

■ PROGRAM ON SOCIAL AND POLITICAL CHANGE

The Divorce Debate in the Philippines

Actors, Stakeholders, Issues, Challenges,
and Capacities



Dennis V. Blanco, DPA

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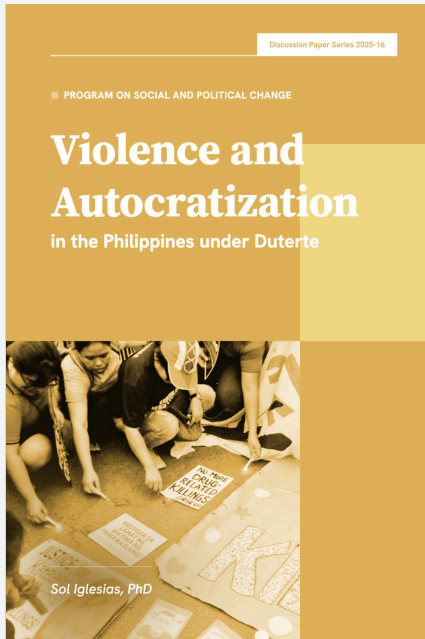
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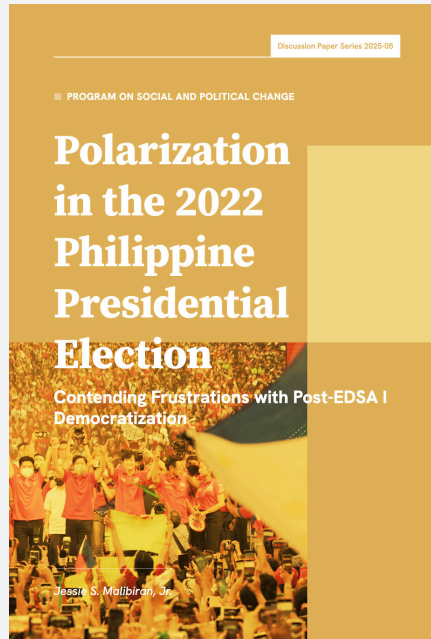
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THE DIVORCE DEBATE IN THE PHILIPPINES

*Actors, Stakeholders, Issues,
Challenges, and Capacities*

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HIGHLIGHTS

- The divorce debate can be effectively resolved through a plebiscite or referendum, ensuring democratic legitimacy.
 - Current divorce bills incorporate transnational policy learnings, such as irreconcilable differences, cooling-off periods, and joint parenthood plans.
 - Policy capacities like participative procedures, collaborative divorce, and Spousal Support Advisory Guidelines can be applied beyond divorce to annulment, legal separation, and nullity of marriage.
 - Divorce as a social and public policy requires continuous examination through mixed methods and ontological approaches to foster constructive dialogue.
-

INTRODUCTION

The Philippines is the only country outside Vatican City where divorce is not yet legalized. The influence of religion on family and marriage policies remains significant with Roman Catholics accounting for nearly 79 percent of the population (PSA 2020). Divorce, defined as the legal dissolution of marriage through a court decree, allows former partners to remarry upon approval (Cruz 2024).

The current debate on divorce has been reignited by legislative efforts such as House Bill 9349, known as the Absolute Divorce Act, authored by Representative Edcel Lagman, and Senate Bill 147 known as the Dissolution of Marriage Act, sponsored by Senator Risa Hontiveros. These echo the contentious passage of the Reproductive Health Law, pitting the Catholic Church against women's rights and civil society groups.

House Bill 9349, approved by the House of Representatives with 131 affirmative votes, seeks to provide absolute divorce as a remedy for irreparably broken marriages, aiming to protect children from emotional strain and allow

remarriage. It outlines comprehensive guidelines for petitions, including grounds, procedures, and effects on custody, property division, and support, with provisions for reconciliation and community-based initiatives supervised by the Department of Social Welfare and Development (Lagman et al. 2023). Senate Bill 147, currently under review, emphasizes women's rights, framing divorce as a means to end physical, sexual, and emotional abuse. Both bills align with the Family Code's grounds for legal separation, including abuse, infidelity, abandonment, and other specified conditions (Official Gazette n.d.).

