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History of Divorce Legislation in the Philippines since 1900

DEOGRACIAS T. REYES

SOON AFTER THE AMERICANS came to the Philippine Islands absolute divorce made its appearance for the first time as a threat to the Filipino home. Soon after the Americans left, absolute divorce as a general legal recourse disappeared.

It is the purpose of this study to trace briefly the history of divorce legislation during that period so that we may the better understand the influences responsible for the changing fortunes of this legislation.

SPANISH LEGISLATION

Immediately before the advent of the American regime, divorce in the Philippines was governed by *Las Siete Partidas* and by the provisions of Canon Law and of the Council of Trent which were accepted as law by the civil authorities of Spain.¹ The specific provisions applicable were the various Laws of Titles, 2, 9 and 10, Partida IV.²

Under these provisions, relative divorce might be granted on any of the following grounds:

1. The desire of one of the spouses to enter a religious order, provided that the other granted permission to do so;
2. Adultery committed by either; or
3. The fact that either had become a heretic.

The divorce allowed by these laws was relative divorce or mere legal separation, divorce *a mensa et thoro*. The marriage was in no way annulled, nor was the marital bond dissolved. Law 3, Title 2, Partida IV, provided the following:

Yet, with all this, they (husband and wife) may separate, after they have known each other carnally, if one of them commit a sin of adultery, or join a religious order with the consent of the other. And notwithstanding they separate for one of these causes, no longer to live together, the marriage is not dissolved on that ground.

Law 7, Title 2, Partida IV provided, among other things, the following:

So great is the tie and force of marriage, that when legally contracted, it cannot be dissolved even if one of the parties should turn heretic, or Jew, or Moor, or even commit adultery. Nevertheless, for any of these causes, they may be separated by a judgment of the Church, so as to live no longer together, nor to have carnal intercourse with one another, according to what has been said in the title on the clergy . . .³

ADVENT OF THE UNITED STATES

Towards the end of the 19th century, the Stars and Stripes supplanted the Spanish flag in the country. But the change of flags did not immediately mean a change of laws on divorce. On December 18, 1899, a little more than a year after the beginning of the American occupation, Major General Otis, exercising legislative power vested in him as Commander-in-Chief of an American army in occupied territory, promulgated General Orders No. 68. The purpose of these orders was to establish rules relating to marriage and the nullity of the same. They expressly repealed some provisions of the Spanish Marriage Law of 1870, which was the law then in force on the subject.⁴ They provided nothing, however, on divorce. Hence, the laws on divorce prevailing towards the end of the Spanish regime continued in force for some time during the American occupation.

In the treaty by which the Philippines were ceded to the United States, the doctrine of religious freedom was proclaimed for the first time. The treaty provided among other things that "the inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of religion."⁵ In line with this precept, President McKinley, in his instructions to the Philippine Commission, laid down the inviolable rule that:

No law shall be made respecting the establishment of religion or prohibiting the free exercise thereof and that free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed.⁶

In his instructions to the second Philippine Commission, President McKinley insisted "that the separation of the State and the Church shall be real, entire and absolute." Similar provisions were embodied in all the acts passed by the Congress of the United States for the Government of the Philippines.⁷

These provisions regarding religious freedom and separation of Church and State, coming as they did close upon the liberation of the Filipinos from Spanish rule were made by some the occasion of ridicule and of expressions of antagonism against the religion and the religious influences which Spain had brought to the Philippines, and of resentment against the dominant position the Catholic Church enjoyed. Moreover many Filipino officials quickly took over from their new mother country those separatist views on the relation of Church and State which prevailed in America.

