



An Unwanted Divorce Law in the Philippines: Ethical Arguments Against Divorce

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Abstract

The Philippines boasts of being a bastion of Catholic faith in Asia, a highly populated Catholic country. Filipinos uphold family closeness as a value and the indissolubility of marriage. Even amid warring couples, many households remain intact. However, politicians in the Philippines would like to introduce divorce as a new way of life. Aside from annulment and legal separation, which are already incorporated in the Family Code of the Philippines, divorce will become another option. They have the goal of creating a lot of exits from marriage. They wanted couples to have a second chance if the first love affair failed.

This article poses ethical arguments against divorce. First, it looks at the redundancy of a divorce law and its flaws in a committed love. It then examines the psychological effect/s on children. Third, a discussion against divorce as opposed to the Filipino culture- *Loob*. It is the inability to understand a Filipino cultural belief in *Loob* that gives way to an alien culture, divorce, and lastly, an argument for a right relationship in marriage. After the critiques, a few recommendations are provided that may strengthen and sustain the couple's union and eventually lead to a sanctifying love affair.

Keywords: Absolute Divorce Act, *Loob*, *Kapwa*, Marital Relationship, Sanctity of Marriage

Introduction

In the 21st Century, marriage in the Philippines looks at divorce as a new shot at love. The House of Representatives and the Senate have opened up the discussion on divorce. They would like to pass a bill legalizing the separation of a married couple and giving the chance to both separated parties to be remarried again. This bill is called the Divorce Bill, properly called “House Bill (HB) 9349 or also called the Absolute Divorce Act.”¹ The author of the bill, Rep Edcel Lagman of Albay district, pushes strongly for a legal divorce in this Catholic nation “to provide options for individuals trapped in unhappy and irreparable marriages.”² This public statement of Honorable Lagman raises several hypothetical questions like: Is the traditional marriage of “until death do us part” an endangered species? Is divorce an outright solution for couples who have fallen out of love? Or is divorce the new trend nowadays? And lastly, is divorce the solution to an unhappy marriage? As per the rationale of House Bill 9349, the probable grounds that a spouse can apply for divorce are the following: “psychological incapacity, irreconcilable differences, domestic or marital abuse, when one of the spouses undergoes a sex reassignment surgery or transitions from one sex to another, and separation of the spouses for at least five years.”³

Meanwhile, Senator Risa Hontiveros is a staunch ally for divorce. She renewed her call to pass the bill in the Senate. She strongly upholds that “some Filipino women have almost been killed by their own husbands,”⁴ thus, it is high time to release these women from the prison of violence and to be able to search for love again in other arms. Divorce is “the point in time at which a couple’s marriage is legally terminated and at which they are free to remarry.”⁵ The move of both

¹ Filane Mikee Cervantes, “House approves absolute divorce bill on final reading,” *Philippine News Agency*, (May 23, 2024): <https://www.pna.gov.ph/articles/1225339>.

² Ibid.

³ Ibid.

⁴ Senate of the Philippines 19th Congress, *Hontiveros pushes anew for passage of Divorce Bill, says abused women need it*, (April 18, 202). https://legacy.senate.gov.ph/press_release/2023/0418_hontiveros2.asp.

⁵ Ian Butler, Lesley Scanlan, Margaret Robinson, Gillian Douglas, and Mervyn Murch, *Divorcing Children: Children’s Experience of Their Parents’ Divorce* (London, U.K.: Jessica Kingsley Publishers Ltd, 2003), 9.

public servants shows that both houses are determined to pass this bill and show the world that the Philippines is both a populated Catholic and secular nation in Asia. Such a proposed change in marital life highlights the freedom from violence of a wounded spouse, but tackles little on the ethical part of human identity and relationship.

Protagonists of House Bill 9349 stress two attractive provisions in the proposed bill. First, even though the divorce has been filed and proceedings started, “if the parties agree to reconcile, the petition is dismissed.”⁶ Secondly, an extraordinary characteristic of this bill is that it can supersede the issuance of the divorce act over reconciliation. If both parties agree to recommit to their marriage even after the issuance of their divorce, “the divorce decree shall be nullified.”⁷ This shows that the proposed bill still prioritizes the possible reconciliation of the warring couples. However, if the judge finds that reconciliation is impossible, he could stop the sacred bond of matrimony and be given a second chance to remarry another person legally. Amidst these leeways for a possible reconciliation, our hypothetical question remains: Is divorce the best way to give a couple a second chance to be happy? This paper finds the existential question improper, but rather would like to delve into why divorce is impractical and unwarranted as a solution to irreconcilable differences between couples. At this point, it is imperative to present four (4) reasons as to why House Bill 9349 falls short of a happy re-marriage and will be an unnecessary addendum in the Philippine Constitution.

Divorce, a redundancy to annulment and legal separation

There are two ways couples could be separated legally in the Philippines. First, it is called Legal Separation. The Philippines has both the Civil Code and Family Code, but the latter is the revised version; thus, it is the basis for this study. Moreover, the bases of the arguments used in HB 9349 are taken from the Family Code; hence, this Code will be used rather than the Civil Code. In the Family Code of the Philippines, we can find a lot of provisions that allow couples to be physically separated, but their marriage is still in effect. Title II Legal

⁶ Cervantes, *House approves absolute divorce bill*.