Despite the lack of divorce laws, the number of separated and divorced Filipinos has risen, supported by administrative data on nullity and annulment cases (Abalos 2017). Critics argue that annulment is slow, costly, and inaccessible to the poor. The Catholic Church, however, maintains that annulment and legal separation are sufficient remedies, asserting that divorce would weaken marital commitment and perpetuate cycles of violence.

This paper will: (1) review divorce practices in other countries, focusing on policy capacities and recommendations; (2) analyze coalition actors and their arguments using an idea-based coalition approach; (3) synthesize policy imitation, opportunities, and capacities as a basis for interventions; and (4) conclude with implications for future research in social and public policy.

METHODOLOGY

In analyzing the divorce debate, this article employs critical policy analysis, utilizing the idea-based coalition approach and argumentative discourse analysis as theoretical frameworks. Memmler (2003) provides a foundational model through their study of the German forest policy subsystem, highlighting discursive struggles over proposed amendments to the Federal Forest Law. Memmler delineates actor coalitions, their competing ideas and interests, and the persuasive strategies employed by each group. This approach will guide the interpretative analysis of the contestations between pro-divorce and anti-divorce coalitions in the Philippines.

The paper adopts the integrative review methodology by Whittenmore and Knafl (2005), synthesizing literature from the 1980s, 1990s, and more recent works on the divorce debate. It assumes consistency in the positions

of proponents and opponents of divorce across empirical and cultural perspectives. The review focuses on policy-based approaches, employing discourse analysis to assign meanings and interpretations to the perspectives, issues, challenges, and opportunities presented in the literature. A qualitative, integrative review approach is used to synthesize knowledge and inform future policy-capacity literature on divorce.

Literature for the review was sourced through electronic database and journal searches, covering the period from January 1980 to October 2024. Articles were selected based on keywords such as “divorce,” “divorce debate,” “divorce law,” “divorce effects,” and “divorce in selected countries” (e.g., divorce in Japan), limited to English-language publications.

DIVORCE: A POLICY-CAPACITY REVIEW

This section examines divorce from policy-capacity, policy-opportunities, and policy-reform perspectives, drawing on independent sources, scholarly references, and relevant studies (see Table 1). It aims to extract policy lessons and insights from other countries that the Philippines could apply in addressing marital disputes and separation through divorce. These lessons are supported by qualitative and quantitative examples from the cited sources, offering guidance on regulating and mitigating the consequences of divorce.

TABLE 1. DIVORCE POLICY-CAPACITIES IN SELECTED COUNTRIES		
COUNTRY	AUTHOR/SCHOLAR	POLICY CAPACITIES/ RECOMMENDATIONS/ SUGGESTIONS
Singapore	Hsiao-Lin Sun (2014)	Improve divorce policies in terms of court proceedings, coping strategies, and shared parenting; provide support to grandparents assuming childcare support.
Malaysia	Subramaniam, Sumari, and Khalid (2020)	Psychoeducational approach and creative approach through the use of social media and technology.
Japan	Otaki, Igarashi, and Katsumata (2024)	Mutual consent divorce through the legal mediation, judicial remedy and professional intervention.
	McCauley (2011)	Creation of a detailed parenting plan.
Taiwan	En-Ling (2004)	Provide mediation services and parent education classes for divorcing and divorced parents.
	Yang (2008)	Utilizing life-story research as epistemological and methodological approach.
China	He (2011)	Improve laws and programs on gender equality and preventing domestic violence on women.
	Chyi (2011)	Conduct of informational meetings/sessions, mediation before the filing of a civil proceeding.

