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29 May 2018

Hon. Bernadette Herrera-Dy  
Chairperson, Committee on Women and Gender Equality  
The House of Representatives  
Constitution Hills, Quezon City 1126

Subject: House Bill No. 6595

Dear Representative Herrera-Dy:

We understand that your Committee will be conducting a hearing to consider House Bill No. 6595 entitled "An Act Recognizing the Civil Partnership of Couples, Providing for their Rights and Obligations".

We are attaching our Position Paper, in opposition to this bill.

Thank you very much for your consideration of our views.

Very truly yours,

**ALLIANCE FOR THE FAMILY:**

**MARIA CONCEPCION S. NOCHE**  
*President*



## **POSITION PAPER on the HB 6595 (Civil Partnership Bill)**

**(presented to the House Committee on Women and Gender Equality during its 16<sup>th</sup> Mother Committee Meeting on May 30, 2018)**

### **Position Statement**

**ALFI is against any form of discrimination towards any person, group or sector, regardless of sexual orientation. Yet, we oppose the passing of HB 6595.**

**The 1987 Constitution. Art. XV (The Family) Sec. 2 provides: “Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State.”**

**The subject HB 6595, or Civil Partnership Act, is an affront to marriage as an inviolable social institution. The proponents seek to legalize Same Sex Marriages (SSM) relabeled using a synonymous terminology. Marriage is defined in the Family Code as a permanent union between a man and a woman. The State should protect marriage. The State should protect marriage as being strictly between a man and a woman. To legalize same sex partnerships, although not called marriages, vitiates the institution of marriage which the Constitution provides should be inviolable.**

## **Key Arguments**

- 1. Marriage is a natural institution, sacred, not by dictates of faith or religion, but because it is a permanent vocation resolutely accepted and committed to by two rational, consenting heterosexual adults acting in full freedom. It is more than just a contract. It is a new civil status, a new state of being that works for the good of the spouses and is open to life, and thus, has permanent and lasting obligations.**

Civil Partnership as stated by HB 6595 hopes to grant same sex couples mainly, the same civil status, benefits and protection as marriage, without necessarily accepting the same vocation, despite the absence of the generative power of marriage and sparing this union of the daunting challenge of a bond that is permanent till death. Effectively, it trivializes the traditional, time-tested social institution by discrediting its sacred qualities of being indissoluble, permanent, generative and fertile.

Civil Partnerships attempt to equal, though can never be equivalent to marriage in terms of its anthropological value to society.

Couples who live in, same or opposite sex, cannot legalize their union and enjoy the same status as married couples. This will be a circumvention of the laws on marriage. For the State to allow a circumvention is not in harmony with its primordial duty to protect marriage as an inviolable social institution.

- 2. This bill is not about the COMMON GOOD. It is simply about the desire of a minority group for recognition, benefits and protection at the expense of a valued institution.**

This is not about the denial of rights, nor about discrimination. To begin with, diriment impediments to marriage have always been present in our civil and canon laws, which means that NOT ANYONE CAN ENTER INTO MARRIAGE. There are requirements that need to be met and civil partnerships DO NOT satisfy those requirements to enjoy a similar status as marriage.

“(Marriage) is the foundation of the family where husband and wife enter into a permanent, conjugal relationship for the primary task generating children and raising a family.” (*Article 1, Chapter 1, Marriage, Family Code of the Philippines*) The gender complementarity specified is not without basis. It has always been a natural and anthropological reality proven to be the best environment for the flourishing of spousal love and commitment and for children to develop. It is for this reason that some are excluded from marriage. It is because marriage has these valuable ends that it would be to the best interest of the State and society to promote and protect marriage between men and women. The wellbeing of future generations is at stake.

It must therefore be singled out and given special and unique benefits and protection not accessible to any other partnership.

**3. It changes the very definition of marriage by disassociating it from its purpose and its primary characteristics of being generative, unitive and indissoluble.**

Legalizing civil partnerships will change the way marriage is collectively understood. Marriage-based procreation, or simply, the generation and rearing of children in marriage will lose its social value and preeminence. This has irreversible demographic consequences. There is no research presented by the authors of the bill to study and understand the extent of this risk. Nevertheless, one can learn from the experiences of other countries where same sex marriages (SSM) had been legalized and where

there has only been a decline in marriages, fertility rates and child births.

Furthermore, it is worth noting that the first country to legalize SSM in 2001 was the Netherlands. Statistics report that there were only 14,813 same-sex marriages within a period of ten years, between April 1, 2001 and January 1, 2011. This is just 20% of the same sex couples, as compared to 80% of heterosexual couples who marry.

This law could very well be catering to a very small group and yet be highly potent in transforming the social landscape with far reaching and grave consequences.

- 4. The bill, in Section 2, tries to address or fill in a void for those who are in a relationship and are denied their rights and obligations on account of absence of legal provisions that recognize their relationship and amply provide for their protection. But there is actually no void to fill.**

The laws defining property relations in the Family code between married couples apply only to married people but not those who are unmarried, nor those who live-in, whether of the same or opposite sex.

But, the relationship between two unmarried people with regard to property matters can be amply protected without having to defile the institution of marriage. If two people, whether of the same or opposite sex, would like to adopt the same property relations outlined for married couples, they are free to enter into such a

contract. No law for civil partnership is needed. In the absence of any contract or agreement, the rules on co-ownership in the Philippine Civil Code shall apply.

**5. The bill fails to justify the grounds for granting same sex unions the same status as marriage in terms of its contribution to the building of families.**

Without discounting the good intentions, the loving and supportive environment that same sex couples may be able to provide adopted children, there is no conclusive evidence that this “environment”, can ever emerge as another viable social institution at par with the traditional, proven, time-tested environment for raising children where they are nurtured and raised by their biological parents. Many studies have attempted to prove their equality, yet none have been methodically sound and conclusive.

**In conclusion, nothing is really accomplished by legally recognizing such civil partnerships other than desecrating the Constitutional duty to protect marriage. The civil laws on contracts and co-ownership, among others, are already in place and may be used to legally provide protection for the property interests of such non-married partners. It may be their right of freedom of expression to call themselves “married,” civil partners, mates, etc. but the State should not legalize their relationship.**

**Based on these arguments, ALFI opposes the passing of HB 6595.**