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17 April 2023

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: Senate Bill Nos. 147, 213, & 237

Dear Chairperson Hontiveros:

We understand that your Committee will be conducting a meeting to discuss Senate Bill No. 147 entitled "An Act Expanding the Grounds for Dissolution of Marriage, Instituting Divorce and Setting the Procedures thereof, Providing Protections to the Parties to the Marriage and its Common Children, Amending for this Purpose Executive Order No. 209, or the Family Code of the Philippines", Senate Bill No. 213 entitled "An Act Amending Certain Provisions of Executive Order 209 as Amended, in order to Define and Introduce Divorce and for Other Purposes", Senate Bill No. 237 entitled "An Act Providing for the Dissolution of Marriage".

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

Thank you very much for your consideration of our views.

Very truly yours,


MARIA CONCEPCION S. NOCHE
President


JESUS JOEL MARI D. ARZAGA
Vice President

THE SOCIAL SCIENCE OF DIVORCE
A Position Paper against Senate Bill Nos. 147, 213 & 237

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, would like to express our vehement opposition to the proposed Divorce Bills provided in Senate Bills 147, 213 and 237.
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 and that 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*.
4. Furthermore, 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. What do these constitutional provisions reveal about how the Constitution, ratified by the sovereign Filipino people in 1987, view marriage and the family?
6. First, Article II Section 12 read together with Article XV Sections 1 and 2, tell us that the family is not a stand-alone institution, but rather, one that is intimately connected to the right to life, and to the institution of marriage.
7. The Constitution characterizes 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.
8. These declarations accept the principle that the right to life, marriage, and the family are anterior to the state and not a mere creature of the state.³

¹ 1987 Philippine Constitution, Article II, Section 12

² 1987 Philippine Constitution, Article XV, Section 1

³ Bernas, Joaquin, *The 1987 Philippine Constitution: A Reviewer Primer*

9. With regard to 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.

10. 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".

11. This points to the permanence of marriage as understood and considered by the Filipino people as an inherent character of marriage, since time immemorial.

12. 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*.⁴

13. This permanence is further reflected by the legislature in the *Family Code of the Philippines* which recognized marriage as 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*.⁵

14. Thus, harmonizing the Constitution, statutes enacted by Congress, pronouncements by the Supreme Court, it can be said that in the Philippines, the right to life, marriage, and the family are characterized as having sanctity, inviolability, permanence, and stability.

15. Where the law speaks in clear and categorical language, there is no room for interpretation, vacillation, or equivocation, there is only room for application in how the Constitution is enforced, how statutes are made, and how cases are resolved.

16. 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.

17. Furthermore, 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.

⁴ G.R. No. 167523, 27 June 2008

⁵ Family Code of the Philippines Section 1

18. Studies have shown that those who suffer the most in a divorce are the children.
19. Children who experience the divorce of their parents fare worse on average than those who do not, by every measure of human welfare that social scientists have studied.⁶
20. 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.
21. The following are some of the harmful effects on children whose parents have obtained an absolute divorce:

Family Relations Effects

- *Loss of contact with father:* Only 17% of children of divorce maintain frequent contact with the non-custodial parent (usually the father).⁷
- *Some increased effects on boys:* Boys growing up outside of an intact family (as compared with girls in the same situation) experience poorer educational outcomes and higher rates of criminal involvement. ⁸
- *Deformation of childhood:* This larger story [about divorce] must be told because, as a society, we still have not grasped just how radical divorce really is. In reality, divorce powerfully changes the structure of childhood itself. ⁹

⁶ 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 nearly 300 social science papers and books.

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

Effects of Divorce on Children's Behavior <http://marrimedia.org/effects.of.divorce.on.children.s.behavior> Considers nearly 60 social science papers and books.

⁷ The Life Course of Children of Divorce: Marital Disruption and Parental Contact: Frank F. Furstenberg, Jr., Christine Winquist Nord, James L. Peterson, and Nicholas Zill Source: American Sociological Review, Vol. 48, No. 5 (Oct. 1983), pp. 656-668 Published by: American Sociological Association Stable URL: <http://www.jstor.org/stable/2094925>

⁸ The Disparate Effects of Family Structure Melanie Wasserman The Future of Children Vol. 30, No. 1
<https://files.eric.ed.gov/fulltext/EJ1262713.pdf>

- Only one child in seventeen (6.3%) whose parents had divorced rate their father as someone who was 'warm, loving and cared for them,' compared to almost one in two children (43%) whose parents were in a first marriage." ¹⁰
- For many children of divorce, "Father becomes a peripheral player in the ebb and flow of daily experience." ¹¹
- 65% of 18-22 year-olds from divorced families have "poor" relationships with their fathers. ¹²

Financial effects:

- "Divorce strongly increases the risk of poverty for both mothers and children. ... Male single parent households, at 24.2 percent, are about three times, and female single parent households, at 40.2 percent, almost five times as likely to be in poverty as are married households, at 8.8 percent." ¹³
- Divorced parents are far less likely to financially support a child's educational attainment; "only 29 percent of the divorced children received full or consistent partial support from their parents for college, compared to 88 percent of the children from intact families."