COUNTRY	AUTHOR/SCHOLAR	POLICY CAPACITIES/ RECOMMENDATIONS/ SUGGESTIONS
South Korea	Shim, Choi and Ocker (2013)	Introduction of cooling-off period; promulgation of the child-support order.
United States	Wang, Cunningham and Liang (2023)	Crude divorce rates measure the number of divorces per 1,000 people while Refined divorce rates measure the number of divorces per 1,000 married women. The authors argue to make refined divorce rate rather than crude divorce rate as the accurate measure for divorce. The authors note a 15.3 percent decline in divorce rates from 1980 to 2019, though refined divorce rates remain high. They emphasize that refined divorce rates provide a more accurate measure than crude rates, despite data limitations
	Harges (2023)	The Enactment of Uniform Collaborative Law Act promotes cooperative negotiation and voluntary information exchange. This is a significant feature of U.S. divorce law and serves as a model for other countries .
Canada	Lux and Gill (2021)	Amendment of the Divorce law that criminalizes coercive control.
	Balbi (2017)	Implementation of the Spousal Support Advisory Guidelines (SSAGs).
Brazil	Picon (2012)	Promulgation of more government policies for family care and public healthcare system; enabling laws for family therapists for wider access and reach; upskilling therapists' research-based treatments.
Argentina	Valobra and Giordano (2013)	A neutral view and gender free view on divorce.
France	Harges (2023)	Enactment of participative procedure and collaborative divorce law.
Germany	Kaesling (2019)	Provide irretrievable breakdown of marriage as the only ground for divorce.
Spain	Yárnnoz-Yaben (2015)	Incorporation of forgiveness interventions and practical conflict resolution programs.

COUNTRY	AUTHOR/SCHOLAR	POLICY CAPACITIES/ RECOMMENDATIONS/ SUGGESTIONS
Ireland	Crowley (2011)	Enactment of divorce law which has clear objectives, purpose-driven and goal-focused.
Saudi Arabia	Al-shahrani and Hammad (2023)	Marriage orientation and education, designing coping strategies, regular assessment of the mental health and marital quality.
Oman	Mansour, Saleh, and Al Awadhi (2020)	Establishment of government agencies and volunteer organizations especially in rural areas and villages, and offering of national programs about the marriage and family relations.
Iran	Daneshfar and Keramat (2023)	Suggests effective counselling and treatment programs.
	Doherty, Kalantar, and Tarsafi (2021)	More qualitative study on the couple's ambivalence on divorce, perceived costs, expected social support, and gender equality.
Australia	Moloney (2019)	Design approaches that is systemic rather than linear in the way they are defined; strategically empathetic rather than adversarial; and focused on the special nature and uniqueness of each family and of relationships within each family rather than on normative solutions linked to past legal precedents.
Nigeria	Okolie, Onyema, Basey (2020)	Strong support systems, intensification of government and non-governmental organizations of access to pre- and post-marital counselling, offering of family and marriage counselling as a course, and legislative review of Matrimonial Causes Act.
Ethiopia	Dagneu et al. (2020)	Improving girls' access to education, preventing child marriages, abortion and partner violence against women would lead to the decline of divorce rates while living in urban areas and being childless were cited as two factors that could increase the prevalence of divorce in Ethiopia.

This review reveals three key insights: (1) divorce universally impacts emotional, mental, psychological, and economic well-being; (2) policies and interventions are designed to mitigate these effects; and (3) cross-country policy lessons can inform divorce, annulment, and legal separation practices.

DISCUSSION

The Divorce Debate in the Philippines: The Revivalist and the Abolitionists

This section identifies the actors, stakeholders and agents involved in the divorce debate in the Philippines and offers an analysis and interpretation on the arguments for and against divorce. This covers the revivalists, the coalition which seeks to revive and reimpose divorce and the abolitionists, which seek to maintain the abrogation of divorce law focusing on the key areas provided by the current divorce bills filed in the House of Representatives and the Senate. Through an idea-based coalition approach and argumentative discourse analysis, this paper analyzes the arguments and justification each coalition offers and synthesizes which of these two groups have based their arguments more effectively on relevant divorce research. This is what Amato (2004) called as “rapprochement” which implies, having a more objective, open and unbiased views and perspectives on divorce based on its perceived advantages and disadvantages as argued by both pro and anti-divorce coalitions.

The Pro-Divorce Coalition

The pro-divorce coalition, led by women’s rights advocates, includes abused women, spouses abandoned by Filipino partners who remarried abroad, and individuals with irreconcilable differences. Key supporters include House Representative Edcel Lagman Jr., Senator Risa Hontiveros, Gabriela, and the Divorce Pilipinas Coalition. They argue for the reinstatement of absolute divorce in the Philippines on four specific grounds.