The political modernism that thinks itself free from the teaching and judging authority of the church, and claims the entire secular world for its own sovereign sphere seems thus definitely to have entered the Philippines.⁸

PASSAGE OF DIVORCE LAW

As a consequence of the new philosophy of pragmatism, and of the new atmosphere of religious agnosticism

and indifferentism which the change of sovereignty had placed in control, the idea of legalizing absolute divorce in the country was introduced. On March 11, 1917, Act No. 2710, otherwise known as the "Divorce Law", was passed. Absolute divorce or divorce *a vinculo matrimonii* was allowed under this act on the ground of criminal conviction for:

1. Adultery on the part of the wife; or
2. Concubinage on the part of the husband.

After the passage of this Act 2710 there was considerable disagreement among legal authorities whether relative divorce was still allowed. The Philippine Supreme Court was divided on the question. In the case of *Cheureau vs. Fuentebella*⁹ the court, following the ruling in the case of *Valdez vs. Tuazon*¹⁰ ruled that absolute divorce was the only kind of divorce available at the time in the Philippines. Five justices, however, disagreed with this dictum.

ADVOCATES OF EASIER DIVORCE

Two days prior to the passage of the "Divorce Law", the Governor General, Francis Burton Harrison, himself a divorced man, issued a memorandum which was published in the *Philippine Review*, in which he expressed his dissatisfaction with the Bill, in spite of the fact that he had allowed it to become a law. The reason for his dissatisfaction was the fact that in his opinion the grounds for divorce were too restricted and impractical.¹¹

During the effectivity of Act No. 2710, former Associate Justice Fisher of the Supreme Court contended in a series of articles in the *Manila Daily Bulletin* that the act was inconsistent with the modern problems of the Filipino family and that, therefore, the divorce law should be liberalized.¹²

The movement for an easier divorce law was also

taken up by some Filipinos. Macaraig, himself an advocate of easier divorce, wrote at this time:

Among the political leaders of the country, there are more open statements from the younger generation in the persons of Senators Camilo Osias and Benigno Aquino, who are in favor of a more liberal divorce law. The latter has from time to time tried to amend the divorce law in an attempt to give the parties concerned a chance to divorce each other without going into a criminal prosecution of one or the other as is required by our present divorce law. Two bills were presented by Senators Osias and Aquino, but, after passing both houses of the legislature, they were vetoed by the Governor General.¹³

In October 1928 there was an attempt to relax the divorce law indirectly during the discussion in the Philippine Senate of Article 19 of Act No. 3616; otherwise known as the "Marriage Law". Article 19 reads as follows:

Artículo 19. Matrimonios celebrados en el Extranjero.— Todos los matrimonios celebrados fuera de las Islas Filipinas con arreglo a las leyes en vigor en el país de su celebración y que, como tales, son allá válidos lo serán también en estas Islas.

Senator Osias rose up to propose an amendment, that "en la línea 4, después de la palabra 'válidos y antes de la palabra 'lo' insértese lo siguiente 'y los divorcios concedidos con arreglo a las leyes del dicho país'". Under this amendment, a Filipino couple could go to a foreign country, obtain a divorce in accordance with the laws thereof and return to the Philippines, no longer husband and wife before the law. Senator Vera and others objected to the amendment on the ground that the proposed Marriage Law did not intend to embrace the subject of divorce, there being a special law, Act No. 2710, governing the same. After a long discussion, the proposed amendment was rejected.¹⁴

On the subject of divorce acquired in foreign countries at the time when Act No. 2710 was in force, the Supreme Court of the Philippines ruled:

It is . . . a serious question whether any foreign divorce, relating to citizens of the Philippine Islands will be recognized in this jurisdiction, except it be for a cause, and under conditions for which the courts of the Philippine Islands could grant a divorce.¹⁵

JAPANESE OCCUPATION

Act No. 2710 continued in force until the Japanese occupation. On March 25, 1943, the chairman of the Philippine Executive Commission, pursuant to the authority conferred upon him by the Commander-in-Chief of the Imperial Japanese Forces in the Philippines, and with the approval of the latter, issued Executive Order No. 141 providing a new divorce law. It expressly repealed Act No. 2710 and permitted absolute divorce on the following grounds:

