study followed the Standards for Reporting Qualitative Research (SRQR) guidelines.

The study employed purposive sampling to intentionally select the individuals who have experienced a de facto separation, as they were the best positioned to provide rich, relevant, and in-depth insights into the phenomenon that is being investigated. Since the study aims to document

the lived experiences, perceptions, and decision-making processes of individuals who chose not to pursue legal separation despite its availability, it was essential to engage participants who directly met these criteria. The sample consist of 30 participants. In qualitative research, sample sizes are typically determined based on the richness of the data and the depth of participants’ narratives rather than statistical representation (Patton, 2002). According to Creswell (2013), determining an appropriate sample size is essential for generating realistic and meaningful insights from in-depth qualitative interviews. Thus, the inclusion of 30 participants was considered appropriate for generating rich narratives and thematic insights rather than statistical generalization. The Criteria were (a) Filipino men or women adults aged 25-49 who have experienced informal marital separation-that is, (b) individuals who lived apart from their spouse for at least one year without having undergone a formal legal process such as annulment or legal separation, (c) with or without children. This group was highly relevant because, as studies show, most marital dissolutions in the Philippines occur informally due to the inaccessibility, cost, and complexity of formal legal remedies (Abalos, 2017; Tsoi et al., 2024).

The study used semi-structured interviews, done both face-to-face and online, to gather detailed and personal stories from participants. This method allowed the researcher to ask key questions while also giving participants the freedom to share their experiences in their own words. The set of questions used in both in-person and online interviews helped reach individuals from different places and backgrounds, making the process more flexible and accessible. Furthermore, the semi-structured text encouraged open dialogue that enabled the participants to reflect on their personal experiences while allowing the researcher to explore further the themes and clarify responses in real time. Through this process, the study captured the complexity of the de facto separation but also highlights the diverse realities in shaping their circumstances. This approach provided a more profound and more precise understanding of the social, emotional, and legal challenges informally separated individuals face.

The analysis employed a thematic narrative analysis, focusing on the identifying patterns with participants narrative while preserving the integrity of their stories (Reissmann, 2008). The Procedures for recognizing and organizing patterns in qualitative data were informed by the thematic analysis (Braun & Clarke, 2006), which guided the systematic coding and categorization of the data. Through this dynamic process, the researcher actively explored the collected information of de facto individuals to discern meaningful themes and patterns and to develop potential themes relevant to the research questions (Maguire, 2017). The approach involved the identification and review of potential themes, leading to a comprehensive understanding of the data relevant to the research question (Braun & Clarke, 2006; Maguire, 2017). In maintaining the narrative approach, the researcher returned to the data, examining each narrative in its entirety. Riessman’s (2008) thematic narrative analysis which focuses on analyzing the content of the narratives to identify recurring themes while at the same time, preserving the contextual meaning of the narrative. Initial coding involved identifying significant experiences, perceptions, and reflections expressed in the narratives of de facto individuals. These coded segments are then reviewed and grouped into broader thematic categories. To maintain the narrative orientation of the study, the researcher has repeatedly returned to each of participants narrative that ensures the themes are interpreted within the context of the participants stories. This approach allowed the identification of recurring themes while preserving the contextual meaning of the narratives.

Given the sensitive nature of the interview that was conducted, ethical considerations are prioritized throughout the study. The experiences shared by the participants observed ethical considerations by ensuring

informed consent, maintaining strict confidentiality, allowing voluntary participation, and creating a safe, non-judgmental space for participants to share their personal narratives. Participation was entirely voluntary, and they had the right to withdraw from the study at any point without any consequences. They were fully informed of the study procedures and written, or online consent form were obtained from the participants. Participants were provided with a comprehensive data protection plan outlining their rights. To ensure anonymity, pseudonyms are employed in this study to ensure their identities remain protected (Itzik & Walsh, 2023). A debriefing was done before or during the interview to protect the participants from emotional harm. The debriefing process ensured the participants were fully informed about the nature of the study after they participated in it (Stileman, 2023). It includes the goals, procedures, data management, and available support services. It also provided an opportunity for participants to clarify any concerns or withdraw their data if they wish and receive guidance for emotional well-being. The researcher used measures to ensure safety of the data collected, this includes all transcripts, audio recordings, notes were treated with confidentiality. Only the researcher and adviser are granted access to these materials in accordance with the Data Protection Act of 2012. The data are only retained until the completion of this study. Data will be retained only until the completion of the study, at which point they will be securely destroyed.