Firstly, the coalition asserts that while marriage is sacred, the state cannot ignore the plight of those in toxic, abusive, or unhappy marriages. Divorce, they argue, respects the institution of marriage by allowing couples to rediscover love and commitment in new relationships. It also provides legal alternatives to discourage cohabitation and amorous relations outside

marriage, as explained by Kuang, Perelli-Harris, and Padmadas (2019), for instance.

Although there are other legal options such as annulment of marriage, legal separation, and nullity of marriage, including absolute divorce as another option could allow the state to ease the challenge and obstacles for searching and finding happy marriage by giving couple more freedoms on their marriage choices. Pamfilo (2007) opines that a marriage's legal status should not be the sole determinant in gauging their “genuineness,” arguing that if marriage is the “only remaining tie that binds, a remedy should be available for family members to start anew”.

Secondly, the proponents of absolute divorce assert that the legalization of absolute divorce is a historical and universal right and freedom. Albay Representative Edcel Lagman—the author of House Bill 9349—states that, as the only country in the world besides the Vatican where divorce is illegal, the legalization of divorce in other countries is a “clear and resounding victory and signals the imminent liberation for Filipino wives who are entombed in toxic, abusive, and long-dead marriages” (Cervantes 2024). Furthermore, House Bill 9349 also provides that,

To this end, the State shall adopt a divorce policy in keeping with the fundamental freedoms guaranteed under the Constitution, the rights guaranteed under Republic Act No. 9710, otherwise known as “The Magna Carta of Women”, the provisions of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, and other international human rights instruments of which the Philippines is a party.

Divorce in the Philippines is not a new concept, as it was widely practiced among indigenous communities long before Spanish colonization. Groups such as the Kalinga, Ifugao, Manobo, T’boli, Tiruray, Higaonon, Bagobo, and Muslims historically recognized divorce as part of their cultural practices (Gloria 2007). Additionally, absolute divorce was once institutionalized in the Philippines through Act No. 2710 or the Divorce Law of 1917, though it was later abrogated during the Japanese occupation in 1943. The Civil Code of 1950

(Republic Act No. 386) abolished divorce entirely, leaving legal separation as the sole remedy for broken marriages.

Pro-divorce advocates argue that the universality of divorce laws is evident, as the Philippines remains the only other country, aside from Vatican City, where divorce is illegal. Notably, even predominantly Catholic nations in Europe, such as Italy, Ireland, and Spain, as well as Latin American countries like Brazil, Argentina, and Venezuela, have already institutionalized divorce. The influence of the Catholic Church in the Philippines has been a significant barrier to legalizing divorce, making it difficult for individuals to escape abusive or unhappy marriages (Strangio 2024).

Given the Philippines' status as a predominantly Catholic yet secular state, the decision to legalize divorce should ultimately rest with the people through mechanisms like plebiscites or referendums. Pamfilo (2007) asserts that absolute divorce should finally be allowed in the Philippines:

When the law refers to marriage as "an inviolable social institution," it should be construed as referring to marriages that actually serve as strong pillars of the family. It is futile to preserve unions when it is apparent that spouses can no longer perform the basic marital obligations to love, respect and the observance of fidelity. As upheld in *Antonio v. Reyes*, the State also has to be on guard for marriages that do not promote a healthy family life. Family members are only placed at a greater peril if they remain exposed to violence or constant conflict. These families deserve protection as well, not by constraining that they remain together, but rather, by providing them a remedy that will allow them to live free from marital discord.

Thirdly, the institutionalization and legalization of divorce falls within the vested power and authority of the Philippine Congress, comprising the House of Representatives and the Senate. Congress is not precluded from enacting laws that promote the common good and general welfare, particularly for the poor who cannot afford the costly and time-consuming processes of annulment, legal separation, or nullity of marriage. The legislative body is free to legislate divorce based on the consensus and intentions of lawmakers and the framers of the 1987 Constitution.

House Bill 9349 and its Senate counterpart, Senate Bill 147, provide the current legal framework for divorce in the Philippines. Senator Hontiveros, a staunch advocate of the absolute divorce bill, emphasized in her Senate privilege speech that the legislation aims to address the plight of individuals trapped in abusive and irreparable marriages, offering them a legal pathway to rebuild their lives. She argued that the bill aligns with the state's duty to protect the welfare of its citizens, "particularly women and children, who are often the most vulnerable in dysfunctional marriages" (Bordey 2024).

