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17 September 2019

The Honorable Senator Risa Hontiveros

Chairperson, Committee on Women, Children, Family Relations and Gender Equality
The Senate of the Philippines
GSIS Bldg., Financial Center
Diokno Blvd., Pasay City

Subject: SB 67, 288 & 356

Dear Chairperson Hontiveros:

We understand that your Committee will be conducting a hearing to consider Senate Bills No. 67, 288 and 356.

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, which appears to read "Maria Concepcion S. Noche".

Atty. MARIA CONCEPCION S. NOCHE
President

THE SOCIAL SCIENCE OF DIVORCE

A Position Paper against Senate Bill Nos. 67, 288 and 356
For the EIGHTEENTH CONGRESS

SUMMARY: 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. Because of this, we strongly oppose its institution.

THE EFFECTS OF DIVORCE ON CHILDREN

Children who experience the divorce of their parents fare worse on average than those who don't, by every measure of human welfare that social scientists have studied.¹ They

- **Have lower grades in school**
- **Are less likely to finish school**
- **Earn lower incomes in their career**
- **Have poorer physical and mental health,**
- **Are more likely to be abused**
- **More likely to be in poverty (as are their mothers)**
- **More likely to spend time in prison**
- **Die earlier than children raised in married families**
- **Less likely to expect to eventually marry**
- **More likely to divorce if they do marry**

¹ See, for a few examples:

Children of divorce in the 1990s: an update of the Amato and Keith (1991) meta-analysis.
<https://www.ncbi.nlm.nih.gov/pubmed/11584788> Analysis of 67 social science studies.

The Effects of Divorce on Children <https://downloads.frc.org/EF/EF12A22.pdf> Refers to 333 published papers.

Sociodemographic and psychosocial factors in childhood as predictors of adult mortality
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1615599/> Refers to 47 published papers.

Effects of Divorce on Children's Behavior
<http://marripedia.org/effects.of.divorce.on.children.s.behavior> Refers to 59 published papers.

- **More likely to use drugs and alcohol**
- **Girls are more likely to have early sexual experiences, with early, non-marital pregnancy**

Despite all this, Dr. Judith Wallerstein writes in her summary of a twenty-five year study of children of divorce, cited 236 times in the scientific literature according to Google Scholar, **“it is in adulthood that children of divorce suffer the most.** The impact of divorce hits them most cruelly as they go in search of love, sexual intimacy, and commitment. Their lack of inner images of a man and a woman in a stable relationship and their memories of their parents’ failure to sustain their marriage badly hobble their search, leading them to heartbreak and even despair.”²

That is the social science of the effect of divorce on children.

THE EFFECTS OF DIVORCE ON ADULTS

Are these catastrophic effects perhaps justified by benefits to the divorcing parents? No. Social science tells us that divorce produces on average no benefit to the spouses. The research paper Does Divorce Make People Happy,³ cited in 90 publications according to Google Scholar, says:

“Using the National Survey of Families and Households .., we looked at all spouses... who in the late '80s rated their marriages as unhappy. ...Among our findings:

- **Unhappily married adults who divorced or separated were no happier, on average, than unhappily married adults who stayed married.**
- **Divorce did not reduce symptoms of depression for unhappily married adults, or raise their self-esteem, or increase their sense of mastery, on average, compared to unhappy spouses who stayed married.**

² The Unexpected Legacy of Divorce, Judith S. Wallerstein, Julia M. Lewis and Sandra Blakeslee, Hyperion, NY, 2000. pg. 299

³ Does Divorce Make People Happy

https://www.researchgate.net/profile/Linda_Waite/publication/237233376_Does_Divorce_Make_People_Happy_Findings_From_a_Study_of_Unhappy_Marriages/links/00b4953c8f423514b7000000.pdf

- **The vast majority of divorces (74 percent) happened to adults who had been happily married five years previously.** In this group, divorce was associated with dramatic declines in happiness and psychological well-being compared to those who stayed married.”

And most importantly:

- **Two out of three unhappily married adults who avoided divorce or separation ended up happily married five years later.**

Just one out of five of unhappy spouses who divorced or separated had happily remarried in the same time period.

Among those who rated their marriages as **very unhappy**,³ **almost eight out of ten who avoided divorce were happily married five years later.**”
[bolding for emphasis]

³ A one or a two on a seven-point marital happiness scale. [note in original]

From other studies we learn that divorce disproportionately affects the less educated, and therefore the poor, including their children.⁴

Moreover, divorce has harmful effects not only on children of divorce, but on the children of intact families, because the availability of divorce changes the internal relationships even of families that do not resort to it.⁵

Summarizing the science of divorce, on average, it provides no benefit to spouses, but causes catastrophic harm to children.

OTHER CONSIDERATIONS

What about marital violence and other abuse? Divorce can provide no real benefit that is not available through legal separation. In the U.S., for example, while 50 percent of first marriages will end in divorce, 70 percent of second marriages will do so: one-third of spouses who remarry will be happy with that decision – but two out of three will not. It is not worth severely damaging the institution of marriage – already in severe decline as shown by the number of marriages falling for many years now, and doing great harm to millions of children, by legalizing divorce in order to produce an illusory benefit

⁴ **The Changing Impact of Education on Divorce and Break-up Risk**

<https://ifstudies.org/blog/the-changing-impact-of-education-on-divorce-and-break-up-risk>

⁵ The Long Run Consequences of Unilateral Divorce Laws on Children.

https://ub-madoc.bib.uni-mannheim.de/3155/1/240_11.pdf

for a relatively small number of spouses who already have a remedy in legal separation.

A survey of divorce rates around the world suggests that if it is permitted here, at least one-fourth of our marriages will end in divorce. Possibly the 50 percent rate of the U.S. is more realistic because of our closer cultural ties. Either way, we must recognize the reality that if divorce is enacted, many of us will experience, if perhaps not our own divorce, that of some of our children and grandchildren – and continuing in generations beyond -- with devastating consequences.

In addition –

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 and marriage as an inviolable social institution.

Article II, Section 12:

The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception. The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the Government.

Article XV

Section 1. The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development.

Section 2. Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State.

The permanent and indissoluble nature of marriage as understood by the sovereign Filipino People who ratified the Constitution in 1987 is further bolstered when these constitutional provisions are read in conjunction with the definition of marriage provided for in the Family Code:

Article 1. 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 is the foundation of the family and an inviolable social institution whose nature, consequences, and incidents are governed by law and not subject to

stipulation, except that marriage settlements may fix the property relations during the marriage within the limits provided by this Code.

We urge you to preserve the welfare of our people and country by not permitting the many harms that come with legalization of divorce.