

Divorce in the philippines



**ASSIGN
BUSTER**

The House Bill 1799, most commonly known as the Divorce Bill, has been filed on the Philippine Court since July 27, 2010 and is now a pending case in the House committee on revision of laws. For more than two years now, there has been an ongoing debate by lawyers, journalists, politicians and even religious leaders whether or not this Bill should be passed and be included in the Family Code of the Philippine Constitution. This unsettled issue has led to a debate in the class of E04-2013 last 11th of March 2013 with the motion, “ This house believes that the Philippine Government should pass the Divorce Bill. Both the government side and the opposition side have presented their arguments well and has defended their own stands. But before giving any verdict and concluding into a winner, the question to ask is, “ Who gave better and trustworthy arguments and has truly justified their side? Is it the Government? Or the Opposition? ” To make this decision, a further examination of the debate through each speaker will be conducted in this paper. The first speaker of the debate, or more often called as the Prime Minister(PM), was Junna Obogne.

She gave the aforementioned motion, stated their stand, defined the terms Philippine Government and the Divorce Bill, and set the parameters of the debate in the Philippine context and disregard arguments that include religious views. The definition of terms were explained very well in detail as the speaker was able to refer to specific laws and the terms she used were clear. As for the parameters, it is in favor to them that the arguments incorporated with religious views were removed from the debate because the the Catholic Church has been against the Divorce Bill from the beginning. Thus, this is a point to them.

After the parameters, she quoted the head of Gabriela Party List talk about the history of divorce in the Philippines. This is a great source of information because the said party list has been advocating the Divorce Bill since it was filed in the country, approving her credibility. As the Prime Minister, she gave the first argument of the government side saying, The Divorce Bill is a commitment to Article 2 Section 12 of the 1987 Philippine Constitution, which states that the state recognizes the sanctity of family life, and shall protect and strengthen the family as basic autonomous social institution.

This simply means that the Philippine Government has the responsibility to ensure the safety of the families in the country. She supported this by stating that the number of couples who want to terminate their marriage has piled up in the Judicial Court, thus the need for the Divorce Bill. It is unfortunate, though, that she was not able to explain this claim further because her time was up. She made a mistake here for speaking beyond the time limit. Overall, she gave valid arguments, although not all were sound because of lack of explanation, and was able to fulfill her role as the PM.

The next speaker Neil Negrite, the Opposition Leader, stated the stand of the opposition, and added that the Philippine Government should only allow annulment as means to terminate marriage. He gave his rebuttal to the Prime Minister and said that having divorce before does not justify the need to have divorce today. This credits as a good rebuttal because the history of divorce in the country does qualify as a weak argument since it is non-sequitur, meaning it does not completely follow that since the country had divorce before, it should be implemented at the present time.

He gave another rebuttal, saying that a reason for divorce is already in annulment but he did not specify which reason or ground he is talking about, making his rebuttal useless. Accordingly, he gave the first arguments for the opposition side saying that divorce gives a fast yet impractical solution to end marital problems swiftly. He stated this without explaining why it was “ impractical”, and this makes his statement irrelevant.

After this, he gave another claim that divorce would give married couples a tendency to make hasty decisions to end marriage, and that these people would tend to remarry as much as they want. With this argument, he kept on repeating the words “ tend” and “ tendency” not noticing that by saying these words, his arguments become very weak because the words themselves are questionable. He continued by saying family problems should be solved through communication, but this is already far away from the topic at hand.

In order to support his claims, he referred to the research made by a doctor from an international university , which states that “...remarriages include persons who have already divorced...”. The speaker believes this just proves that people who have remarried can just decide to divorce multiple times as they are made confident by divorce. Although his source was credible, the statement from the source uses the word “ include” yet he generalized in his claim. He committed the fallacy of Non-Sequitur in this claim. It is completely illogical and this just makes his argument invalid.

Ending his speech, he stated that the opposition is both not pro-annulment and pro-divorce, but this is contradicting to their arguments since the

opposition is using annulment as a basis. All in all, his speech was problematic because of the fallacies he committed, and went beyond the time limit, just like the PM. Faith Decangchon, the Deputy Prime Minister, presented next and started by giving a rebuttal to LO's arguments and said, Annulment in the Philippines is not the most practical option for every Filipino couple wanting to go out of a field of marriage.

She defends this by saying that annulment does not provide as many grounds as the Divorce Bill, and did so by enumerating the grounds for both divorce and annulment. It was highlighted that the Divorce Bill includes a ground for physical violence, whereas annulment does not. Thus, with this support, she asserted their stand in the government side by emphasizing the increasing number of Filipinas violated and enslaved by their spouses in their marriage. They stand against this occurring violence, hence the need for the bill, which is a sound and valid argument.

Consequently, the opposition made a Point of Information(POI) during her speech, which consumed an unreasonable amount of time, but the DPM was able to answer by using statistics from the Philippine National Police Statistics, which is a very credible source. In addition to her arguments, she expounded on the practicality of the Divorce Bill by stating that divorce only requires Php 80, 000 to Php 100, 00 while annulment costs more than Php 200, 000. As the debate is within the Philippines, and the majority are from the middle class and below, it is reasonable to say that divorce is really more practical.