FINDINGS

The findings reveal their lived experiences, perceptions, and challenges to the decision not to pursue legal separation and the use of the de facto status. Through careful thematic narrative analysis, the results provide a deeper understanding of how personal circumstances and systemic legal barriers drive the underutilization and rejection of using a formal remedy. The reporting of findings relies exclusively on participant numbers for identification, in compliance with the requirements of the ethics board.

Table 1. Socio-Demographics of the Participants

Participant Code	Sex	Age	Years Married	Years Informally Separated	Children
P01	F	31	3	2	Son (1)
P02	F	37	11	11	N/A
P03	M	45	5	1	N/A
P04	M	43	13	5	Daughter (22)
P05	F	46	21	12	Daughter (26); Daughter (20)
P06	M	27	5	5	N/A
P07	M	47	20	20	Son (20)
P08	F	46	22	14	Son (21); Daughter (20); Daughter (19); Son (15); Son (10)
P09	M	45	15	10	Daughter (8)
P10	F	28	4	1	Son (2)
P11	F	38	6	1.5	Daughter (6); Son (4)
P12	F	30	7	6	Son (7)
P13	F	30	6	5	N/A

P14	M	39	15	10	Daughter (14)
P15	F	47	26	2.4	Daughter (26); Daughter (23)
P16	F	48	22	13	Son (21)
P17	F	45	22	15	Daughter (19)
P18	F	46	20	10	Son (23); Daughter (20)
P19	F	44	17	6	Daughter (21); Son (16)
P20	F	43	15	4	Son (18); Son (13)
P21	F	47	19	9	Son (20); Daughter (19)
P22	M	38	13	6	Daughter (10)
P23	F	36	6	2	Son (5); Daughter (3)
P24	M	45	20	11	Son (23); Son (22); Daughter (14); Daughter (10)
P25	F	44	16	7	Son (15); Daughter (13)
P26	M	43	18	10	Daughter (20); Son (17); Daughter (13)
P27	M	41	12	7	Son (10)

Note. The years informally separated are calculated from the date the participants decided to separate. The majority of the participants are female (70%) and fall within the 35 to 49 age range (66.7%). The majority of participants have children (86.7%). This table provides the detailed individual demographic profile necessary to contextualize the narratives presented in the study.

Legal Separation Fails to Deliver True Freedom

This theme captures the lived experiences of informally separated individuals who continues to navigate the legal and social constraints of marriage. Participants described how their de facto status creates lingering legal and emotional ties that prevent them to fully reclaim their personal freedom. Several narratives highlighted issues related to legal identity, marital relationships, and moral perceptions associated with remaining legally married.

A recurring concern among the female participants involved the inability to revert to their maiden name on official record because of their status. For many, the use of their spouse surname symbolized the persistence of a marital bond where they no longer recognized emotionally or socially. Participants have described this restriction as a constant reminder of their past relationships and the trauma associated with their separation. Participant 16 reflected on this experience, explaining on how the presence of her spouse's surname on official documents continues to affect her sense of *identity* "For me, everytime that I see my ex's last name on my documents... I am still Mrs. X.. no matter what I do.. I will still relieved all the pain and trauma that he has caused me. This is just not a last name... rather this is a reminder that I still cannot get away from my past" (P16, F, 48). This narrative illustrates that the marital name is interpreted by participants as a denial of their right to self-determination and an enforced continuity with their painful past, ultimately contributing to the perception of legal separation as an inadequate remedy. For these individuals, the inability to use their maiden name reinforces the perception that legal separation provides only partial relief, leaving them legally bound to a past they are trying to move forward.

