Constructive speech:

To borrow the words of House Representative Brother Eddie Villanueva, divorce is an expressway out of marriage that will diminish the institution into a simplistic contractual relationship bereft of its pure meaning and call for lasting commitment. A country such as the Philippines, where the majority are Catholic, is not ready for the legalization of divorce. Why?

**Divorce is destructive to Family**. Any legislation legalizing absolute divorce will tend to destroy the family as a social institution. The protection and preservation of the family is provided in several international instruments on human rights. Article 23(1) of the international covenant on civil and political rights states:

“the family is the natural and fundamental group unit of a society and is entitled to protection by society and the state”

The aforesaid human rights principles have been reiterated in the Philippine Constitution which read:

“the state recognizes Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development” (Art. XV, Sec. 1)

Moreover, the Family Code, which took into effect in 1987, defines “marriage” as a permanent union. And since marriage is a permanent union, any law that allows divorce is contrary to the aforesaid provisions and destroys the very concept of family as an inviolable social institution.

One basic reason why the proposed bill or rather, bills since there are currently three of them, will tend to destroy the institution of marriage is that the grounds thereof can be intentionally created by one spouse with the intention of cutting the matrimonial bonds. This is the basic difference with the Declaration of Nullity of the Marriage where the grounds of annulment of the marriage exist at the time of the marriage such as psychological incapacity of one or both spouses under article 35 of the Family Code. (**find evidence)**

**Divorce is a violation of the Human rights of a Child.** The divorce of parents will have adverse effects on the children’s rights. Any dispute between parents which will result in an absolute divorce will not only destroy the foundation of the family as an inviolable social institution but will adversely affect the right of children who are entitled to special protection of a family environment (Art.20, Convention on the Rights of Children)

**Furthermore, Divorce is not the only solution to domestic abuse, it may even create more problems such as financial instability.** The affirmative failed to recognize that according to statistics at least 23.7 percent of the population is considered poor. Not including those in the middle class, how can these 23.7 percent afford the aftermath of divorce especially if they have children? Most of the abused, especially women, will choose to stay in a marriage not only because there is no divorce, but because they can’t afford the life outside their marriage. We need to focus our help on those stuck in bad marriages but cannot leave due to financial instability. Women need to have a viable option to leave their husbands and be assured they will continue to live and thrive. Women need economic empowerment to protect them. This will help them get the courage to pack up and stop tolerating abuses that they suffer.

To reiterate, the Philippine Constitution provides that marriage is an inviolable social institution and the foundation of the family, and thus must be protected by the state. Therefore, legalizing divorce is unconstitutional.

**Cross-examination** question:

In your speech, you said that Divorce is not as devastating as people imagined, but a solution to one’s problem. Is that correct? Also, you said divorce allows people to start their lives all over again. Is that correct? What about the children that will be left? Isn’t this a little bit selfish? Their lives will forever be marred because of the divorce of their parents. Who will support them? Can divorce be truly affordable and attainable?

**Cross-examination** answer:

You mentioned that, divorce is destructive to Family. So you’re telling that you are only allowed to call family those who are married? That's the "family" you want to convey? Does cruelty and abuse is also a form of family only for the sole purpose of the so called family? Isn’t it destructive as well?

I go by the constitution. Article 1 of the Family Code, 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. Am I right? So yes, if they meet the qualifications set by the Code, they are married and a family. Domestic abuse is another issue and that we have laws that help the victim..Also the married, according to the Family code, can file a legal separation on these following grounds:

First, a married couple can legally separate if Repeated physical violence or grossly abusive conduct directed against the petitioner, a common child, or a child of the petitioner;

(2) Physical violence or moral pressure to compel the petitioner to change religious or political affiliation;

(3) Attempt of respondent to corrupt or induce the petitioner, a common child, or a child of the petitioner, to engage in prostitution, or connivance in such corruption or inducement;

There are ten of these but they are irrelevant to the question. Lastly, to legalize divorce you must have to amend the Family Code first and that will a lot of processes. We have existing laws like annulment of marriage and we have to rectify that to be easily accessible to the people especially, the poor. It is more conducive to focus on what we have now, especially in these crises, than to introduce another bill that I think will take years to be a law. Thank you.

**Rebuttal:**

I have noted that the affirmative side stated that “Divorce is a lifetime choice, people would never file a divorce just because they want another man or woman, and divorce is a solution to get out of an unhappy marriage”

According to available Census data, in the US that is, the divorce rate for second marriages in the United States is **over 60%** compared to around 50% for first marriages. So to say that divorce is the solution to an unhappy marriage, the experience in countries where divorce is easily obtained such as in the United States is that persons who were divorced have experienced more divorces. Divorce is not the answer, it could lead to more problems if not discussed thoroughly. Instead, we have to rectify existing laws in the Family Code, so that legal separation can be easily attainable. Moreover, the Supreme Court 2021 ruling, already issued a unanimous decision that modifies the interpretation of requirements of psychological incapacity as a ground for declaration of nullity of marriage. Making it more accessible. Lastly, if we talk about women empowerment it’s better to help them how to be financially secured since being in a third world country, it’s one of the main reasons why they tolerate domestic abuse and stay in marriage. Legalizing divorce won’t cover this. Thank you.

Article 63 of House Bill No. 6993 provides that the custody of children will be given to the innocent spouse. Thus, the guilty spouse leaves the conjugal home and is relieved of his obligation to give due care that the children are entitled to. The guilty spouse may be ordered by the Court to provide support for the wife and children, but this situation is impractical in the Philippines where almost one-half of Filipino families are living below the decent standard of living (**find evidence)**. Most people are unemployed or underemployed hence, they do not have the capacity to provide for the regular monthly subsistence to their family. Under this situation, there is no assurance that an innocent spouse, who is left with the custody children can be sufficiently supported.