⁷ Ibid.

Separation Article 55 points to ten (10) provisions for a spouse to file a legal separation. Here is the list of the 10 Provisions:

- (1) 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;
- (4) Final judgment sentencing the respondent to imprisonment of more than six years, even if pardoned;
- (5) Drug addiction or habitual alcoholism of the respondent;
- (6) Lesbianism or homosexuality of the respondent;
- (7) Contracting by the respondent of a subsequent bigamous marriage, whether in the Philippines or abroad;
- (8) Sexual infidelity or perversion;
- (9) Attempt by the respondent against the life of the petitioner; or
- (10) Abandonment of the petitioner by the respondent without justifiable cause for more than one year.⁸

The Ten Provisions are conditions that if a partner commits one of the acts, the other spouse can run to the courts and file for a separation to uphold their dignity. But then again, it will undergo a judicial process, and usually, it is costly and takes a long time.

Another possibility of separation, when it does not go well, is to file for an annulment. In Chapter III, Articles 35 to 54 of the Family Code talk about provisions for an annulment. Annulment is voiding a marriage from the very beginning. This means that if a spouse is found to be guilty of one of the provisions, the family court could make a valid marriage null and void. Popularly, mental incapacity is what is usually used as the culprit and reason for annulment. According to the

⁸ Family Code of the Philippines. 1987. *Legal Separation Art 55*. www.officialgazette.gov.ph/1987/07/06/executive-order-no-209-s-1987.

Philippine Statistics Authority, their census report dated February 16, 2023, with Reference number 2023-40, shows an increase in legal separation and annulment from 2015 to 2020. In 2015, they reported 1,207,459 cases of legal separation and annulment, while in 2020, there were 1,644,427 cases.⁹ These numbers show an increase of at least 436,968 legal separation and annulment cases filed in just five years. Moreover, the numbers also point out that Filipinos who experience irreconcilable differences would adhere to the legal system of separation.

There is another phenomenon that is roughly accepted by many couples in the Philippines, but not legally recognized. It is popularly known as cohabitation. It is an easy arrangement between two people who prefer to live like married people without marriage. They live together. "Cohabitation allows flexibility and freedom to enter and change partnerships without the same legal implications,"¹⁰ a lifestyle adopted by those who are one way or another, cannot remarry, or would like to escape the responsibilities of marriage easily. This kind of partnership, long or short term, is "appealing to those who fear relationship instability, especially lower-income populations who also cannot realistically access the resources,"¹¹ for judicial process is costly. Based on their research, in a comparative percentage of those who are married versus those who are living in cohabitation, as opposed to those who are not in union, there is "48.2% of married people, 15,2 % who cohabit and 36.6% who are never in union."¹² Statistics show that this cohabitation phenomenon is silently becoming a usual way of partnership, and the idea of an easy separation or divorce in this kind of conjugal relationship is partly a factor to reckon with.

Legal separation, annulment, and cohabitation are already in place for warring couples who could not find solace in their present

⁹ Philippine Statistics Authority, *Four Out of Ten Person Were Never Married (2020 Census of Population and Housing) 2023-40*, (February 16, 2023). <https://psa.gov.ph/content/four-out-ten-persons-were-never-married-2020-census-population-and-housing>.

¹⁰ Bernice Kuang, Brienna Perelli-Harris, and Sabu S. Padmadas, "The unexpected rise of cohabitation in the Philippines: evidence of socioeconomic disadvantage or a second demographic transition," *University of Reading* (2019): 27, <https://doi.org/10.1080/17441730.2018.1560664f>.

¹¹ *Ibid.*, 27.

¹² *Ibid.*, 31.

partnership. People adhere to these legal and para-legal means to maintain their sanity. Divorce will be a redundant policy of both annulment and legal separation. Therefore, there is no significant contribution to the ongoing war between couples because the immediate need is to be separated from their spouse. If they want to be remarried, annulment or cohabitation are possible means, but not recommended.

Aside from the redundant character of the divorce is the unethical ingredient in the separation of the spouses. According to HB 9349 Section 19-20, On Reconciliation during and after the finality of the divorce decree, undermines the beauty of commitment in a relationship. Section 19 believes that even during the proceedings of the divorce, when both consent to stop the manifestation and due process is taken, “the divorce petition shall be dismissed.”¹³ Likewise, even after the divorce decree has been laid, but the couple decides to be reconciled, “the court shall nullify the final decree of divorce.”¹⁴ These two sections provide an easy entrance and exit for couples who have promised a life of eternal commitment to each other. These provisions neglect an ethical issue pertinent in a marriage relationship – commitment.