1. Adultery on the part of the wife and concubinage on the part of the husband committed under any of the forms described in the Revised Penal Code;
2. Attempt of one spouse against the life of the other;
3. A second or subsequent marriage contracted by either spouse before the former marriage has been legally dissolved;
4. Loathsome contagious diseases contracted by either spouse;
5. Incurable insanity which has reached such a stage that the intellectual community between the spouses has ceased;
6. Impotency on the part of either spouse;
7. Criminal conviction of either spouse of a crime in which the minimum penalty imposed is not less than six (6) years imprisonment;
8. Repeated bodily violence by one against the other to such an extent that the spouses cannot continue living together without endangering the lives of both or of either of them;
9. Intentional or unjustified desertion continuously for at least one year prior to the filing of the action;
10. Unexplained absence from the last conjugal abode continuously for three consecutive years prior to the filing of the action;
11. Slander by deed or gross insult by one spouse against the other to such an extent as to make further living together impracticable.¹⁶

The result of this relaxed divorce law during the Japanese occupation may be seen in the following report:

Official judiciary figures reveal that in 32 years since 1916, when the stringent divorce law was passed, only 200 divorces were allowed by our courts.

Divorces under a liberalized divorce law promulgated by the Philippine Executive Commission during the Japanese occupation numbered 600.¹⁷

Upon the liberation of the Philippines, General Douglas MacArthur, as Commander-in-Chief of the Philippine-American army of liberation, issued a proclamation to the effect that all laws of any other government in the Philippines, than that of the Commonwealth of the Philippines, were null and void and without legal effect in areas of the Philippines free from enemy occupation.

This proclamation was made on October 23, 1944. By virtue thereof, Executive Order No. 141 ceased to have any effect; and Act No. 2710 again became the law on divorce.¹⁸

AFTER LIBERATION

Since liberation there have been attempts to relax the divorce laws. Congressman Hermenegildo Atienza filed on June 10, 1946 a bill to repeal section 8 of Act No. 2710. In the Explanatory Note to his Bill, Congressman Atienza said:

This bill proposes to do away with one of the principal conditions precedent established by our Divorce Law before an action for divorce can be instituted, that is the conviction of the respondent spouse in a criminal case for adultery or concubinage as the case may be . . . We will in a sense be "liberalizing" our Divorce Law without increasing the causes for which it may be granted.¹⁹

Congressman Marcos Calo filed a similar bill on June 24, 1946, for the purpose of repealing Section 8 of Act

No. 2710 and, among other things, making absence of seven years an additional ground for divorce.²⁰

On the other hand contrary moves were not lacking to abolish absolute divorce altogether from our statute books. On February 3, 1947, Congressman Agustin Y. Kintanar filed a bill to repeal Act No. 2710. On February 10, 1949, the same Congressman filed a similar bill. In the Explanatory Note to his bill first mentioned, Congressman Kintanar said, "The purpose of this bill is to abolish divorce in this country, because it is unchristian and fundamentally alien to the Filipino temperament and way of life."²¹

On March 10, 1949, Congressman Francisco A. Perfecto filed a similar bill to repeal Act No. 2710. In support of his bill, Congressman Perfecto stated in his Explanatory Note:

that adage that man shouldn't put asunder that which God has joined together still holds a lot of sense. If the various attempts to liberalize divorce have so far failed, it is because we are predominantly Catholic and divorce is not only foreign to our temperament but it is something scorned and looked down upon.²²

RETURN TO TRADITION

It was not until the enactment of the Civil Code of the Philippines that absolute divorce was abrogated from our laws, with the exception of a special provision for Moros, to be mentioned below.

On March 20, 1947, a Code Commission was created by Executive Order No. 48 in view of the

need for immediate revising of all existing substantive laws of the Philippines and of codifying them in conformity with the customs, traditions, and idiosyncrasies of the Filipino people and with modern trends in legislation and the progressive principles of law.

The draft of the Code, consisting of 2291 articles, provided for absolute and relative divorce.

Article III, page 38 of the draft read as follows:

Article III. Divorce may be absolute or relative, the petitioner may choose.