Both bills introduce a six-month cooling-off period before the public prosecutor appears in court, allowing couples time to reconsider their decision to file for divorce. This period also enables the judge to attempt reconciliation without ruling on child custody. The bills simplify the process by relaxing the requirement to prove psychological incapacity, reducing costs and delays, and automatically recognizing grounds for legal separation as valid grounds for absolute divorce.

The legislation aims to address inequality in access to legal remedies, as the poor often cannot afford the high costs of annulment or legal separation, while wealthier individuals can. Escareal-Go (2014) notes that among the highly educated, it is often wives who initiate and fund these processes. The bills also recognize valid foreign divorces, requiring only authentication and registration rather than additional judicial processes.

Psychological incapacity, a notoriously difficult ground to prove, no longer requires examination by psychologists or psychiatrists, further expediting proceedings. The inclusion of "irreconcilable differences" as a ground for divorce aims to streamline the process, though defining this term precisely is crucial to prevent abuse.

The pro-divorce coalition counters claims that divorce universally harms women and children by citing research showing positive outcomes. Studies by Wallerstein, J.S., and Kelly, J.B. (1980), Wallerstein, J.S., and Blakeslee, S. (1989), and Wallerstein, J.S., Lewis, J.M., and Blakeslee, S. (2000) highlight that many children of divorce grow into compassionate and competent adults, form stable relationships, and benefit from escaping dysfunctional family environments. They argue that divorce can provide a pathway to a better life for both children and adults.

The Anti-Divorce Coalition

Opposing the legalization of divorce in the Philippines are the Roman Catholic Church, faith-based organizations, and advocacy groups such as the Super Coalition Against Divorce (SCAD), which includes Sangguniang Laiko ng Pilipinas, Couples for Christ, Alliance for the Family Foundation Philippines Inc., Live Christ, Share Christ, and Novaliches Ecumenical Fellowship, among others. This coalition aims to unify and strategize collective opposition to the divorce bill, discussing its potential societal, moral, and ethical impacts while formulating a unified plan to counter the measure.

The anti-divorce coalition argues that legalizing divorce is unconstitutional, as it contradicts Article 2, Section XII of the Constitution, which emphasizes the sanctity of family life and the state's duty to protect and strengthen the family as a fundamental social institution (Official Gazette n.d.). They contend that divorce would weaken the institution of marriage, leading to broken families and detrimental effects on children and women. The coalition asserts that divorce undermines the inviolability of marriage, with profound implications for national unity, order, and harmony, as it could foster fragmented and divisive family structures.

Bishop Pablo Virgilio David, in the Catholic Bishops Conference of the Philippines Pastoral Letter (2024) titled “A Nation Founded on Family, A Family Founded on Marriage,” stresses the inviolability of marriage and family as a social institution which deserves utmost state protection. Bishop David argues that “No matter if our families are not perfect, perhaps we should be proud of the strong witnessing value of having a provision in our Philippine Constitution.”

Although the Philippines upholds the separation of church and state, constitutional provisions carry moral implications regarding the natural and primary right of parents to develop the moral character of their children. The anti-divorce coalition argues that divorce, considered immoral, weakens the moral and social fabric of the nation by encouraging parents to abandon marriages too easily, potentially leading to multiple marriages at the expense of their children. Divorce, they contend, allows parents to relinquish their natural duties, lose moral authority, and fail to serve as role models, depriving children of the guidance needed for moral development.

The coalition also highlights existing interventions, programs, and legal avenues for marital separation, such as nullity of marriage, legal separation, and annulment. While these processes are criticized for being costly and complex, the state could address these issues by enacting laws to simplify and reduce costs, making them accessible to the poor. They point out that even the church has streamlined its canonical nullity processes, suggesting that the state can similarly reform its legal frameworks without resorting to divorce, which they argue undermines faith and fidelity.