Humans are relational beings. Ethically speaking, as relational people, we connect to another person or a community. To relate is an existential need of an individual, not only for survival’s sake but for the growth of a person. Briefly, an individual has in her/himself the capacity to reach out to another person. This is an immense transformational power, a “radical possibility of coming into relation, into union, and with all can be known and loved.”¹⁵ A person can be in communion with another. When people enter into this beautiful and mysterious relationship of communion, there is a need to respect oneself and the other. Ironically speaking, through one’s personal choice of entering a deep relationship with another, one does not lose one’s identity but is nourished. Thus, reverence for one another is essential for each individual is an end not a means.

¹³ Congress of the Philippines, *An Act Reinstating Absolute Divorce as an Alternative Mode for the Dissolution of Marriage*, 19th Congress, H. No. 9349, [HB 9349.pdf](#).

¹⁴ *Ibid.*, Sec. 20.

¹⁵ Margaret A. Farley, *Just Love: A Framework for Christian Sexual Ethics* (New York: The Continuum International Publishing Group Inc., 2006), 213.

One underlying characteristic of a human shared with another person is her/his sexuality. Whether people are conscious or not, the moment humans relate or communicate with one another, their sexuality is shared as well. Besides, “sexuality is an expression of something beyond self.”¹⁶ This is evident in friends, relatives, and loved ones. Some people choose to level up their friendship into a more intimate and even sexual relationship. Thus, they enter into a marriage. In a marriage, commitment is necessary. Commitment is a relationship “extended sufficiently through time to allow the incorporation of sexuality into a shared life and an enduring love.”¹⁷ Enduring love is letting time, process, and loyalty grow. The committed persons can know and love one another deeply. Amid the ups and downs of a marriage, the couple sticks with one another because it is not just about their personal feelings, but with a higher and more noble ideal – to love no matter what. And that is a committed love. This kind of “sacramental” love is also a “norm for sexual relations and activity.”¹⁸

Divorce has devastating effects on children

The next argument is for the children of separated parents. This argument would look hypothetical since there is no divorce yet in the Philippines. However, statistics show an increase in dissolved unions or marital separations from 2001 to 2014. Reported cases, not counting those unreported ones, increased from 4,520 in 2001 to 11,135 in 2014.¹⁹ Again, we assume that separated couples have brought forth children in this world since our statistics do not show that clearly. Nevertheless, it would be unfair if we talk of divorce, and we focus only on couples who fell out of love. When parents decide to separate ways, children, minor or not, are not involved in the decision-making. They are normally divided between the parents, with or without their consent. This parental separation has a strong impact on the children. A lot of research has been done to see the effect of the

¹⁶ Ibid., 225.

¹⁷ Ibid., 225.

¹⁸ Ibid., 226.

¹⁹ Abalos, Jeffrey B. “Divorce and Separation in the Philippines: Trends and Correlates.” *Demographic Research* 36, Article 50 (2017): 1526. www.demographic-research.org/volumes/vol36/50/36-50.pdf. (accessed June 10, 2024).

separation of couples, and some of these are “greater levels of poverty, lower educational attainment, poorer health, higher levels of behavioral problems and depressive symptoms, and higher levels of smoking, drinking, drug abuse, and teenage pregnancy.”²⁰

The recognition of children’s rights evolved slowly in history. Debates on the rights of the children did not revolve around whether they should be given rights like the adults, but rather the question was, “How is a child, who may be unable to act for him or herself, actually to exercise their rights?”²¹ Such a question pertains to an argument on how an infant, for example, expresses or chooses what is good for her/him. It is obvious enough that a baby, for that matter, is dependent on a parent or an adult for her/his welfare. If this is the case, how can an infant choose whose parent she/he prefer to live with? There are a lot of considerations, but this argument was challenged and eventually did not hold water. Challengers of the defunct theory advanced another argument stating that a child is not just an appendage of the parent but has her/his right as a person. A child should be considered as a person like the adults who could live her/his rights. In the case of very young children whose views may not have reached full maturity yet, the law states that the “child’s right is not dependent upon his or her ability to express views but to form them.”²² It means that the State should find ways, even in children’s manner of communication, to grasp the child’s wishes on the matter of divorce. If showing pictures or songs that an adult can enter the mind of the child, then so be it. With this consideration, we could say that at least, children’s voices are not too easily relegated to nothing but are now being heard and respected. However, debates and discussions are still ongoing on how to seriously consider a child’s rights in a divorce situation, for there is no general rule for all children. Children’s welfare and perspectives vary from country and context. It would be unwise to create a single law for all children of different colors, statuses in life, religion, and age. There is a need to gather more research on how to listen to children’s voices and include them in the legalities of divorce. Besides, they are affected too by the separation of the adults. And it is but ethical to consider their feelings and thoughts because they are human beings with the same rights as adults. But if

²⁰ Butler, *Divorcing Children*, 19.

²¹ *Ibid.*, 23.

²² *Ibid.*, 25.

ever a child could express her/his mind over a divorce, it is safe to say that separation of parents is not even their slightest preference.