Not only are her arguments sound and valid, but the sources are also very credible and nothing would beat that combination. Her whole speech was successful in defending their stand, not to mention she was very confident with her speech as she spoke with admirable conviction and definitely knows what she is talking about. Oppose to what the DPM said, Prio Opelanio, the Deputy Leader of Opposition(DLO) gave a rebuttal that annulment also caters to physical violence, as opposed to what the DPM said.

The DLO defended the reliability of his statement by saying that this is an indirect statement from the Judicial Court of the Philippines because in one of the grounds of annulment, which is psychological incapacity, the Court formulated that this vague term includes physical, emotional, and financial violence. Although his source may sound very convincing, by saying that it was just formulated means that it is not directly stated in the law. It is hard to tell which side was telling the truth, but with further investigation, the DPM was the one who said the complete truth.

Now for his points, he said that divorce is not the answer to the ongoing violence against women and children, but rather it can even increase the violence simply because individuals aren't given the right and chance to change. He supported this by stating that people who get divorce because of violence could do this violence to others as well. Again, using “ can” and “ could” is erroneous because the word themselves are questionable, making his arguments weak.

Besides this, the claim he made is fallacious because it is a fallacy Hasty Generalization to conclude that violence would happen again and it would

even increase just by having some instances of the said situation. As a second point, the speaker said, Divorce can have an effect to the welfare of the children. To support this, he quoted a doctor from the US, a credible source for the issue, who said that most children from divorced families suffer from depression, social isolation, and the like compared to those who belong to a normal family.

Yet again, the usage of the word “ can” makes his claim erroneous, but the source is strong because of the use of “ most”, meaning statistics can support it. The flaw for this argument is that as arguments is the same as divorce in terms of having a separation between the spouses, the same environment is experienced by the children. For his last statement, Annulment already caters to some or most grounds of the divorce bill, he made a very crucial contradiction.

By saying that annulment only caters to some or even to most of the grounds of divorce, it would mean that divorce covers more grounds, thus it would mean that divorce is better, which very much contradicts their stand of not supporting the passing of the Divorce Bill. All in all, his arguments were not that strong to support their side in the opposition, and he even went beyond the speech time limit. The third speaker of the government side, Migs Calampiano, was the first one who didn’t give direct rebuttals because he said that his rebuttals would be mentioned in his speech.

His first argument was that the Divorce Bill wouldn’t be abused since lawyers would verify to cost of filing for the divorce. As this contributes as a new argument for the government side, this also rebuts the argument of the

opposition that people have the tendency to abuse divorce. Furthermore, this is a valid and sound argument given that all lawyers would do their jobs honestly and responsibly because otherwise it will be another debate. For his second argument, he said, Divorce Bill does not destroy marriage, but rather it respects marriage.

He quoted again from the head of the Gabriela party list that it is letting someone stay in a marriage while he/she gets hurt that is the one that goes against the sanctity of marriage, and this is yet another valid and logical argument based on the society's formed conscience and its concept of what is right from wrong. To conclude his speech he said, Divorce is not the perfect solution but it is an option for the Filipinos. With this statement, he is accepting the fact the divorce may have some flaws since nothing is perfect, but this is an option that Filipinos can choose and that is what they're defending.

It would have been better though if he said that it is the better option because, as the opposition would argue, the option for annulment is also there. But to sum up, his arguments were all good and valid that both defend their stand while simultaneously serving as rebuttals for the opposition. He should be commended for the consistency of his statements because he said that at the beginning of his speech that he will be giving his rebuttals through his speech, and he did. Pio Valdez, the third speaker of the opposition, gave his rebuttals by reiterating what his colleagues' arguments.

He said that divorce is an impractical way of getting out of marriage because it is the easy way out, but he was not able to explain why this is so whereas

the government has already proven the claim that divorce is the practical way of terminating marriage. After this, he introduced a counter-proposal and said, it is a preventive one rather than a curative one, meaning that it aims to prevent the grounds for the dissolution of marriage to occur so as there will be no need for a Divorce Bill anymore. His first proposal includes an implementation of marriage counseling to DSWD in order to assess marital problems.

Furthermore, couples getting divorce because of illegalities, such as drugs, physical violence, and the like, do not have the problem in the marriage but it is the spouse who's at fault. This would mean that for whatever illegality that the spouse at fault does, he will be punished accordingly by the laws of the country. This is the proposal's answer to having illegalities as grounds for divorce. Moreover, the proposal includes tax and financial manipulations before the marriage to avoid exploitation during marriage. This is the preventive measure that caters to the financial illegalities that might occur in a dysfunctional marriage.