Additionally, the coalition warns that re-imposing divorce could worsen conditions for women, children, and youth, citing rising suicide rates among young people due to family, school, and social media issues. With many parents working abroad as Overseas Foreign Workers (OFWs) and limited guidance counselors in the country, they question who will care for children left behind if divorce further fragments families. They stress that divorce involves complex challenges, including child custody, property disputes, and legal battles, ultimately leaving parents and children as the biggest losers. Consequently, the CBCP Pastoral Statement (2024) argues against the Philippines joining other countries legalizing divorce, stating that “before we join the bandwagon” people must ask “if the legalization of divorce all over the world has indeed helped in protecting the common good and the welfare of the family.”

Wallerstein and Blakeslee (1989) highlight uniformly negative effects of divorce on children, including feelings of intense rejection, the wrenching emotional toll, the creation of fragile family structures, reduced nurturance and parenting, and elevated risks of various problems. Mattoo and Ashai (2012) concur, noting that children of divorced couples often experience emotional, psychological, and educational challenges, including anger, fear, depression, and guilt, while some teens take on additional responsibilities and doubt their ability to sustain future marriages. Mokhtari et al. (2013) emphasize the impact on women, who may face job loss, homelessness, depression, and alcohol abuse after divorce, underscoring the need for societal support to help them rebuild their lives.

The anti-divorce coalition argues that removing psychologists and psychiatrists from determining psychological incapacity creates a policy vacuum, as these experts are crucial in validating the grounds for divorce. Okolie et. al. (2020)

note that divorce often leads to psychological distress, anxiety, physical health issues, and overall life dissatisfaction, reinforcing the coalition's concerns. Skipping the psychological evaluation process, they contend, undermines the justification for divorce and leaves other potential issues unchecked.

The coalition also criticizes the inclusion of “irreconcilable differences” as a ground for divorce, arguing that its vagueness could lead to abuse, with couples exploiting flimsy excuses to exit marriages. This could set dangerous precedents, reducing marriage to a transient or opportunistic arrangement, potentially enabling scams, mail-order brides, and even human trafficking.

The coalition further questions the six-month cooling-off period, arguing it prolongs mental agony for couples grappling with child custody, property division, and litigation costs. Sarmadi and Khodabakshi (2023) classify the extensive consequences of divorce into individual, family, and socio-cultural dimensions, highlighting its wide-ranging harms. The coalition also notes that the Public Attorney's Office (PAO) can only intervene after six months, leaving the process vulnerable to collusion and favoring wealthier couples who can afford legal resources. They argue that the bill lacks mechanisms to ensure equitable access to divorce, perpetuating inequalities between the rich and the poor. Moreover, the cooling-off period may not necessarily and significantly streamline the divorce procedures and would still lead to contested divorce litigation as a means of escaping the compulsory cool-off procedures as experienced by countries such as South Korea. The increase of “contested divorces” in South Korea may indicate that people seek it “in an attempt to not have to deal with, in their opinions, seemingly unnecessary procedures (i.e., cooling-off period)” where the “effectiveness of the cooling-off period remains to be seen.” (Shim, Choi, and Ocker 2013).

CONCLUSION

The divorce debate in the Philippines reflects a complex discursive struggle between pro-divorce and anti-divorce coalitions, particularly between the church and the state. This divergence of views extends into social and political contexts, involving civil society organizations, non-government organizations, and other groups, leading to deep divisions and polarization over the affirmation or rejection of divorce laws. Caught in this tug-of-war are the people, grappling with conflicting truths presented by both sides.

The pro-divorce coalition argues that the institutionalization of divorce is long overdue. They cite the need to protect abandoned, neglected, and battered wives and their children, the historical and universal right to divorce (with the Philippines being one of the two countries where it remains illegal), Congress's mandate to legislate social protection policies, and the lack of evidence supporting claims that divorce universally harms women and children.

On the opposing side, the anti-divorce coalition, contends that divorce is unconstitutional, increases broken families, harms children and women, creates a policy vacuum by removing psychologists and psychiatrists from determining psychological incapacity, and risks abuse through vague grounds like “irreconcilable differences.” They also argue that the six-month cooling-off period may disadvantage the poor and lead to custody battles.

This paper analyzed and interpreted both sides of the debate, aiming for a rational, objective, and balanced understanding of divorce. While acknowledging its potential negative consequences, the paper broadens the discussion beyond religious and moral perspectives to include policy-capacity approaches, measures, and interventions to mitigate divorce's impacts on women, children, men, and society. Drawing from integrative literature, it explores the root causes of divorce, its social, economic, and political implications, and the policies needed to address its effects.