The grounds for absolute divorce have not been changed. Neither has the procedure for absolute divorce been altered.

Relative divorce should be revived. Under the proposed code, divorce may be absolute or relative as the petitioner may choose. . . .²³

In an article published in one of the local dailies, Jorge Bocobo, Chairman of the Code Commission, pointed out that the draft did not liberalize the law on divorce. He revealed the reason therefor thus:

the proposed Civil Code does not liberalize divorce because the Code Commission was asked by the late President Roxas to abstain from doing so. He said he did not want to see a division among our people on this explosive question. Personally, a majority of the members of the Commission are in favor of liberalization of the divorce law but they had to respect the wishes of President Roxas, who must have felt the deepest concern on the matter as this was the only subject on which he expressed his desire. So the draft as presented is conservative on divorce.²⁴

In spite of the precautions of Dr. Bocobo and his associates, however, divorce suddenly exploded into a hotly debated controversy. There was much discussion in the public hearings held by the House Sub-Committee on Book I of the Proposed Civil Code. The Catholic sentiment urging the total abrogation of absolute divorce from the Code was so insistent that the House of Representatives finally approved the following as one of the amendments to the draft of the Civil Code: "On pages 34-41 delete the entire 'Title IV—Divorce' and substitute 'Title IV—Legal Separation' . . ." ²⁵

But before the above-mentioned amendments had been approved, there were last minute attempts to relax the law on divorce. Congressman Hermenegildo Atienza proposed two amendments, the first of which sought to grant absolute divorce on the following grounds:

1. That the husband is guilty of concubinage, or the wife is guilty of adultery as defined by the Penal Code;
2. That at the time marriage was solemnized, both parties belonged to a church, sect, or religion that allows divorce, which fact they shall state in the marriage contract.

The proposed amendment likewise sought to make applicable to divorce all the provisions of the Civil Code relating to legal separation, except that when divorce was granted, both parties should be allowed to remarry. According to Congressman Atienza, "This plan is intended to safeguard the rights of the minority of our people constituting roughly 4,000,000 non-Catholics and 1,000,000 non-Christians."²⁶

His second amendment was the so-called "Plan Similar to the Austrian System." It sought to amend Articles 111 and 112 of the draft of the Civil Code of the Philippines thus:

Art. 111. Divorce or Legal Separation may be granted as the petitioner may choose:

1. If the marriage was solemnized by any civil authority or by any ship captain, airplane chief or military authority, mentioned in Arts. 70, 88, 89, provided neither contracting party belonged to any church, religion or sect which prohibits divorce; or
2. If the marriage was solemnized according to the doctrines and rites of any church, religion or sect, which does not forbid divorce.

Article 112. Only legal separation may be granted.

1. If the marriage was solemnized according to the doctrine and rites of any church, religion or sect which prohibits divorce; or
2. If the marriage was solemnized by any civil authority, or by any ship captain, airplane chief, or military authority, and also according to the doctrines and rules of any church, religion or sect which forbids divorce.²⁷

CIVIL CODE

The proposed amendments, however, were rejected. As finally approved, the Civil Code of the Philippines re-

peals all laws permitting absolute divorce with the exception of the Moro law, and provides only for legal separation or relative divorce. Furthermore, the code reaffirms in many of its provisions, the Filipino tradition of family solidarity, further strengthened by the Catholic faith of the people:

Article 52. Marriage is not a mere contract but an inviolable social institution.....

Article 216. The family is a basic social institution which public policy cherishes and protects.

Article 218.... No custom, practice or agreement which is destructive of the family shall be recognized or given any effect.

Article 219. Mutual aid, both moral and material, shall be rendered among members of the same family. Judicial and administrative officials shall foster this mutual assistance.

Article 220. In case of doubt, all presumptions favor the solidarity of the family. Thus, every intendment of law or fact leans toward the validity of marriage, the indissolubility of the marriage bonds, the legitimacy of children, the community of property during marriage, the authority of parents over their children, and the validity of defense for any member of the family in case of unlawful aggression.