In addition, the extreme lengths participants went to manage this legal constraint further illustrate its burden. Participant 7 and Participant 9 detailed narratives of relocating to entirely different cities to minimize or altogether avoid contact with their previous partners, physically enforcing the separation that the law failed to guarantee. However, for participants whose spouses has abandoned them, maintaining complete separation really did not prevent them from rebuilding their personal lives as some participants eventually entered a new relationship despite being married. Participant 24 described how relocating to another region allowed him to move forward and establish a new life: *“Ever since I separated from my ex—that was around 10 years ago—I went to Mindanao so that I could have peace of mind. Little did I know that I would eventually start my own life there. Currently, I have a family here. My old friends also told me that my ex also has her own family now. I guess that leaves us no choice but to not settle our marriage, because it might not end well. We might get sued, or worse, cause pain to our own families.”* (P24, M, 45). Despite the attempts to rebuild their own lives, the participants explained that such relationship are often kept discreet due to the fear of being charged by Adultery or Concubinage. The legal risk was further highlighted by Participant 15 who shared that she now has a child with a second partner even though both of them remain legally married to their previous spouses. These narratives illustrate how the law places informally separated individuals in a difficult position, forcing them to choose between remaining legally bound to a dissolved relationship or pursuing a new life while facing potential criminal liability.

Moreover, the inadequacy of legal separation was further framed by moral and religious commitments. Participants 21 & 2, who were both firm religious believers, opted for having a church annulment to maintain the sanctity of the marriage that they both have. This decision highlights the civil remedy, particularly legal separation, which was perceived as irrelevant in their pursuit of spiritual and moral closures only obtainable through the church process. legal separation was viewed as a failure to address what was needed in their marital status, strengthening their decision in a de facto status, while pursuing a faith-process resolution.

The doctrine of In Pari Delicto (Equal Fault) was consistently identified as a significant doctrinal barrier to pursuing legal separation. Participants 6 and 17 are automatically rendered as invalid to avail legal separation due to their committing grounds of infidelity, despite being physically and mentally abused by their spouse. The application of In Pari Delicto effectively punished the victim for their own fault, regardless of the physical and mental trauma that it had caused.

Findings related to legal advice confirmed that the underutilization of legal separation is also due to an abandonment of the remedy by practitioners. The data showed that initial public knowledge of legal separation was low. Only 8 out of the 30 participants reported a complete understanding of the legal separation's effects. While 24 out of 30 only knew the concept of "separation in bed." The majority of the participants had consulted a Family Lawyer to inquire about ending their marriage. Lawyers have explained the differences between annulment, declaration of nullity, and legal separation, explaining that declaration of nullity and annulment have greater benefits offered by the alternative remedies. In every instance, the majority of the participants will push through the declaration of nullity on the grounds of Psychological Incapacity.

A compelling non-legal reason for the purposeful maintenance of the de facto status demonstrating that, for some participants, inaction serves as an act of emotional ease. Participant 4, who separated due to the spouse's infidelity, made a conscious decision not to pursue any legal remedy. For him, the de facto status was an act of revenge, forcing the initiating partner to bear the procedural burden of legally ending the relationship they destroyed. As he explained, *“For me, doing nothing is revenge itself. She cheated on me and left for another man. I may sound bitter, but I know that doing*

nothing is going to be hard for her. As far as I know, they already have a kid. Think of this, why would I act on pursuing legal remedy? Why would I spend money? I was the one who cheated and left. She should be the one who works on it.” (P4, M, 43). This narration illustrates for some participants that maintaining the informal status was not just a passive outcome of legal barrier but also can be an intentional decision that provided a sense of moral procedural advantage. By refusing to initiate through legal action, the participant stand firm on his perceived moral authority and the shifting of legal and financial responsibility of resolving the marriage to her offending spouse. In this manner, the de facto status offered a non-monetary form of emotional relief, reinforcing the participant stance to remain outside the formal legal process.

Overall, the findings under this theme demonstrate that participants widely perceive that legal separation is as a limited and inadequate remedy. The inability to reclaim personal identity, the difficulties of forming new relationships due to fear of criminal sanctions, the doctrinal barriers such as the In Pari Delicto doctrine, and the limited practical benefits of the remedy collectively contribute to the perception that legal separation fails to provide genuine freedom or closure. As a result, many of the participants resort to managing their marital situations outside the formal legal framework.