Divorce undermines a Filipino-Ethical paradigm - *Loob*

One Filipino indigenous word that Filipino scholars are now reflecting on and trying to dissect is the vast and complex reality of *loob*. There have been a lot of exploratory studies by academic scholars from different disciplines that, with their professional research, paved the way to several dimensions of *loob*. Just to name a few who made great contributions to the discussion of *loob* are: "Filipino philosophers (Mercado 1972, 1994; de Mesa 1986), psychologists (Alejo 1990; de Guia 2005; Enriquez 1992), historians (Salazar 1977, 1985; Iletto 1979; Rafael 1993) and a poet (Lacaba 1974)."²³ This paper does not pretend to present an exhaustive study on *loob* for the depth and boundless meaning of this Filipino concept surpass a book or two. Besides, the truths revealed in this single word interconnect and open several horizons to a bigger reality we call life. Thus, we treat this Filipino virtue ethics (*loob*) with utmost respect and sacredness. However monumental it may seem, we will tackle three important characteristics of *loob* that will help us show that divorce is not part of *loob*.

Loob, if translated from the Filipino language to English, would mean internal or interior. But a Tagalog person, one who hails and uses Tagalog language as a mother tongue, would immediately re-evaluate the word internal or interior as an accurate translation of the word *loob*. At this point, we look into the meaning of *loob* as relational interiority. The beauty and the complexity as well of the term *loob* lie in its interconnectedness to different words. We can better appreciate *loob* when we see the distinct words connected to it, which give us new horizons on the meaning of *loob*.

As we mentioned earlier, *loob* is a relational interiority. According to Fr. Alejo, a Jesuit Father, it is "interiority that is at once an affirmation of the self in its wellspring of dignity as well as an ambit of openness to a world beyond."²⁴ To explain further, he took the

²³ Jeremiah A. Reyes, "Loob and Kapwa: Thomas Aquinas and a Filipino Virtue Ethics," 73.

²⁴ Albert E. Alejo and Julia E. Riddle, "Loob as Relational Interiority: A Contribution to the Philosophy of the Human Person." *Social Transformations Journal*

example of a song entitled *Bahay-Kubo* (hut house) wherein; to understand the beautiful surroundings of the hut house, someone should be inside gazing inside and out. It is having a personal experience of the *loob*, while knowing and interacting with the outside. Needless to say, the surroundings or the outside view (world) is a vast horizon of realities and life forms. The interaction in the *loob* of the hut house as well as the *loob* of the outside world shows that *loob* is relational interiority. A *loob* is connected and interacts with another *loob*, and this gives reality to *kapwa* (other). Since *loob* relates to another (*kapwa*), there is an action towards the other. And usually, that action towards the other entails another dynamic. There is the reality of *kaloob* and *ipagkaloob*. "*Kaloob*" simply means a gift and *ipagkaloob* is to give."²⁵ To give a gift to a *kapwa* is the relational character of *loob*. But the gift giving does not stop there. *Loob* does not engage in gift-giving for the sake of receiving or being perceived as good, "*kagandahang-loób* is the virtue which makes a *loób* more disposed to give gifts (*kaloób*) to others."²⁶ In other words, *ang loob ay ipagkaloob ang kalooban sa kapwa, dahil ito ay nagmumula sa kagandahang-loob ng loob mismo* (the *loob* gives gift to the other (*kapwa*) through *loob's kagandahang-loob* (generosity/noble mindedness)). As we see, there is this deep connection between the *loob* and *kapwa*, so much so that their connection is the bloodline of the other. It is beautifully stated by one scholar when he said that "*loob* continued responding to *kapwa* is the condition for its own existence and authenticity as *loob*."²⁷ Briefly, both *loob* and *kapwa* are in a relationship where they actualize one another. That being said, it points to a fact that the *kapwa* is not just an object of *loob* for a *kapwa* has its own *loob* that offers its own *kagandahang-loob* to the first person. Thus, all *loob* has a *kagandahang-loob* that it offers to the other.

These concepts of *loob* and *kapwa*, which are interconnected, interrelated, and in union with one another, are not far from our own experiences. We are born as relational beings. At the moment of conception, the fetus is already connected to the mother. They have

²⁵ Jeremiah Reyes 92.

²⁶ Ibid., 92.

²⁷ Ibid., 93.

their internal communication that others might not understand. Both mother and child live for one another. Even after birth, the baby expands her/his interrelatedness to her/his immediate family, relatives, community, and country. This scenario is just a speck compared to the vastness of how a *loob* is in union with *kapwa*.

Moreover, *loob* is not just a relational interiority, it is also ‘a will.’ To will something is a power in itself. For example, a person wills to do good to someone (*kabutihang-loob*); this will to do good is being actualized through the power of the will. And consequently, the result will be a good deed. This will power has the same dynamics in the actualization of *loob* and *kapwa*. We have seen earlier that *loob* is a relational interiority. It is related to *kapwa*. More than that, they actualize each other. This will power is known “based on the actual experience and exercise of it.”²⁸ It is exercised through a relationship. Thus, *loob* is also a “relational will.”²⁹ *Loob’s* will to do good, or to desire, or to choose, is directed towards *kapwa*. *Kapwa* will always be the recipient of *loob’s* will.