Art. 221. The following shall be void and of no effect:

1. Any contract for personal separation between husband and wife;
2. Every extra-judicial agreement, during marriage, for the dissolution of the conjugal partnership of gains or of the absolute community of property between husband and wife;
3. Every collusion to obtain a decree of legal separation, or of annulment of marriage;
4. Any simulated alienation of property with intent to deprive the compulsory heirs of their legitime.

Art. 222. No suit shall be filed or maintained between members of the same family unless it should appear that earnest efforts toward a compromise have been made, but that the same have failed, subject to the limitations in article 2035.

In addition, the Civil Code devotes an entire chapter on the constitution of the Family Home. According to the report of the Code Commission,

The family home needs and is deserving of the protection of

the law. At the present time, a house which is worth not exceeding three hundred pesos is exempt from execution. This provision is utterly inadequate. The home is the seat and symbol of family affections and it should not be liable to be seized for debts except in certain special cases. This is the main purpose of the chapter entitled "The Family Home".²⁸

The only law now allowing absolute divorce is Republic Act No. 394, approved on June 17, 1949. Said Act authorizes for a period of 20 years from the date of its approval divorce among Moslems residing in non-Christian provinces in accordance with Moslem customs and practices. According to Congressmen Ombra Amilbanga of Sulu and Manalao Mindanao of Lanao, who sponsored the act,

A change in such customs and practices should be gradual and slow. The abolition of divorce in the Philippines, which has the support of the majority of the House, is against Moslem tradition, practices and customs (Explanatory note to the bill.)

ARGUMENTS OF DIVORCE ADVOCATES

Absolute divorce was able to obtain a place on our statute books in an atmosphere of American liberalism which, coming as it did right after Spanish conservatism, captured the imagination of the Filipino leaders.

Three general lines of argument have been pursued by legislators and public officials in favoring absolute divorce. They are:

1. Attacks on the Catholic Church and Spain;
2. Appeals to progress and reason;
3. Recourse to sentiment stirred by the concrete marital problem.

The following citations furnish typical examples of attacks on the Catholic Church and Spain:

Mr. Cases: This (prohibition against absolute divorce) is an imposition rather than a tradition; it is a legacy of the Spaniards who had exploited this country, rather than something which we have imbibed in our system freely. It is a

manifestation of a colonial mentality, not a free mentality.²⁹

Mr. Samonte: During the discussions, Mr. Speaker, of the emergency powers of the President, I really have not put much thought whether the President should have the emergency powers or not. But after that caucus, and after having realized what a tremendous clique the Pope and the Vatican have in this country, I am beginning to realize that there is need for the emergency powers of the President. We must be wary and on the lookout that the Pope does not stage a *coup d'état* in this country.³⁰

Absolute divorce has also been advocated in the name of "progress" and "reason". Tolentino writes:

I believe that the period of dogmas has passed in the Philippines. Formerly, when faith predominated, it was reasonable to believe that marriage was indissoluble because it was the belief that marriage was a divine institution. But now that reason has substituted dogmas, for what motives shall we not make laws for those who need a remedy?³¹

In this era of spiritual regeneration control of morals should be in ourselves, in our own will, in our sense of propriety, and not in our laws.³²

It goes without saying that the step taken by Congress in eliminating the most rigid divorce law, as our law is well known, is a reactionary and backward step contrary to the enlightened opinion of our people.³³

Other champions resorting to practical considerations advocated divorce as a remedy for private problems.