Legal Loopholes and Risks Outweigh the Benefit of a Legal Separation Decree

This theme establishes the contextual conditions that led participants to pursue de facto separation. Participants described traumatic experiences within their marriages that compelled them to leave immediately, often prioritizing safety and emotional survival over pursuing formal legal remedies.

Cause of Informal Separation

This section establishes the foundational context by detailing the traumatic and complex reasons that led participants to physically separate, framing the urgency and necessity of their subsequent strategic legal maneuvers. Table 2 demonstrates the leading causes for the de facto separation, illustrating the frequency of reported factors that led participants to leave their marriage.

Table 2. Circumstance leading to informal separation among participants

Circumstance leading to Informal Separation	Frequency (N = 34)	Percentage %
Infidelity	12	35.3%
Physical Abuse	10	29.4%
Sexual Assault	4	11.8%
Emotional Abuse	2	5.9%
Abandonment	2	5.9%
Emotional Disconnection	2	5.9%
Attempted Murder	2	5.9%
Total	34	100.0%

Note: The data were derived from a descriptive frequency count of circumstances cited across 30 participant narratives. The total frequency of reported circumstances (N = 34) exceeds the number of participants, which indicates many of the individuals experienced multiple circumstances that led them to de facto separate.

As shown in table 2, Findings reveal that the two most frequently cited factors are infidelity (cited 12 times, representing approximately 35.3% of all reported factors) and physical abuse (cited 10 times, representing 29.4% of all reported factors). This severe context fundamentally dictated

the subsequent choice to seek an immediate de facto separation over formal legal action.

For many participants, the trauma of infidelity was a decisive factor. Participant 25 described immediately separating de facto after discovering her partner committing sexual acts with another woman. She states, “The moment that I saw him enter Sogo with another girl. I knew at that moment that our marriage is already over” (P25, F, 44). This experience prompted the definitive realization that continued cohabitation would lead to fatal consequences, resulting in an immediate exit via de facto separation. The prevalence of domestic violence and betrayal is the primary condition compelling participants to leave their marriages. Sexual assault, cited 4 times, 11.8%, demonstrates a multifaceted pattern of violence in the marital union. While less frequent, emotional neglect and detachment also played a role in Emotional Abuse and Lack of Emotional Support, and Loss of Love/Emotional Disconnection were each cited twice, at 5.9% each.

Overall, the data underscores that separation in the Philippines often stems from serious marital issues such as violence and betrayal rather than trivial disagreements, reflecting how the absence of accessibility to legal separation pushes individuals to leave abusive or unhealthy marriages without formal legal protection. Collectively, these categories demonstrate that informal separation is not a matter of convenience but rather a last resort driven by serious and often traumatic marital conditions.

Legal Loophole and Risks

This sub-theme demonstrates that participants actively choose alternative, often complicated, legal strategies because legal separation fails to grant the necessary material security or path to complete dissolution. The findings show that essential needs could be achieved without the formal legal separation decree, rendering legal separation redundant.

Some of the participants who have a property demonstrated a deep, pragmatic understanding of property law that protects their newly acquired assets. Participant 17, who is still in a de facto status, wished to purchase a property but strategically placed it under her parents' names. Her parents then executed a will ensuring she is the sole inheritor. This deliberate legal maneuver ensures the property is classified under gratuitous title (inheritance), which, in the lens of the law, renders the property not included in the existing Conjugal Partnership or Absolute Community of Property.

The participants prioritized seeking Judicial Separation of Property as a remedy, which immediately secures financial assets and bypasses the procedural friction of legal separation. Participant 14 is planning to pursue Judicial Separation of Property because both spouses are in agreement to dissolve their property regime, thus eliminating the need to go through complex loopholes to maintain inheritance and ownership. “Ever since my business booms, my main issue is now about the properties that I plan to acquire. Since my ex and I are somewhat still okay, we talked about ending the marriage, but since annulment tend to be expensive, we both consulted a lawyer and the Judicial Separation of Property was suggested to us. Currently, we are now working on it to secure our own sets of assets.” (P14, M, 39). This narrative demonstrates a clear preference for a direct and efficient legal remedy. Despite consulting a lawyer and recognizing that Judicial Separation of Property provides many of the benefits associated with legal separation, the participant and some in similar situations chose not to pursue legal separation. This highlights how participants strategically prioritize remedies that meet their immediate needs while avoiding the procedural burdens or costs of formal legal separation.