The only flaw here is that it is also arguable that having these financial manipulations before marriage might cause problems ahead of the marriage, causing some trust issues between couples. Nonetheless, it is a very realistic proposal that can solve flaws with having the Divorce Bill, raising the arguments of the opposition side. On the whole, he gave a brilliant counter-proposal in favor of the opposition side, fulfilling his role to elevate the whole debate. The Reply Speaker of the Government, Faith Decangchon, gave her first rebuttal that divorce does not provide a fast solution.

She supported this by using the grounds in divorce that states the need for at least five years of separation between a couple is needed before they could file a divorce. What she did not realize here is that what she was saying is just one or two of the grounds for divorce, but filing divorce only requires one of the grounds meaning it does not necessarily need that period of time. This was pointed out by the opposition as a POI, although it took a very long and unreasonable amount of time for a POI. Despite this long POI, the point was made and the Reply Speaker wasn't able to answer this accordingly.

What she could have said though is that divorce is not a fast solution because it is a long process in the Judicial Court and it follows a number of steps before it can be filed and be processed. Continuing her speech, she gave another rebuttal about divorce being a cause for the behavioral problems in children. As it was said, annulment has the same case of separation between the spouses which gives the same environment to the children that might cause the said detrimental effects. She made another error, though, by saying that annulment only caters to the actions before marriage.

This claim in itself is wrong because, as it was mentioned by the opposition and even the grounds given by she herself during her DPM speech, psychological incapacity is within the grounds and it covers the period of marriage. She makes up for this mistake by giving the final argument-rebuttal of the government side which states that children are better off with a non-violent environment achieved after divorce than stay in the family with

occurring violence. Yes, she had some flaws, but she gave good arguments that defends their stand in the government side.

Prio, the Reply Speaker of the opposition and also the last speaker of the whole debate, gave reiterations as rebuttals saying again that physical violence is in annulment, thus the government side can not use this argument. As it was repeated twice already in this paper, this argument is considered to be invalid. Subsequently, Prio also mentioned that divorce is not there to strengthen the family and also indirectly said through his last question for the audience that divorce is a corrosion that weaken the foundation of family.

He did not realize that this argument was already prevented by the Reply Speaker of the Government with her last argument that children are better off with a non-violent environment achieved after divorce than stay in the family with occurring violence. The government's reply speaker said this because they believe that because divorce prevents the exposure of children and women to violence, thus it respects the true foundation of family which does not include an environment of violence and aggression.

Also, it was said by the Member of Government that divorce respects marriage and not destroy it because it helps the people who get hurt in marriage get out of it and recognize the violation in the vows made in marriage. Overall, he was able to speak better this time around but his final arguments were already out of the debate before giving them. Before going to the final adjudication of this debate, here are some problems that would be observed by the audience about the debate. First is that as they we both

talking about divorce and annulment, the difference between the two was not explained, except for their grounds, that will definitely benefit of the debate. Even though it was the job of the PM to do the definition of terms, it is also the job of the opposition to raise corrections and clarifications if there is anything that lacks in the debate. So in this case, both teams were at fault for this. Another is that there was not much arguments raised and most were only repeated throughout the debate. There were also lost of over time speakers and POI's that corrupts the time balance of the debate.

Nonetheless, it was a good and insightful debate that really challenged the skills of the debaters and also the topic itself. In summary of what happened in the whole debate, the government side was able to give two remaining arguments, meaning the argument still stays valid and not eliminated through rebuttals, namely divorce is a more practical way of terminating marriage, divorce respects the foundation of family as it caters to the grounds of physical violence and it promotes a better environment for children if violence is happening.

For the opposition side, their remaining argument is the brilliant counter-proposal made by their third speaker. There were all in all four rounds in the debate, with three wins from the government side and one from the opposition. The first win is from the Prime Minister, who won because she was able to fulfill her duties as the PM and also because of the fallacies committed by the LO. The second win is from the Deputy Prime Minister for she was able to give sound and valid arguments with great conviction as opposed to the DLO.

The third round was the most difficult to assess because both speakers were able to provide arguments that contributed a lot in the debate, but the brilliance of the counter-proposal made by the Opposition makes him one step ahead in the round. For the last round, it is the Reply Speaker from the Government who won because she gave the remaining arguments of their side whereas the Opposition gave invalid arguments. As for POI's and penalties, the government gave one POI which was answered with also one over time speaker.

The opposition, on the other hand, gave 2 on and over time POI's with one answered and unanswered, and two overtime speakers. For the award of best speaker in this debate, it belongs to none other than Faith Decangchon of the government side for showing great confidence, without getting affected by the POI's raised, and having conviction for her arguments in her speech. Now, for the final verdict. As it can be noticed from the whole paper and the summary of the debate, the opposition side made more penalties and deductions for having fallacies and contradictions.

They had more over time for both speakers and POI's. Furthermore, from the assessments made for each of the four rounds, it is clear that the government side is leading the debate with three wins to one. Therefore, as final judgement, for having the most valid and sound arguments, committing the least fallacies and illogical reasonings, and for being able to defend their stand until the end of the debate, the government side of this debate with the motion, " This house believes that the Philippine Government should pass the Divorce Bill," wins.