Who needs Divorce in the Philippines?

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The debate on whether or not divorce should be legalized in the Philippines involves moral, social, economic, and psychological issues. These issues pose valid considerations in resolving the debate, given that our Constitution holds sacred the dignity of every human person, the sanctity of family life, the protection of the youth’s moral, spiritual, intellectual and social well-being, as well as the fundamental equality of men and women before the law.

Various concern groups passionately argue and defend their respective viewpoints. The proponents of divorce are led by groups advocating women’s rights. They are supported primarily by women who are abused by their husbands, women whose Filipino husbands have divorced them in other countries and remarried, and spouses (husbands and/or wives) who find their respective interests mutually exclusive and their differences irreconcilable. There are also individuals who sympathize with the plight of these men and women.

On the other hand, those opposing the legalization of divorce in the Philippines include the Roman Catholic Church and individuals who believe that divorce is unconstitutional, that it is anathema to Filipino culture, that it is immoral, that it will destroy the Filipino family, that it will legalize promiscuity, that it will contribute to the increase in broken families, that it will be abused by spouses who find it easier to give up on their marriage rather than try to reconcile their differences, that it will lead to custody battles, and that it will be detrimental for the children.

This paper seeks to examine the legal options available to spouses whose marriage falls apart, and to determine whether divorce is necessary in the Philippines.