The severe constraint on remarriage and finality pushes participants toward seeking legal loopholes and, consequently, exposes them to risk. Participants actively consulted and heard about options such as converting to Islam and proceeding with Shariah divorce to end the marriage quickly. Participant 13 reported hearing about the option of converting to Islam and pursuing Shariah divorce to end a marriage quickly. She explained: “While I was looking for possible legal remedy on Facebook, I stumble on a page that offers divorce, I inquired about it and they say to me that all I need to do was pay a 100,000 PHP and they will help me circumnavigate through changing my religion and applying for divorce in Shariah Court. I was stopped by my friend and told me that these methods are scams. I did not push through.” (P13, F, 30). Although none of the participants have pursued conversion of their religion or other alternative legal pathways, these narratives demonstrate how the inaccessibility of formal remedies drives individuals to consider high-risk options in an effort to achieve marital finality.

In addition, participants mentioned hearing about other high-risk, illegal actions, such as the falsification of documents for reasons of going abroad or other purposes related to mitigating their status. This shows that the lack of accessible, legal means to achieve finality forces some participants to consider or use illegal strategies, confirming the extreme vulnerability created by the law's inflexibility.

Time, Cost, and Redundancy to File for Legal Separation

This theme focuses on the bureaucratic and financial obstacles associated with pursuing the Legal Process, which are too high, and the limited benefits are entirely negated by the participants' use of informal, low-cost strategies for critical issues like property and custody.

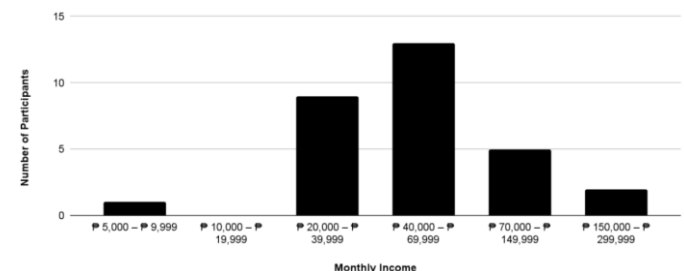


Figure 1. Monthly income of participants

As shown in Figure 1, 1 participant falls in the category of Poor, 9 participants are in Lower Middle Income, 13 of the participants fall in Middle Middle Class (₱40,000 - 69,000) of the participants fall in Upper Middle Income (₱70,000-149,999), and 2 participants fall in Upper Income. Participants consistently cited the high legal fees as the primary deterrent, noting that the cost of filing for legal separation was perceived to be unacceptably close to or even comparable to the cost of pursuing the final remedies of annulment or nullity. The high costs of pursuing legal separation have been one of the issues for those who seek to find a Legal remedy. Out of the 30 participants, only 14 (46.7%) see the availability of legal separation if there were an instance where legal separation would be feasible for those who seek a formal remedy. The rest remain at a strict stance regarding their option not to pursue legal separation despite making it more affordable.

Participants have effectively bypassed the adversarial judicial process by opting for mutual co-parenting regarding custody, visitation, and support. This choice demonstrates a preference for cooperative, low-conflict resolution over the expense of fighting rights through court. For example, Participant 26 successfully negotiated with his previous partner to create a letter outlining their mutual agreement on custody and visitation rights. “What we did was we created a letter as it serves as a evidence that we both agree to have visitation. Yes, we did not go through legal separation or annulment, due to the price. The letter is just for protection for the both of us since we are not living together

anymore.” (P24, M, 45). Participant 18, on the other hand, did not opt for legal separation due to fear of losing the custody of their child at the time of their separation, which led to mutual understanding that both parties are obliged to contribute to their children despite the de facto status that they are in. For the Participants whose partner abandons them, Participant 24 chose not to see the positive effects that legal separation could bring, but rather file for a declaration of nullity on the grounds of psychological capacity.

