

## **SPONSORSHIP SPEECH**

Delivered by **Rep. Edcel C. Lagman**  
on House Bill No. 9349 or the "Absolute Divorce Bill"  
on 20 February 2024

On behalf of the numerous co-authors of House Bill No. 9349 or the "Absolute Divorce Bill", I would like to extremely thank the Speaker and the Majority Leader for finally allowing this long-awaited measure to be sponsored and deliberated on in the Plenary.

Very briefly, the salient factors relative to the "Absolute Divorce Bill" are as follows:

**1. Absolute divorce is not a foreign concept to Filipinos.** Our pre-Spanish ancestors practiced divorce which was available to both husband and wife. During the American occupation we had limited absolute divorce based on the final conviction of a spouse for adultery or concubinage. The Japanese occupation expanded the grounds for divorce to include, among others, attempt of one spouse against the life of the other; contagious diseases contracted by either spouse; incurable insanity;

repeated physical violence; and abandonment for three consecutive years.

**2. Except for the Philippines and the tiny ecclesiastical Vatican City-state, all countries worldwide, including all Catholic countries, have legalized divorce in varying degrees of liberality or strictness.** Verily, there can be no unanimity in blunder for institutionalizing divorce, which was established shortly after the institution of marriage because of human frailty and mundane shortcomings afflicting marriages.

**3.** In the Philippines, the Muslims are granted the right to divorce. Even in the Family Code of the Philippines, the “canonical divorce” of the Catholic Hierarchy is copied under Art. 36 in the dissolution of marriage based on the psychological incapacity of either or both spouses.

**4.** The fact that all Catholic countries, except the Philippines and the Vatican, have allowed divorce **is a categorical testament that divorce is not against the Catholic faith and the doctrine of the Church.** No less

than Pope Francis has liberalized his stance on divorce and divorcees.

**5. Absolute divorce is not for everybody.** The overwhelming majority of Filipino marriages are happy, enduring, and loving. They do not need the divorce law.

**An absolute divorce law is urgently necessary in marriages which have collapsed and are beyond repair,** where the majority of the victims are the wives who have been subjected to cruelty, violence, infidelity, and abandonment.

**6.** While the State continues to uphold marriage as a social institution and the foundation of the family, the **State has the responsibility of rescuing spouses and their children from a house on fire.**

**7. Children are also the beneficiaries of divorce** according to empirical studies in progressive countries because they become more resilient and are freed from the torment and exposure to marital conflicts and discords affecting their wellbeing.

**8. Divorce proceedings undergo a judicial process** and quickie, notarial, email and drive-thru divorces are prohibited.

**9.** In addition to the grounds for dissolution of marriage based on psychological incapacity, annulment of marriage and legal separation, as amended, **additional grounds for divorce** have been included:

- a. Separation in fact for at least 5 years and reconciliation is not anymore possible.
- b. Legal separation for more than two years.
- c. Sex reassignment surgery or sex transition.
- d. Irreconcilable marital difference.
- e. Other domestic or marital abuse.

**10. Harsh penalties are imposed on colluding spouses.**

**11. In the grant of absolute divorce, no marriage is destroyed because the union has long perished.**

**12.** According to the **Supreme Court in *Te vs. Te***, the dissolution of a marriage is a merciful interment of a long-dead union.

**13. A law on absolute divorce is constitutional.**  
The Commissioners of the 1986 Constitutional Convention were unanimous in declaring that the Congress has the right to enact a divorce law.

**14. Divorce is only an option.** Qualified spouses may or may not petition for divorce, or they may avail of dissolution of marriage based on psychological incapacity under Article 36 of the Family Code, annulment of marriage under Article 45 of the Family Code, or legal separation under Article 55 of the Family Code.

**15.** Under the bill, the State is mandated to make the **divorce proceedings affordable and expeditious** which would do away with the cumbersome, lengthy, and

expensive proceedings for dissolution of marriage based on psychological incapacity, legal separation and annulment of marriage. The judge is mandated to decide the petition for divorce within one year from the expiration of the 60-day cooling off period.

**16.** During the pendency of the divorce proceedings or even after the grant of a divorce decree, the **spouses can still reconcile and live together again without contracting a new marriage.**

**17.** A divorce decree entitles the parties the **right to remarry** and have another chance at marital bliss.

**18.** The divorce decree shall include and protect **spousal support, children's support and custody, and respect of the children's legitime,** as well as the interest of creditors.

**19.** The enactment of the absolute divorce law will not lead to the opening of floodgates for divorces.

Finally, **divorce stories can also be love stories.**

Because it is an act of love of a woman for herself and her children when she gets out of an abusive, even life-threatening marriage. It becomes a love story when people have enough love and self-respect to refuse to be victims of infidelity and abuse. It becomes a love story when people continue to have faith in the beauty and promise of falling in love once more. Divorce becomes a love story when a wife or a husband realizes that love takes on many faces – the embrace of a child, the sympathy of friends, the loyalty of relatives, and the judiciousness of the Court.

February is the month of hearts and I know that in our hearts we realize and recognize that now is the time to finally enact an absolute divorce law.