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05 February 2020

The Honorable Rep. Ma. Lucille L. Nava, M.D.
Chairperson, Committee on Population & Family Relations
3/F Annex Building
House of Representatives
Constitution Hills, Quezon City 1126

Subject: House Bill Nos. 100, 838 and 2263

Dear Chairperson Nava:

We understand that your Committee will be conducting a hearing to consider House Bill Nos. 100 and 2263 entitled "An Act Instituting Absolute Divorce and Dissolution of Marriage in the Philippines" and House Bill No. 838 entitled "An Act Introducing Divorce in the Philippines".

We are attaching our Position Paper in opposition to these bills.

Thank you very much for your consideration of our views.

Very truly yours,

A handwritten signature in black ink that reads "Maria Concepcion S. Noche".

MARIA CONCEPCION S. NOCHE
President

A handwritten signature in black ink that reads "Jesus Joel Mari D. Arzaga".

JESUS JOEL MARI D. ARZAGA
Vice President

THE SOCIAL SCIENCE OF DIVORCE

A Position Paper against House Bill Nos. 100, 838 and 2263
For the EIGHTEENTH CONGRESS

1. We, the Alliance for the Family Foundation (ALFI), a multi-sectoral organization committed to preserve and restore Filipino family values in the face of all threats in the form of proposed and current legislation, government programs and public projects, express our vehement opposition to the proposed Divorce Bills provided in House Bills 100, 838 and 2263.
2. It is our position that the proposed bills are contrary to the provisions of the 1987 Constitution which endeavor to *strengthen and protect the family as a basic autonomous social institution*¹ and marriage as *an inviolable social institution*.²
3. This constitutional mandate is clear in Article II, Section 12 which states *that the State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution...*
4. Further, Article XV of the Constitution provides that *the State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development* and that *marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State.*
5. These provisions reveal that the Constitution views these shared basic human realities, (life, marriage, and family) as sacrosanct, inviolable, and inherent social institutions entitled to the support and protection by the state, as these are foundations of the nation.
6. With regard to the institution of marriage, the constitution is forceful in its assertion of its nature as an inviolable social institution, the foundation of the family and as such, deserving of state protection.
7. The constitutional fathers' choice of the word "inviolable" is significant. A quick look at a dictionary would tell us that the word means "never to be broken, infringed, or dishonored". Thus, it alludes to the permanent character of marriage as understood

¹ 1987 Philippine Constitution, Article II, Section 12

² 1987 Philippine Constitution, Article XV, Section 1

by the sovereign Filipino people who ratified the constitution, and is inherent to the nature of marriage since time immemorial.

8. The Supreme Court, in *Navales vs. Navales* also speaks of this permanence, stating that the constitution decrees marriage *as legally inviolable and protects it from dissolution at the whim of the parties*.³

9. Thus, the permanent and indissoluble nature of marriage as understood by the sovereign Filipino People who ratified the 1987 Constitution must be protected and preserved.

10. Further, over the past several decades, social science has produced a vast body of literature which shows that divorce, or marital dissolution, seriously harms children and society, and provides no real benefit to spouses.

11. Studies have shown certain harmful effects of divorce, particularly on children, as children who experience the divorce of their parents are likely to suffer adverse effects on their academic performance, physical and mental health, with an increased possibility to be exposed to drug, alcohol, and even sexual abuse. Lastly, children of divorce are also likely to resort to divorce, perpetuating a cycle of failed marriages.

12. While Most people want divorce in order to have a “2nd chance at happiness in marriage”, US divorce statistics prove that it may not be the case as 42-45% of 1st marriages end in divorce. This rises to 60% for 2nd marriages and 73% for 3rd marriages. And most importantly, the study found: two out of three unhappily married adults who avoided divorce or separation ended up happily married five years later. The studies on divorce, on average, show that it provides no benefit to spouses, but causes catastrophic harm to children.

13. With regard to marital violence and other abuses, divorce can provide no real benefit that is not available through legal separation.⁴ As such, it is not worth severely damaging the institution of marriage by legalizing divorce in order to produce an illusory benefit for a relatively small number of spouses who already have a remedy in legal separation.

³ G.R. No. 167523, 27 June 2008

⁴ http://marripedia.org/effects_of_divorce_on_family_relationships

14. While there is a common ground where everyone can sympathize with the concern of the proponents of various divorce bills, as dysfunctional marriages result in emotional, physical, and psychological pain, affecting, ultimately, the well-being of innocent children. Divorce should not be the automatic solution.

15. Resorting to divorce bares a greater effect on the overall definition of Marriage: how it is regarded, respected. Simply put, divorce will redefine Marriage. It will affect the majority of others who value the security of its indissolubility. It will affect future generation of couples who want to raise children who will feel the security of a family that is indissolubly united. It will affect the stability of families which is the wellspring of society and which should be protected by the State, at all costs.

16. We urge this august body to preserve and protect the sanctity of marriage and family life by rejecting the proposed legislations that would introduce the destructive divorce law in our country.