Educational effects:

- Children of divorce are more likely to earn poorer grades in school, about twice as likely to drop out or get expelled, and are less likely to attend or finish college. ¹⁴
- 25% of 18-22 year-olds from divorced families had dropped out of high school. ¹⁵

⁹ Marquadt, *Between Two Worlds*) Amazon Read Inside pg. 12

¹⁰ Sullins, Paul. pg. 21 "The Tragedy of Divorce for Children." In *Torn Asunder: Children, the Myth of the Good Divorce, and the Recovery of Origins*. 19-40. Edited by Margaret Harper McCarthy. Grand Rapids: Eerdmans, 2017; derived from the 1996 *National Longitudinal Survey of Adolescent Health* <http://ghdx.healthdata.org/record/united-states-national-longitudinal-study-adolescent-adult-health-1996>

¹¹ Kalter, N. "Long-Term Effects of Divorce on Children: A Developmental Vulnerability Model." *The American Journal of Orthopsychiatry* 57:4 <https://deepblue.lib.umich.edu/bitstream/handle/2027.42/74713/j.1939-0025.1987.tb03574.x.pdf&embedded=true?sequence=1>

¹² Sullins, pg.32 op. cit.

¹³ Sullins, Paul. pg. 21 "The Tragedy of Divorce for Children." In *Torn Asunder: Children, the Myth of the Good Divorce, and the Recovery of Origins*. 19-40. Edited by Margaret Harper McCarthy. Grand Rapids: Eerdmans, 2017; derived from the 2010 U.S. Census <https://www.census.gov/programs-surveys/decennial-census/guidance/2010.html>

¹⁴ Ibid. pg. 24

Emotional effects:

- Compared with children in intact families, children of divorce are more likely to have definite or severe emotional or behavioral problems, to have “many worries,” to be unhappy and depressed, and to be diagnosed with a learning disability or ADHD.¹⁶
- “Children living with their mother (but not their father) in single or stepfamilies after divorce experienced twice the rate of both moderate and severe emotional problems as those living with two biological parents.”¹⁷
- 40% of 18-22 year-olds from divorced families had received psychological help.¹⁸
- Adults whose parents divorced “exhibited a significantly higher risk for depression,” no matter when their parents’ divorce happened.¹⁹
- Strong anger, particularly toward the parent viewed as most responsible; unresolved anger can be misdirected at one’s spouse, self (destructive behavior), children, etc.²⁰

¹⁵ Ibid. pg. 33

¹⁶ Sullins, Paul pg. 26; “The Tragedy of Divorce for Children.” In *Torn Asunder: Children, the Myth of the Good Divorce, and the Recovery of Origins*. 19-40. Edited by Margaret Harper McCarthy. Grand Rapids: Eerdmans, 2017; from Blackwell, D. L. “Family Structure and Children’s Health in the United States: Findings from the National Health Interview Survey: 2001-2007.” *National Center for Health Statistics Series 10 No. 246.*) <https://pubmed.ncbi.nlm.nih.gov/21388047/>

¹⁷ Sullins, Paul pg. 27; “The Tragedy of Divorce for Children.” In *Torn Asunder: Children, the Myth of the Good Divorce, and the Recovery of Origins*. 19-40. Edited by Margaret Harper McCarthy. Grand Rapids: Eerdmans, 2017; from pg. 553
Bramlett, Matthew D., and Stephen J. Blumberg. “Family Structure and Children’s Physical and Mental Health.” *Health Affairs* 26:2 (March 2007). https://www.healthymarriageinfo.org/wp-content/uploads/2017/12/BramlettFamStn_shealth4335.pdf

¹⁸ Ibid. pg. 33

¹⁹ Ibid. pgs. 33-34; quoting from pg. 21 Uphold-Carrier, Holly, and Rebecca Utz. “Parental Divorce among Young and Adult Children: A Long-Term Quantitative Analysis of Mental Health and Family Solidarity.” *Journal of Divorce & Remarriage* 53:4 (May 2012). <https://collections.lib.utah.edu/details?id=711183>

²⁰ Fitzgibbons, Richard P. pg. 61 “Children of Divorce: Conflicts and Healing.” In *Torn Asunder: Children, the Myth of the Good Divorce, and the Recovery of Origins*. 51-65. Edited by Margaret Harper McCarthy. Grand Rapids: Eerdmans, 2017.