A third and equally important characteristic of *loob* that will be discussed here is the meaningfulness of *loob* in a Filipino context. We have seen earlier that *loob* has the free will to express its desires to *kapwa*. If this is so, then, *loob* can choose to do good (*kagandahang-loob*) or bad (*masamang-loob*) to *kapwa*. It is hard to argue that when a person’s *loob* expresses harm to the other, we could call it a meaningful experience. Rather, whatever degree of harm it brings to another person, it will be more of a horrible experience than a meaningful one. And any horrid experience is meant to be erased from one’s memory rather than be kept. The question arises, then, how can *loob’s* will be meaningful if it has a choice to do good or bad, in a Filipino context?

According to a Filipino Theory for a Meaningful Life (FTML), “a life is meaningful if and only if it exhibits *kagandahang-loob*.”³⁰ *Kagandahang-loob* (beauty-of-will) is the ultimate criterion for *loob* to be meaningful because it is a “holistic aesthetic that encompasses not

²⁸Ibid., 82.

²⁹Ibid., 82.

³⁰ Jairus Diesta Espiritu and Marielle Antoinette Hermoso Zosa, “Loob and Meaningfulness: A Filipino Theory of Meaning in Life,” (Paper presented at an International Conference on Philosophy, University of Pretoria, South Africa, January 2022).

only the interiority of the self, but also that of the other and the whole community.”³¹ This means that the result of expressing beauty-of-will to the other and the bigger group is beauty itself. But this kind of criterion can be easily contested by other goodness or beauty of the self, like *utang na loob* (indebtedness), or *lakas ng loob* (strength of the will), or *pagbabagong loob* (change of heart/conversion). Thus, it is best to test it more through the three (3) criteria that the authors adopted. The three questions are taken from the “Fundamentality Theory of Meaning by Prof. Metz.”³² Here are the questions to prove that *kagandahang-loob* brings meaning in life. These are the conditions: “which ends, beside one’s own pleasure as such, are most worth pursuing for their own sake; how to transcend one’s animal nature; and what in life merits great esteem or admiration?”³³ The protagonists of the FTML are happy to point out that *kagandahang-loob* passes the three considerations for it to be meaningful. The first argument posits that since *loob* and *kapwa* are relational, the pleasure is passed on to the other or the bigger community. The *loob* and *kapwa* share the beauty-of-will and by doing so, actualizes both. Such dynamics gives meaning to both entities and is worth pursuing for. Secondly, it is interesting to note that the animal world does not possess a *loob*. *Loob* is a relationship applied more to humans and humans (and/or God) but not to the animal world. Thus, *kagandahang-loob* passes the second criterion. Lastly, the third consideration is what in life merits great esteem and admiration falls under the very essence of *kagandahang-loob*. This beauty of will is a value that is earned and recognized by another person or community. People are admired for their beauty of will when it is actualized experientially. With these arguments, the protagonists of FTML offer *loob* and *kapwa* through the actual practice of *kagandahang-loob* as a meaningful Filipino Theory.

After all the discussion on *loob*, *kapwa*, and *kagandahang-loob*, we ask, how is divorce an alienating factor to our Filipino culture? Let us look into two factors, first, divorce is the premature relationship of *loob*. Normally, a relationship is a process of deepening. When two people want to get to know each other, they enter the period of familiarization or acquaintance. As time passes by, a liking for one

³¹ Ibid.,6.

³² Ibid.,7.

³³ Ibid.,7.

another develops (*nagkapagpalagayang-loob*) until such a time that the two decide to agree to tie the knot in a marriage and be one (*nagkaisang-loob*). Their decision (*magkaisang-loob*) is brought about by an intense liking for one another, and they see a lovely and bright future with their esteemed lover. Therefore, the miracle of marriage takes place because two strange people, with separate lives (*magkahiwalay na loob*), after time and process, enter a decisive (*buo ang loob*) sacred space of love, to be one and whole with a lover. In this scenario, divorce is not an option nor part of the process of *loob*. And this connects us to the second reason why divorce is not part of our Filipino culture. As we have seen earlier, *loob* and *kapwa* actualize one another. The *kagandahang-loob* is expressed for both to grow, to live a meaningful life, and to be in harmony with self, other, and community. Divorce (*nagkasiraang-loob*) is not part of the dynamics of the growth of *loob* and *kapwa*. In a divorce scenario, the spouses are not able to generate beauty of will to their partner because of the separation of *loob*. And the separation of *loob* is not its characteristic. Thus, in all aspects of *loob*, *kapwa*, and *kagandahang loob*, divorce is the direct opposite.

Divorce neglects to establish the right relationship

Love is an inevitable topic when we deal with marriage or even divorce. It talks about a relationship between two people in love, i.e., romantic or deep love. Couples will treat each other based on their love for their partner. The care, respect, trust, and faithfulness are manifest in the couple's relationship. Therefore, relationality is the capacity to reach out to others outside ourselves and contribute to human flourishing. This is just one side of the sexual ethic, for there is another factor that is many times neglected - the justice character in a love relationship. Humans are not only relational (loving) but also autonomous (free). A human person is someone who has basic rights and freedoms that others should respect. Every human being can choose because this exercise of freedom is "a capacity for self-determination as embodied, inspired beings, which means a capacity to choose not only our own actions but our ends and our loves."³⁴ Human autonomy spells out the limits and boundaries of our actions,

³⁴ Margaret A. Farley, *Just Love: A Framework for Christian Sexual Ethics* (New York: The Continuum International Publishing Group Inc., 2006), 212.

and yet it allows persons to spread out their wings and determine their destiny as well. These boundaries are guided by our notions of good and wrong. Hence, people should be treated as ends, not means in themselves.