Beyond the concern regarding costs, the five-year prescriptive period for filing legal separation constitutes a barrier. The majority of participants are ineligible to file simply due to the emotional and temporal lag required to process trauma and seek help. Specifically, out of the 30 participants, only three were currently eligible to file for legal separation under the statutory period. The time needed to seek relief exceeds the prescriptive period. Participant 3 explained, *“The trauma that my Fu— ex did, sorry for my term. Was too much. I became depressed and locked myself at home for at least a few years. I am still recovering. But with that, 5 years is not enough for me since it took me 4 years to be okay and look for legal remedies regarding our marriage.”* (Similarly, participant 5 also took her 7 years to have the strength to open up about her struggles, long past the point of being able to seek legal remedy. Participant 12 took him at least 2 years to prepare for filing a legal remedy, but it was postponed due to family-related matters.

These narratives collectively highlight that the prescriptive period, in combination with the emotional burden of marital trauma, functions as a barrier that prevents participants from exercising the legal remedies that might otherwise support their de facto separation.

DISCUSSION

In this section, the researcher analyzed and interpreted the findings drawn from the participants’ narratives, connecting their lived experiences to the broader socio-legal landscape of the Philippines. The discussion examined recurring themes, shared struggles, and differing perspectives that reflect how cultural norms, financial limitations, and legal barriers influence the decision not to pursue legal separation. Moreover, the researcher explored how these individual stories reveal systemic gaps in existing family laws and policies, emphasizing the need for more accessible, inclusive, and responsive legal remedies for separated couples.

Participants perceive legal separation as an incomplete remedy that denies personal identity restoration, freedom to remarry, and emotional closure, prompting them to maintain de facto status or pursue alternative strategies. Their decisions to de facto separate are primarily driven by severe marital issues, restrictive-costly procedure, prescriptive period, and the exploration of other legal avenues. This supports the notion of Social Constructivism, where individuals garner their understanding of appropriate action and meaning through social interactions, cultural norms, and personal experiences, actively constructing strategies to navigate the limitations of the legal and social system.

The primary reason for the underutilization of legal separation stems from its failure to grant existential closure—a rejection of failed existential closure (Theme 1). One of the main functions of a Legal remedy should be to provide a resolution that would provide an appropriate relief; however, if not met, that can result in an emotional withdrawal or social retreat, which leads to failure to achieve closure or resolution in social or relational contexts (Schaan, 2020). It can be seen in Participant 16’s concern regarding the effect of legal separation, which does not help ease the sensation of separation due to the inability to change her last name to maiden name in such particular records. Under the Article 372 of the New Civil Code, once a legal separation is granted,

the wife must continue using the name and surname she used prior to the decree. Since legal separation does not sever the marriage bond, there are no universal rule that grants an automatic right to revert to their maiden name; This was affirmed in *Laperal v. Republic of the Philippines* (G.R. No. L-18008), in which it clarifies that a married woman cannot change her civil registry last name solely through legal separation.

Section 5(f) of Republic Act No. 11983 offers a chance to those who seek to change their last name back to their maiden name; reversion to married-name has been offered in a once- only policy. The change of their name must adhere to article 370 NCC which allows a married woman to (a) keep her maiden name, (b) add her husband’s surname, and (c) use her husband’s full name with “Mrs.”. The use of the husband’s surname is permissive, not mandatory (*Yasin v. Judge Shari’a District court, G.R. No. 94986, February 23, 1995*). For particular records such as Passports and other ID records, a revision to the maiden name after already using the husband’s name requires statutory grounds. Second, and more critically, the inability to remarry plays a decisive factor in the participants’ struggle in their de facto status. The majority of the participants had explicitly raised that the fundamental reason they sought a legal remedy was to move forward or have a new life, which critically meant by having the legal freedom to pursue a new relationship. Since legal separation cannot grant this crucial relief, it is less advantageous for those who seek authentic post-marital restoration. The supreme court emphasized that legal separation does not dissolve the marriage bond and does not authorize the parties to remarry (*Borja-Manzano v. Sanchez, A.M NO. MTJ-00-1329, March 08, 2001*). Consequently, the inability to legally terminate the marriage is one of their struggles as participants reported maintaining new relationships in absolute secrecy (Participants 24, 28) due to the fear of criminal charges for adultery or concubinage. The Supreme Court has noted that in administrative and criminal cases, individuals who are still legally married but enter into new relationships may face criminal, civil, and administrative consequences (*Hosoya v. Contado, A.C. No. 10731, October 5, 2021*).