By incorporating this literature, the paper clarified the narratives of both coalitions and encourage researchers to explore divorce's effects not only as a negative phenomenon but also as a potential contributor to the resilience, maturity, and cognitive development of families and individuals (Amato 2004). This balanced approach seeks to foster a more nuanced understanding of divorce and its role in society.

WAYS FORWARD/POLICY-RECOMMENDATIONS

The divorce debate in the Philippines, marked by a discursive gridlock between pro-divorce and anti-divorce coalitions, reflects a philosophical stalemate. The state's political discourse and the church's moral discourse have created a divide that risks polarizing society. While the state holds a significant advantage in legalizing absolute divorce, as demonstrated by its success in enacting the Reproductive Health Law despite church opposition, it

may need to adopt a more inclusive and consultative approach this time. This would involve broader political participation, deliberative engagement, and stakeholder involvement to determine the true will of the majority regarding divorce.

1. Proposal for a Referendum or Plebiscite

- The state could consider submitting the issue to the people through a referendum or plebiscite to genuinely pursue the legalization of divorce.
 - This electoral process would allow the public to express their choices, beliefs, and feelings on the matter, providing a legitimate consensus.
 - Unlike independent surveys or media data, a referendum or plebiscite would offer a clear and democratic resolution, either institutionalizing or deinstitutionalizing divorce and either constitutionalizing or deconstitutionalizing its political and public components.
 - This approach ensures that the decision reflects the genuine will of the people, moving beyond the current stalemate.
 - Example: In Ireland, despite strong opposition from the Roman Catholic Church, voters approved the legalization of divorce in 1996 after a narrow majority vote. This followed years of legislative reforms on separation, property division, and child custody that resembled divorce while it remained illegal (Hendon and Kennedy 1996).

2. Policy Diffusion Through Democracy

- The legalization of divorce is a matter of national and domestic policy-making, determined solely by local actors rather than regional or international entities.

- Linos (2013) introduces the concept of policy diffusion through democracy, shifting the focus from diffusion through technocracy to diffusion through democracy.
 - This approach emphasizes the role of democratic processes, popular sovereignty, political legitimacy, and rational justification in the spread and adoption of policies.
 - It highlights the need for inclusive, participatory, and democratic mechanisms to address contentious issues like divorce, ensuring that policy decisions reflect the will and values of the people.
 - Linos argues that international norms and democracy are mutually reinforcing, with policies spreading across countries not only due to technocrats but also through the support of ordinary voters. Democratic processes provide critical domestic legitimacy for these policies.

3. Policy Diffusion Mechanisms

- Sharman (2008) identifies power-based mechanisms of policy diffusion, while Linos (2013) proposes a shift to democratic, deliberative, participatory, and consensual mechanisms.
- Gilardi (2010) defines policy diffusion through learning as the process of considering others' experiences to inform the likely consequences of policy choices.
- Shipan and Volden (2008) highlight that policy innovation can stem from external pressures, with innovations spreading from one government to another.
- Obinger, Schmitt, and Starke (2013) identify four causal mechanisms of policy diffusion in comparative welfare state research:
 - Transnational learning processes: Influences the quality of information political actors have about policy instruments and their efficacy.

- Emulation: Refers to the ambition of political actors to conform to international trends and norms.
- Competition: Based on the strategic interactions of governments.
- Coercion: Based on the capacity of supranational organizations to influence policy decisions and national regulations.

4. Policy Capacities and Lessons from other Countries

- The institutionalization of divorce laws has profound negative consequences for the social, economic, psychological, and mental well-being of women, men, children, and society, regardless of geography, culture, ethnicity, or religion.
- The Philippines can adopt policy capacities from other countries to regulate and manage marital disputes and obligations related to divorce and other forms of separation.
 - Examples of policy learnings:
 - Irretrievable breakdown of marriage as the sole ground for divorce (Germany).
 - Cooling-off period (South Korea).
 - Detailed parenting plan framework (Japan).
 - Additional policy capacities:
 - Participative procedures (France).
 - Collaborative divorce (US).
 - Spousal Support Advisory Guidelines (SSAGs) (Canada).
 - Support for grandparents assuming childcare (Singapore).