Freedom and relationality as the backbone of a sexual ethical relationship “provide the content for most of the basic norms for right loving and the basic moral norms for sexual ethics.”³⁵ We need these norms for a healthy marriage and a sustaining relationship that will contribute to the human species. In the succeeding discussion, I would like to adopt some of Sr. Margaret Farley’s norms for a human sexual ethic. I believe that her contribution to this endeavor will help us understand and deepen relationality in a conjugal context and how it can aid in human flourishing and perhaps avoid divorce in the future. Let us enumerate some of them and give a succinct explanation one by one.

A. Do no ‘Unjust’ harm

Another way to put this phrase is to not harm. Do not harm your partner in whatever manner, for she/he is a human person who should be treated as one. Many couples harm each other either physically or psychologically, or both. We have battered women and men (less in number), rape, blackmail, curse words and even sexual unfulfillment of a partner wherein the other party feels left out in sexual pleasure. Do not harm goes a long way up to pornography, selling your partner to another, prostitution, and even sexual harassment. Different types of violence can be used against the partner, and this norm explicitly warns us not to.

B. Free Consent

The norm on free consent “opposes harmful use of power against unwilling victims.”³⁶ Free consent also covers the invasion of the privacy of another partner, including the physical body. Moreover, when we speak of free consent, truth-telling between partners is imperative for the other can be misled about her/his decision if the other hides the whole picture of the matter.

³⁵ *Ibid.*, 214.

³⁶ *Ibid.*, 219.

C. Equality

In our world today, many interpretations of inequality arise. Our world is guided by male chauvinism wherein males remain superior, and females are supporters of men. This male superiority paradigm does not help a couple's relationship, for the woman is seen immediately as inferior to a supposedly equal loving relationship. This chauvinistic behavior undermines the capacity to grow as a person. Thus, equality is essential to a couple's marriage.

D. Fruitfulness

On one hand, "sexual reproduction does not end with the birth of the children, it stretches out to include the rearing of the children, the initiation of new generations into a culture and civilization, and the ongoing building of a human community."³⁷ On the other hand, the couple has the power to serve the community or society they belong to through different forms to contribute to the development of human society.

E. Social justice

As we have discussed earlier, there should first be a just relationship between the couple, but justice should be present and alive in a society so that human relations can grow. If couples and individuals are treated unjustly by society, then human development will be stunted.

Each norm for a human sexual ethic that Farley proposes dives deeply into the realm of married couples and extends to society for authentic human flourishing. Reality check shows that many problems arising from divorce are tackled in one way or another in these seven norms. This brings us to the next level of discussion, relationships as part of formal education. A few questions then come to mind: Are sexual moral norms integrated into formal education? Is Philippine education adept at sexual education?

Generally speaking, sex, sexuality, or even sex education are forbidden topics reserved for adults only. A sense of entering the world of defilement brings fear to anyone who would like to engage in this discussion. Defilement, as Paul Ricoeur explained it, "is an act that evolves an evil, an impurity, a fluid, a mysterious and harmful

³⁷ Ibid., 227.

something that acts dynamically.”³⁸ Part of the mystery here is how sexuality and defilement became interchangeable in human minds and morals. Unfortunately, our moral standards believe in “an indissoluble complicity between sexuality and defilement which seems to have been formed from time immemorial.”³⁹ This taboo mentality has extensively minimized a greater appreciation of human sexuality. Our formal education is more silent in terms of sexuality as a subject matter. They are more considered as topics to be discussed in the curricula of medicine, nursing, or biology/ human anatomy. Sexuality is almost delineated as a sex organ and sexual pleasure, which remains a mystery. Thus, this lack of openness to sexuality does not allow the adventurous minds of youngsters and teenagers to be taught maturely. Alas, many fall into pornography or live sex shows just to understand their feelings and emotions.

The Department of Education, in 2020, released a new curriculum called the *Matatag* curriculum. On June 25, 2020, RA 11476 promulgates an act institutionalizing “Good Manners and Right Conduct (GMRC) and Values Education (VE)”⁴⁰ in the K to 12 Curriculum. The goal of this law is to instill in Filipinos the core values of “*maka- Diyos* (love of God), *maka-Tao* (love of neighbor), *makalikasan* (love of nature), *at makabansa* (love of country).”⁴¹ The target of DepEd is to inculcate the GMRC from Kinder to Grade 6 and the VE from Grade 7 to 10. This curriculum is in full operation in all schools in the Philippines, public and private. There are already focus topics and books for every grade level, so teachers can follow up on the subject matter and the children’s growth. A hopeful transformation in the lived values and behavior of students would perhaps deepen their respect for another person and give a better appreciation of unity rather than separation. Thus, the curriculum highlights genuine transformation in Filipino students. The PDF file of the DepEd is in the Filipino language; thus, English translations are

³⁸ Paul Ricoeur, *The Symbolism of Evil* (New York: Harper and Row Publishers, 1967), 25.