It is for such broken useless families that divorce is intended. The law merely gives legal sanction to an already existing moral fact. In this sense, divorce does not destroy the family or the home; what has already fallen asunder cannot be further broken.³⁴

The situation of an abandoned or ill-treated wife under the Philippine Law is, indeed, lamentable; but the position of a man who finds himself bound to an unworthy wife is equally pitiable.³⁵

CATHOLIC STAND

With the passage of the Civil Code of the Philippines, absolute divorce was totally expunged from our statute

books, as a general legal recourse. There was only one reason for this: namely, a vigilant and militant people determined to make government officials their servants and not their masters. Congressman Cases who has been quoted above as vehemently pro-divorce, said during the house deliberation on the divorce provisions of the Civil Code:

Mr. Speaker and Gentlemen of the House: As a member of this House, representing a definite district of the Philippines, I have received so many telegrams and so many letters asking me to fight against the liberalization of divorce. . . I am sure that each and every one of us here had likewise received similar letters, had received similar telegrams and by virtue of these communications, I stand here today as one who opposes any attempt to liberalize the existing law on divorce.³⁶

In other words Congressman Cases found that his advocacy of divorce was far from representing the opinions of his constituents. So great was the volume of protest which he received that he found no alternative but to reverse his stand, and oppose absolute divorce. The Catholic Welfare Organization was responsible for awakening the Catholic people to the danger and for making their sentiments articulate. A newspaper reported:

A bulletin from the Secretary General of the Catholic Welfare Organization. . . pointed out. . . that the Atienza-Calo bills to liberalize the divorce law in 1946 were shelved because of the organized opposition of Catholic groups, expressed through petitions, resolutions, letters, telegrams and other means addressed to the President of the Philippines, the President of the Senate, the Speaker of the House of Representatives and other individual Congressmen.³⁷

CLASH OF TRADITIONAL AND "LIBERAL" PHILOSOPHIES

It is not the purpose of this article to refute the arguments of those who favor the enactment of laws allowing absolute divorce in the Philippines. They are in fact very transparent and upon close reading offer little substance. They are appeals to sentiment and not, despite their claims,

to reason. We have been content to trace the history of attempts to introduce laxer legislation.

It will not however be out of place to indicate the principles which underlay the various attempts to alter the traditional Philippine position. In all the efforts to relax the marriage bond (if we except the brief Japanese interlude) there are discernible two clear currents of philosophy, one turbulent and the other gentle, but both stemming from the same source. The liberal attack on marriage which in the 18th century in France rejected all law except that of man's devising, repudiated the traditional Christian ethic regarding the marriage bond.

This mentality reached the Philippines by two routes. The first was via continental Masonry, deism, agnosticism, atheism, anticlericalism. The second was via American liberal Protestantism, which under the impact of the "Enlightenment" had abandoned most of its clear-cut doctrinal positions and no longer looked to Christ's teaching for definitive guidance in moral conduct.

These philosophies dominated the attack on marriage in the Philippines. The first school was represented by men like Senator Sotto and Congressman Samonte. The second school was articulate especially in Americans like Governor General Harrison and Associate Justice Fisher.

But many Filipinos, too, were of this latter school, notably Doctor Jorge Bocobo and Senator Camilo Osias.

Mrs. Asuncion Perez and Mrs. Josefa Martinez, two social workers, whom Macaraig quotes as favoring easier divorce, speak the language of liberal Protestantism rather than of sociology. Dr. Macaraig referring to them said that they favored divorce perhaps because they "are nearer to the problems of the home."³⁸ He would have expressed the truth much more accurately if he had said that they favored divorce because they are nearer to the liberal position, and remoter from the tradition Catholic convictions which characterize Philippine marriage legislation.

Dr. Macaraig himself and possibly Prof. Tolentino stand somewhere between the groups, further from Christianity than the second, more urbanely agnostic than the first.

But all, the anticlericals, the Protestants, and the middle group, agree in considering marriage a merely human agreement subject to human changes, and all are in head-on collision with the traditional Catholic position of the Philippines that marriage is a sacred contract withdrawn from human legislative tinkering.

Attempts to relax the marriage law will be made again. Last year, soon after the Civil Code of the Philippines became effective, the late Senator Sotto introduced a bill in the Senate seeking to amend portions of the Civil Code so as to allow absolute divorce under conditions more liberal than those required under Act No. 2710 (S. No. 76). There is an effective way to block any attempt upon our marriage laws; and that is, let those who still believe that morality must dominate our laws be ever on the look-out, and be quick to make themselves heard in the halls of Congress.