Not all are looking for marriage dissolution, as there are still couples who are religious and stand on the sanctity of the marriage. Participants 21 and 2 are firm religious believers and just opted for a church annulment in accordance with the Canon law. They see that pushing through church is in their pursuit of spiritual and moral closure only. The Supreme Court held that church annulment has no bearing on the civil status of the parties; hence, in the civil aspect, the marriage remains valid and existing (*Te v. Gutierrez Yu-Te, G.R. No. 161793, February 13, 2009; Tilar v. Republic, G.R. No. 214529, July 12, 2017*).

Furthermore, the legal doctrine of *In Pari Delicto* (equal fault) in Article 56 (4) of the Family Code acts as a profound barrier that directly contradicts the goal of protecting victims. The participants’ narratives reveal that marital breakdown is overwhelmingly driven by severe abuse and betrayal; despite this, the doctrine can still be invoked to deny the remedy if the aggrieved spouse also committed an offense. This failure shows a flaw that the law treats retaliatory or trauma offenses as morally and legally equivalent to the original fault. It is exemplified by Participant 6 and Participant 17, who demonstrated clear grounds for legal separation, which faced a risk of denial if their subsequent acts of emotional desperation or infidelity were cited. This application is found in the case of *Yu v. Yu* (G.R. No. 200072, June 20, 2016), the Supreme Court denied the petition for legal separation precisely because it found that both spouses committed grounds for legal separation. This outcome confirms that the Court strictly adheres to the principle that neither party is entitled to relief when both are “mutually at fault,” even if one spouse’s fault was retaliatory or a reaction to prolonged abuse. Parental separation shows that children tend to have more emotional and behavioral problems on average after experiencing parental separation (Krapf, 2024).

For Property Relations, legal separation is often neglected in favor of Judicial Separation of Property as a standalone remedy. Participant 14 noted that the legal separation is rendered as unusable as it requires a long, tedious process and grounds just for it to be granted, hence they opted to push through Judicial Separation of property once their financial affairs were already settled. It can be seen in the case of *Adolfo v. Adolfo* (G.R. No. 201427) that the Supreme Court recognized that Judicial Separation of Property is a targeted remedy for spouses who are estranged but do not wish to pursue legal separation or annulment. The Court explained that Judicial Separation of Property is proper when the parties are separated, and the financial affairs need to be settled, even if the marriage itself is not dissolved. Judicial separation of property is relevant and often more of a practical remedy than legal separation when the concern is about the division of assets, rather than the broader consequences of marriage.

Legal loophole Participant 17, who utilized the legal status of an acquired gratuitous title (inheritance) to safeguard newly acquired property. The case of *Candano-Lim v. Lim, et al* (G.R. Nos. 26727-28) clarified that property acquired by gratuitous title (e.g., inheritance) remains the exclusive property of the spouse, either absolute or Conjugal Partnership. It means that a spouse can safeguard inherited property, even without a legal separation process.

The success of informal and non-adversarial agreements regarding custody, visitation, and financial support does not encapsulate everyone who is similar in this setup. One must acknowledge the fact that there are others who seek but cannot gain anything from their partner. Here, legal separation stands as once granted, it enforces the non-custodial spouse to the plausible effects of custody, support, and property regime all at the same time, and is enforceable.