- These policy capacities are not limited to divorce but can also apply to annulment, legal separation, and nullity of marriage cases.

5. Irreconcilable Differences as a Ground for Divorce

- The proposed inclusion of irreconcilable differences must go beyond mere separation and encompass specific, justifiable circumstances to prevent misuse.
 - As a generic and catch-all term, it risks misinterpretation and could be exploited by couples seeking divorce for shallow or self-serving reasons, such as convenience or economic security.
 - To ensure fairness and rationality, the definition of irreconcilable differences should be grounded in good faith, reasonableness, and solid justifications rather than flimsy excuses.

6. Cooling-Off Period

- The cooling-off period mandates a waiting period between filing for divorce and issuing a decree to reduce impulsive divorces and encourage reconciliation.
- However, Shim, Choi, and Bailey (2013) caution that this approach is not a universal solution.
- In South Korea, the cooling-off period has led to an increase in contested divorces as couples seek to bypass what they perceive as an unnecessary and tedious process which highlights the need for careful formulation and implementation of such provisions to avoid unintended consequences.

7. Parenting Detailed Plan

- The detailed parenting plan or joint plan for parenthood is a crucial policy capacity that can prevent post-divorce conflicts by establishing clear agreements on child visitation and support.

- McCauley (2011) highlights that such plans enable courts to assess divorce terms fairly and impartially, ensuring that parental obligations and responsibilities are well-defined.
- This framework helps couples plan their mutual relationships and shared responsibilities post-divorce, fostering consensual and stakeholder-driven parenting.
- It provides a structured approach to divorce, benefiting both parties and minimizing misunderstandings.

8. Participative Procedures and Collaborative Divorce

- The French model of amicable divorce settlement allows couples to design their own dispute resolution process with the help of lawyers, avoiding third-party intervention.
 - This method is less time-consuming, less stressful, and less expensive, reducing court congestion and enabling couples to craft mutually agreeable terms without public scrutiny (Harges 2023).
- Collaborative divorce involves an interdisciplinary team of professionals, including mental health experts, child specialists, and financial analysts, to resolve disputes outside of court.
 - This approach offers greater flexibility and creativity in designing divorce agreements, focusing on practical and beneficial outcomes for both parties and their children.
 - It can be incorporated into the Family Code of the Philippines as a procedural and substantive law through legislative enactment.

9. Spousal Support Advisory Guidelines (SSAGs)

- The SSAGs in Canada provide a framework for spousal support, addressing economic disadvantages arising from divorce.

- Rogerson and Thompson (2008) outline formulas for calculating support based on income differences and marriage duration, ensuring fairness and promoting economic self-sufficiency.
- Balbi (2017) emphasizes the objectives of SSAGs, including:
 - Recognizing economic advantages or disadvantages to the spouse arising from the marriage or its breakdown.
 - Apportioning financial consequences arising from the care of any child of the marriage.
 - Relieving economic hardship of the spouses arising from the breakdown of the marriage.
 - Promoting the economic self-sufficiency of each spouse within a reasonable period of time.
- In the Philippines, where financial disparities often disadvantage poorer spouses, SSAGs could level the playing field and ensure equitable outcomes.

10. Support for Grandparents Assuming Childcare

- In the Philippines, grandparents often become primary caregivers for children of separated parents.
 - Mhaka-Mutefpa, Cumming, and Mpofu (2014) advocate for institutional programs to incentivize and empower grandparents, such as monthly grants, free health services, and social support structures.
 - These measures recognize the vital role grandparents play in child-rearing and provide them with the resources needed to fulfill this responsibility.

The paper acknowledges its reliance on qualitative analytical tools, such as idea-based coalition synthesis and discourse analysis, while recognizing

the need for mixed-method approaches to provide a more comprehensive understanding of the divorce debate. Future research could explore topics like participative and collaborative divorce, contested and uncontested divorce, fault and no-fault divorce, and crude and refined divorce. These ontological arguments offer rich avenues for investigation in public policy, social policy, public administration, and political science, contributing to a more nuanced and harmonized understanding of the divorce debate.

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