³⁹ *Ibid.*, 28.

⁴⁰ Department of Education, *Official Statement on the Good Manners and Right Conduct and Values Education Act*, (June 26, 2020). <https://www.deped.gov.ph/2020/06/26/official-statement-on-the-good-manners-and-right-conduct-and-values-education-act/>.

⁴¹ *Ibid.*

added. For a better appreciation of the curriculum, please see the table below.⁴²

Lilinang Pagpapahalaga (Enhance Values)	Magalang (Respect)
Baitang 1 Paksa (Grade level 1 Subject)	Wastong Pakikipag-ugnayan sa Kapuwa (Proper communication with others)
Baitang 2 Paksa (Grade level 2 Subject)	Wastong Paggamit ng Teknolohiya at iba pang Paraan sa Pakikipagkapuwa (Proper use of technology and other means of communication)
Baitang 3 Paksa (Grade level 3 Subject)	Sariling Pagkilala sa mga Taong may Kapansanan o Persons with Disability (PWD) (Respect to PWD)
Baitang 4 Paksa (Grade level 4 Subject)	Sariling Tungkulin sa Pagkilala sa Karapatan ng Kapuwa-Bata (Personal responsibility in recognizing the rights of fellow children)
Baitang 5 Paksa (Grade level 5 Subject)	Pakikipag-kapuwa sa mga Nakatatanda (Elders) (Respect to elders)
Baitang 6 Paksa (Grade level 6 Subject)	Sariling Pakikipag-ugnayan sa mga Awtoridad sa Pamayanan (Personal responsibility towards community authority)
Baitang 7 Paksa (Grade level 7 Subject)	Dignidad ng Tao Bilang Batayan ng Paggalang sa Sarili, Pamilya, at Kapuwa (Human Dignity as basis for respect to self, family and others)
Baitang 8 Paksa (Grade level 8 Subject)	Positibong Pananaw sa Seksuwalidad ng Sarili at Kapuwa (positive outlook on one's sexuality and others)
Baitang 9 Paksa (Grade level 9 Subject)	Pagtanggap sa Pagkakaiba-iba ng Kultura ng Kapuwa (Acceptance of other's culture and the other)

⁴² Department of Education, *Matatag Curriculum: Good Manners and Right Conduct (GMRC) (Baitang 1-6) Values Education (VE) (Baitang 7-10)*, (June 2020, 11-12). [GMRC-and-VE-CG-2023.pdf](#).

Baitang 10 Paksa (Grade level 10 Subject)	Pagtanggap sa Pagkakaiba-iba ng Kultura ng Iba't ibang Henerasyon (Acceptance of the different cultures from different generations)
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The ongoing government's education program fires up seeds of hope, but unfortunately, this government agency changes its curriculum faster than it should. After the resignation of the past Secretary of Education, last year, they started debating the word *Matatag* and would like to revise the past curriculum. There is an ongoing talk on how GMRC and VE could be enhanced, avoiding the word *Matatag*. Perhaps, the new Secretary of Education will present another curriculum based on their goal in the near future.

Conclusion

At this juncture, let us summarize the issue of divorce. Divorce is about a broken marriage caused by a bad relationship. A bad relationship is caused by a lack of deep understanding in terms of conjugal relationships. Perhaps there is also a lack of understanding of one's *loob* and *kapwa*. We could only assume if there was, during the marriage rite itself, the presence of *buo ng loob* for both fiancés, for them to bravely (*lakas ng loob*) say "I do." All this domino effect can be deduced from a lack of preparation in the values for a healthy conjugal relationship, a lack of preparation before the wedding event, and a lack of a system to sustain the couple's relationship.

First, as we have seen earlier, there is a need to have consistent and strong education in sexuality, or relationship education, including our *loob/kapwa* culture, in Philippine formal education. As of the moment, we cannot evaluate a new curriculum, which has taken effect only in a few years and right now, DepEd authorities would make changes in the near future. Though, as we have seen the table of topics for each grade level, there are a lot of subject matters that tackle relationship, sexuality, and love of self, country, and God. It will be the future behavior of Filipinos that can attest to the effectiveness of the said curriculum or not.

Secondly, there is a lack of preparation for the wedding of couples. On one hand, fiancés, who apply for marriage in a Church, especially the Philippine Catholic Church, adhere to a preparation called Pre-Cana. The Pre-Cana philosophy is rooted in the document

by the Pontifical Council of the Family called *Preparation for the Sacrament of Marriage*.⁴³ It states that “marriage preparation, for married and family life, is of great importance for the good of the Church.”⁴⁴ This document highlights three kinds of preparation for the engaged, “remote, proximate, and immediate preparation.”⁴⁵ Remote preparation touches the infancy up to the adolescent stage of a person. It hopes to instill in the person the basic and authentic human and relational values. The Proximate preparation covers the whole of the engagement period. And lastly, the Immediate preparation is a series of catechesis to introduce them to the rite of marriage, but most of all, “the Christian doctrine on marriage and the family with particular attention to moral duties.”⁴⁶ The people in charge of giving this catechesis are the parish priest and the staff of the parish.