- Adolescents in divorced homes are more likely to describe their parents as highly disengaged or highly controlling, with a correlation to greater feelings of loneliness ²¹
- Children of divorce whose parents engage in conflict post-divorce experience a persistent fear of abandonment, which predicts future mental health problems. ²²

Relationship effects:

- *Fear and lack of confidence in relationships:* 80 percent of Adult Children of Divorce who are married fear that their own marriages may end in divorce. 52 percent say they lack self-confidence in love relationships ²³
- *Greater risk of divorce:* Marriages where one spouse is a child of divorce are 40% more likely to end in divorce than marriages where neither spouse is a child of divorce; and “when both husband and wife come from divorced families, the odds of divorce are at least 200 percent higher.” ²⁴
- *Greater prevalence of cohabitation:* Children of divorce are 47% more likely to cohabit with a romantic partner than are children from intact families. ²⁵

²¹ Lan, Xiaoyu, “Disengaged and highly harsh? Perceived parenting profiles, narcissism, and loneliness among adolescents from divorced families,” *Personality and Individual Differences* 171 (March 2021). <https://www.sciencedirect.com/science/article/abs/pii/S0191886920306577>

²² O’Hara, Karey L., et. al. “Longitudinal Effects of Post-Divorce Interparental Conflict on Children’s Mental Health Problems Through Fear of Abandonment: Does Parenting Quality Play a Buffering Role?” *Child Development* (January 12, 2021). <https://srcd.onlinelibrary.wiley.com/doi/abs/10.1111/cdev.13539>

²³ Neuman, M. Gary, pg. 14 *The Long Way Home: The Powerful 4-Step Plan for Adult Children of Divorce* (New York: Wiley, 2013). Read in Amazon Look inside (after page loading completed, scroll down to pg. 14) https://www.amazon.com/Long-Way-Home-Powerful-Children-ebook/dp/B00DNL3CXK/ref=sr_1_1?keywords=The+Long+Way+Home%3A+The+Powerful+4-Step+Plan+for+Adult+Children+of+Divorce&link_code=qs&qid=1628786172&sourceid=Mozilla-search&sr=8-1&asin=0470409223&revisionId=&format=4&depth=2

²⁴ Fitzgibbons, Richard P. pg. 53 “Children of Divorce: Conflicts and Healing.” In *Torn Asunder: Children, the Myth of the Good Divorce, and the Recovery of Origins*. 51-65. Edited by Margaret Harper McCarthy. Grand Rapids: Eerdmans, 2017. Citing pg. 74 Wolfinger, Nicholas H. *Understanding the Divorce Cycle: The Children of Divorce in Their Own Marriages* (New York: Cambridge University Press, 2005).

²⁵ Sullins, op. cit., pg. 36; from pg. 87 Wilcox, W. Bradford. “The Evolution of Divorce.” *National Affairs* 1 (2009). <https://ohiofamilyrights.com/Reports/Reports/Special-Reports-Page-4/The-Evolution-of-Divorce.pdf>

- *More difficulty in marriage:* “In their own marriages, children of divorced parents are more likely to be unhappy, to escalate conflict, to communicate less, to argue frequently, and to shout or to physically assault their spouse when arguing.”²⁶
- *Difficulty maintaining close relationships:* 72 percent believe that their parents’ divorce affected their ability to sustain close relationships.²⁷
- *Lower oxytocin levels:* Young adults who experienced their parents’ divorce as children were shown to have substantially lower oxytocin levels than their peers from intact homes. Oxytocin is a hormone important for attachment and bonding, so the study suggests that experiencing parental divorce as a child could impact a person’s ability to attach and bond in a healthy way with a future spouse and children.²⁸

Health effects:

- Children of divorce are at greater risk for stroke (2.2 times higher odds).²⁹
- Men whose parents divorced when they were children had a 48% higher risk of smoking, and women a 35% higher risk.³⁰ The prolonged stress caused by parental divorce “can disrupt the development of brain architecture and other organ systems, and increase the risk for stress-related disease and cognitive impairment, well into the adult years.”³¹

Links to risky behavior:

²⁶ Fitzgibbons, Richard P. op. cit. pg. 54, from Pamela S. Webster, Terri L. Orbuch, and James S. House, Effects of Childhood Family Background on Adult Marital Quality and Perceived Stability, American Journal of Sociology Volume 101, Number 2 <https://www.journals.uchicago.edu/doi/abs/10.1086/230729>

²⁷ Neuman, op. cit.