The Five-year prescriptive period proves to be the most critical, the data showing the vast majority (only 3 out of 30 participants) are ineligible to file due to the prescriptive period. The time of discovery of specific grounds under legal separation is not material in counting. Meaning, if either of the parties committed infidelity and the partner discovered it 7 years later from the time it was committed, He cannot file for a legal separation case as it has already prescribed. The lack of an accessible and final solution contributes to the vulnerability of participants, pushing them toward a high-risk and illegal avenue. These include the fraudulent schemes of quick marital dissolution of marriage, Change Database, Printed similar copy of CENOMAR, and the recognition of Shariah Divorce. The Supreme Court has addressed the issue of non-Muslims converting to Islam for the purpose of obtaining a divorce or remarrying. In the Case of *Malaki v. People* (G.R. No. 221075, November 15, 2021), it discusses the practice of converting to Islam to circumvent the laws on bigamy and divorce. Such conversions, when done solely to evade civil law restrictions, are not condoned and do not provide a legal loophole.

Cost has a factor on their decision to not push through legal separation, data confirms that the high legal fees of legal separation together with the half-measure of legal separation has led to only 46.7% (see figure 1) that will push through legal separation as it retains the criminal and relational constraints, participants rationally choose not to invest in an “Incomplete” remedy.

CONCLUSION

This study critically examines the underutilization of legal separation in the Philippines as a decisive act of strategic resistance and rational rejection by the Filipino people. These findings align with Social

Constructivism, which demonstrates that individuals actively construct meaning and strategies from their lived experiences, social interactions, and cultural context when formal legal remedies are inadequate. The paper reveals that the current legal separation does not function as a protective mechanism for failed marriages; instead, it operates as a structural source of injustice and economic oppression for victims. The law punishes the traumatized. In the current situation, the five-year prescriptive period and the *in pari delicto* doctrine are like imposing a limitation on healing and punishing the victims for not being able to stand up and fight in time. The Philippine family law is currently designed to reward patience and penalize pain. An analysis of the population's finances demonstrates that 53.3% are not able to afford the legal remedy. The study concludes that the majority of Filipinos and the benefits of legal relief (support, custody, property division) are commodified and placed behind a prohibitive financial wall, forcing people into high-risk informal or illegal solutions. Legal separation is designed for couples who have issues with their property, yet this can be resolved through going through the Judicial Separation of Property. This study also shows that any legal remedy that denies the right to remarry will be rationally bypassed by both parties, rendering the half-measure that legal separation provides redundant and obsolete. The paper argues that legal separation does not need to be fixed; instead, it needs to be replaced. Only the legislative enactment of an accessible absolute divorce can thoroughly solve the current system's failure to provide security and closure for citizens who want to leave an irreparable marriage. Future researchers may further examine the persistent underutilization of legal separation in the Philippines by broader socio-legal, economic, and cultural factors that influence an individual's decision to remain in *de facto* separation rather than pursuing legal remedy.

Additionally, comparative studies involving individuals who have pursued legal separation or annulment may provide a much deeper insights on the structural and procedural barriers within the Philippine framework. Given that this study is limited only to the underutilization of legal separation and its socio-cultural factors, it can also serve as a guide for related studies within the lens of the family code. This paper has a limitation on its reliance on narratives. While this study adheres strictly to COREQ guidelines to ensure rigor and minimize bias, its findings are inherently limited only by the scope of the sample. Additionally, the study focuses primarily on experiences within the civil legal system, with limited exploration of alternative religious or customary marital dissolution processes.

RECOMMENDATIONS

The findings of this study confirm that the Underutilization of legal separation is a strategic, rational rejection of an insufficient remedy. To address the systemic failure of the current law to meet the needs of separated Filipinos, the following recommendations are put forth for legislative bodies, the judiciary, and legal practitioners. (1) **Abolish or Extend the Prescriptive Period:** the five-year prescriptive period must be extended (e.g., to 10 to 15 years) to reflect the psychological reality of trauma recovery. The law should not impose a statute of limitations on a victim's ability to seek justice after an emotional breakdown. (2) **implement a low-cost remedy to file for legal separation** where the lower to middle income bracket can avail. (3) **Implement a dissolution of marriage law-divorce law:** The inability to remarry (Theme 1) is the primary driver for the rejection of legal separation and the use of high-risk, illegal strategies. The law must align with the social reality that a marriage has irrevocably ended. Driver for the rejection of legal separation and the use of high-risk, illegal strategies. The law must align with the social reality that a marriage has irrevocably ended.

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