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- 1 Benedicto vs. de la Rama, 3 Phil. 34; Ibañez vs. Ortiz, 5 Phil. 325.
 - 2 Del Prado vs. de la Fuente, 28 Phil. 23.
 - 3 U. S. vs. Joanino, 27 Phil. 480.
 - 4 Tolentino, *Commentaries and Jurisprudence on the Civil Code*, I, 35.
 - 5 Article X, *Treaty of Paris*, concluded between the United States and Spain on Dec. 10, 1898.
 - 6 *Acts of the Philippine Commission* (Manila; Bureau of Printing, 1908) p. 10, par. 12 and 13.
 - 7 The Philippine Bill of 1902; The Philippine Autonomy Act (Jones Law); Public Act No. 240; The Philippine Independence Law.
 - 8 Coquia, *Legal Status of the Church in the Philippines*. pp. 25-26.
 - 9 43 Phil. 216.
 - 10 40 Phil. 943.
 - 11 Vol. II, No. 3, pp. 71-78. Senate Bill No. 65 later became Act No. 2710.
 - 12 Macaraig, *Social Problems* (1929) p. 136.
 - 13 Loc. Cit.
 - 14 J. López del Castillo, *Ley de Matrimonio*, pp. 86-112, citing *Diario de Sesiones de la Legislatura Filipina*, Senado de Filipinas.
 - 15 Barretto, Gonzalez vs. Gonzales, 58 Phil. 67; Sikat vs. Canson, 37 O. G. 3148.
 - 16 Sec. 2, Executive Order No. 141; Cf. *Official Journal of Japanese Military Administration*, X, 41.
 - 17 "House Group Favors Relaxing Curbs on Absolute Divorce." *Evening News* (July 21, 1948) p. 12, quoting Representative Pacifico Lim, Chairman of the Lower House Sub-Committee on Book I of the Proposed Civil Code.

- ¹⁸ Peralta vs. Director of Prisons, 42 O.G. 198-262; Baptista vs. Castañeda, 42 O.G. 3186-3187.
- ¹⁹ Cf. Records Division, House of Representatives, Congress of the Philippines.
- ²⁰ Ref. cit.
- ²¹ Ref. cit.
- ²² Ref. cit.
- ²³ *Report of the Code Commission on the Proposed Civil Code of the Philippines*, p. 81.
- ²⁴ "The Proposed Divorce Law," *Manila Times* (Oct. 15, 1948) pp. 1-16.
- ²⁵ Amendments approved by the House of H.B. No. 2118, 1st Congress, R.P., Doc. No. 5.
- ²⁶ H.B. 2118, Amendments to the Amendments by Substitution on Divorce; introduced by Representative H. Atienza.
- ²⁷ Loc. cit.
- ²⁸ pp. 18-19.
- ²⁹ *Congressional Record*. House of Representatives, IV, No. 49 (April 1, 1949) 1169.
- ³⁰ *Ibid.*, p. 1175
- ³¹ *Diario de Sesiones de la Legislatura Filipina, CXX*, 465 (trans.) cited in Macaraig, *Social Problems*, p. 143.
- ³² Tolentino, "Do We Have an Easy Divorce Law"? *Philippine Review*, I (May 1, 1943), p. 3.
- ³³ Cf. S. No. 76, introduced by Senator Sotto, 1952.
- ³⁴ Tolentino, Loc. cit.
- ³⁵ Macaraig, op. cit., p. 136, citing former Associate Justice Fisher of the Philippine Supreme Court.
- ³⁶ *Congressional Record*, House of Representatives, IV No. 49 (April 1, 1949), 1208.
- ³⁷ "Campaign Against Divorce Law," *Evening News*, IV (Oct. 11, 1948), p. 4.
- ³⁸ Macaraig, *Social Problems* (1929) p. 136.