²⁸ Boccia, Maria L., et. al., “Parental divorce in childhood is related to lower urinary oxytocin concentrations in adulthood,” *Journal of Comparative Psychology* (August 13, 2020) <https://psycnet.apa.org/record/2020-59515-001?errorCode=invalidToken>

²⁹ Thorn, Vicki. pg. 42 “Biological Effects of Divorce on Children.” In *Torn Asunder: Children, the Myth of the Good Divorce, and the Recovery of Origins*. 41-50. Edited by Margaret Harper McCarthy. Grand Rapids: Eerdmans, 2017.

³⁰ Ibid. pg. 43

³¹ “Toxic Stress” Center on the Developing Child, Harvard University <https://developingchild.harvard.edu/science/key-concepts/toxic-stress/>

- Girls from divorced families “become sexually active at a younger age, have more partners, and are at more risk of an early pregnancy.”³²
- Boys from divorced families have more sexual partners and encounters than their peers from intact homes³³ and are more likely to acquire a sexually transmitted disease³⁴

Higher risk of unsafe situations:

- When a girl is in a home with her mother and a stepfather, her risk of being sexually victimized doubles.³⁵

22. Despite all this, Dr. Judith Wallerstein in her summary of a twenty-five year study of children of divorce, posits that “it is in adulthood that children of divorce suffer the most. The 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 for a stable marriage and family life as well.”

23. Are these catastrophic effects perhaps justified by benefits to the divorcing parents? The research paper entitled *Does Divorce Make People Happy*,³⁶ says otherwise:

“Using the National Survey of Families and Households that looked at spouses who in the late ’80s rated their marriages as unhappy it was found that 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. Also, the vast majority of divorces (74 percent) happened to adults who had been happily married five years previously in which it was found that divorce was

³² op. cit., pg. 48

³³ Spruijt, Ed, and Duindam, Vincent, pg. 9 “Problem Behavior of Boys and Young Men after Parental Divorce in the Netherlands,” *Journal of Divorce and Remarriage* 34, no. 3/4 (2005): 150. <https://dspace.library.uu.nl/handle/1874/11202>

³⁴ Anda, R.F., Chapman, D.P., Felitti, V.J., Edwards, V., Williamson, D.F., Croft, J.B., and Giles, W.H., “Adverse Childhood Experiences and Risk of Paternity in Teen Pregnancy,” *Obstetrics and Gynecology* 100, (2002): 37-45. <https://www.theannainstitute.org/ACE%20folder%20for%20website/33ARPT.pdf>

³⁵ Thorn, op. cit., pg. 49

³⁶ 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

associated with dramatic declines in happiness and psychological well-being compared to those who stayed married.”³⁷

24. Most people want divorce in order to have a “2nd chance at happiness in marriage”.

However, 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. Moreover, there are dire consequences from divorce: co-parenting, divided assets, courts, loss of family and friends, loss of resources, lack of security for children, weaker relationships with one parent.

25. 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.

26. What about marital violence and other abuse? Divorce can provide no real benefit that is not available through legal separation.³⁸ 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.

27. 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. Relatively few countries have divorce ratios below that figure, and they tend to include conservative, traditional societies. On the other hand, the U.S., which is the source of much of our imported cultural trends, has a divorce ratio which has only recently fallen from half of marriages ending in divorce back to about 40 percent -- but a significant reason for the decline is that many couples are not marrying to begin with now. If we use the conservative figure of one-fourth of marriages ending in divorce as a reasonable estimate, we will have in excess of 100,000 divorces per year at our current marriage rate. This is not something that can remotely be considered beneficial to our society. The consequences for our children will be devastating, for many generations to come.

28. 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.

³⁷ *Ibid.*

³⁸ http://marrimedia.org/effects_of_divorce_on_family_relationships

29. 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 together. It will affect the stability of families which is the wellspring of society and which should be protected by the State, at all costs.

30. Before looking at Divorce, it is worth understanding and analyzing the type of broken marriages that want "out". Marriage counsellors observe that majority of marriages seeking Divorce are actually annulable marriages. They may very well have been invalid because of lack of due discretion or in civil law, due to psychological incapacity.

31. It is then meritorious to first understand the reasons behind the clamor for divorce and how this can be addressed.

Some remedies that the State can instead put its resources, efforts and attention into providing sufficient marriage counseling programs and services, making civil annulment procedures and review inexpensive and even recognizing the civil effects of Church annulment and declaration of nullity, Dissolution of Marriages as proposed in SB 1298.

32. 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.