In the Philippine Catholic Church context, the Pre-Cana seminar is done from half-a-day to a whole day seminar. This catechesis is “designed to equip couples with the knowledge, skills, and spiritual guidance necessary for entering into the sacrament of marriage, particularly within the Catholic Church.”⁴⁷ There are a lot of topics covered in this short period, from the sacrament of marriage to finances and even natural family planning methods approved by the church. Pre-Cana is necessary, but it should have a longer process time to integrate and deepen appreciation for marriage. By doing this, divorce will be less of an option.

Third, lack of a system that could sustain the bond between wives and husbands. We have a minimal support system at hand to sustain the newlywed. Many marriages these days are well planned in terms of the wedding dress, the Church ceremony, and the after-wedding party, but it ends there after the celebration. The newlyweds enter on-the-job training and discover for themselves the nitty-gritty of family life. There is a lack of introspection on how the relationship

⁴³ Pontifical Council for the Family, *Preparation for the Sacrament of Marriage*, 13 May 1996. Papal Archive. The Holy See. https://www.vatican.va/roman_curia/pontifical_councils/family/documents/rc_fa_family_doc_13051996_preparation-for-marriage_en.html.

⁴⁴ Ibid., 1.

⁴⁵ Ibid., 21.

⁴⁶ Ibid., 52.

⁴⁷ Nikki Uson, “Nuptials,” Philippine Pre Cana Seminars: What you need to know, April 2024/ accessed October 28, 2024, <https://www.nuptials.ph/pre-cana-seminar-philippines/>.

of the two forms part of God's plan. In short, to put it bluntly, is this marriage part of God's plan? Is it geared towards "the ordered affections that unite us with God, ourselves, other people, and the world?"⁴⁸ Another name for these ordered affections is "*Orthokardia*." Marriages are not just about the couple's feelings for one another; they go beyond that. These affections should unite with God's purpose. This *Orthokardia* or right-heartedness is usually the missing ingredient in our lives, especially in couples' lives. That's why, when their feelings fade away, their immediate solution is divorce or annulment. There are a lot more humane and Christian ways to deal with warring couples who don't find love anymore in their household, and divorce is not one of them. Couples who have fallen out of love are just symptoms of a system that lacks depth in sexuality education, sacramentality, spirituality, culturally, ethically, and mental health programs in our country.

It is ideal that in each barangay or parish, a system will be built that will continuously inform, form, and transform families to maintain and sustain their love for one another. Though some dioceses and even parishes boast of a Family ministry as one of their pastoral approaches, these could be evaluated on their efficiency based on the actual family concerns in their locations. Local Government Units, through barangays, are likewise challenged to put up their family programs for the sustenance of family life.

Lastly, it would be unfair to just veto divorce and neglect those who are battered women and men by their spouses. In the ever-growing violence in a family, especially couples hurting or almost killing their spouse, I propose that there should be an immediate separation of the two, and a healing program like counseling, therapy, and rehabilitation should be provided for free. In other countries, there are different kinds of therapies being applied to couples who have differing needs. Therapies tend "to be more effective than no treatment"⁴⁹ at all, as studies say. There are a lot of couples' therapies possible to be used, like "behavioral couples therapy, cognitive

⁴⁸ Edward Collins Vacek, *Love, Human, and Divine: The Heart of Christian Ethics Moral Traditions and Moral Arguments* (Washington D.C.: Georgetown University Press, 1994), 5.

⁴⁹ Lorelie E. Simpson, Krista S. Gattis, and Andrew Christensen, "Couple Relationships," in *International Encyclopedia of Marriage and Family*, ed. James J. Ponzetti, 2nd ed. Vol. 4 (New York: Macmillan Reference, 2003), 1627.

behavioral couples therapy, and emotionally focused therapy,”⁵⁰ to name a few. The therapists would know better which method is necessary based on the victim’s needs. As per the children, they should be assisted by family members, with the assistance of social workers, so that as much as possible, their trauma as well will be heard and taken care of.

Divorce is a conglomeration of issues that led to systemic negligence in preparing people to appreciate marriage. Are we then doomed to accept divorce as a way to peace in a belligerent relationship? No is the answer! There are sparks of hope, though dim, but not gloomy dark. If the weaknesses in the human-made systems could be addressed, then, people will start understanding and appreciating the beauty and noble act of marriage that is based on the right relationship. There are a hundred reasons why divorce happens, and yet, there are a thousand reasons why couples stay together. Perhaps, the final quote by Louis de Bernières could inspire raging couples to reconsider reconciliation before breaking their sacred seal:

Love is a temporary madness. It erupts like a volcano and then subsides. And when it subsides, you have to make a decision. You have to work out whether your roots have so entwined together that it is inconceivable that you should ever part. Because this is what love is.

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