

## ONLINE PAPERS

### OUR RIGHT TO SELF-DETERMINATION: *PILIPINA's* Position on the Issues of Divorce and Abortion

Lead Writers: **Veronica Fenix-Villavicencio (for the policy paper on Divorce)**  
**and Rina Jimenez David (for the policy paper on Abortion)**

December 2000

About Us

Core Themes

Activities

Publications

Online Materials

FES Dialogue on  
Globalization

FES International Policy  
Analysis Unit

FES Journal -  
International Politics and  
Society

#### INTRODUCTION

In the Philippines, while the women's movement has gained much ground in bringing gender issues to public discussion and debate, there remain crucial issues on which genuine public consensus, even among women, has yet to be adequately explored or articulated. In place of democratic debate based on data and existing conditions, the Filipino public is bombarded instead with unyielding doctrine and alarmist scenarios. Little room is given for dissenting views or probing questions.

In mid-1999, the Roman Catholic Church and conservative elements waged in a spirited campaign against so-called "anti-life and anti-family" legislation. These "sin bills" would have allowed for divorce, abortion under special conditions, the granting of certain rights to gays and lesbians, as well as a bill strengthening the formulation and implementation of a population and development policy. While realistically none of these bills faced the prospect of passage in the near future, given the intense opposition against them, they have already served their purpose of bringing these delicate and indeed intensely personal issues to the attention of the public.

While divorce, reproductive rights, abortion, and homosexual rights lie at the very center of the struggle for women's rights and have a significant impact on women's lives, women's groups in the Philippines have been hard put fashioning a reasoned and humane consensus on these issues. There are many reasons for this, among them the need to protect the still-fledgling women's movement from being labeled as anti-life and anti-family and thereby isolating it from the rest of society, the broad range of sentiments even among feminists about such highly personal matters, and the hypocrisy with which public figures and opinion makers approach any controversy.

Aware that as a feminist organization devoted to raising public consciousness about women's issues and bringing the women's question to the table of policy debate and decision-making, the National Council of PILIPINA decided to respond to the challenge by launching a series of discussions on these matters both within its organization and eventually among the public. This it plans to do through a consensus-building process within PILIPINA and with other women's organizations and civil society groups. It hoped to present positions and raise questions on divorce, reproductive rights, abortion and homosexual rights that would generate public debate and provide women and men the platform on which to form their own opinions free from dogma, shaming and name-calling. It was also hoped that a consensus position would serve as the basic building block of an advocacy campaign to enlighten the public and work with law- and policy-makers. A freer atmosphere for discussion of these issues should likewise help legislators and policy-makers formulate genuinely responsive laws and policies without fear of political retribution from institutions and interest groups.

#### THE PROCESS UNDERTAKEN

With funding support from the Friedrich Ebert Foundation\*, PILIPINA initiated the project "Publication of Policy Papers; Generating Public debate and Dialogue on Cutting Edge Gender Issues". Initially, the project sought to accomplish the following:

- To undertake leveling off discussions among key women leaders in PILIPINA and other like-minded groups on the cutting edge issues affecting women particularly on divorce, abortion and sexual orientation;
- To document the discussions, consolidate and publish the discussion points into a series of policy papers;
- To conduct a public presentation on the policy papers and dialogue with key policy- and opinion- makers.

The following activities were planned from May to December 2000: 2 round-table discussions (the first, a leveling off discussion among PILIPINA National Council members to set the parameters of the policy papers and the second, submission of the draft policy papers to a group of experts for their critiques and comments), a national policy forum to make a public presentation of PILIPINA's positions on these crucial issues and lastly the publication of the policy papers.

The project, however, was overtaken by the political events that shook the country, starting with the escalation of the war in Mindanao and the unfolding drama which eventually led to the RIO-ERAP (resign, impeach, oust Erap) movement.

As an organization with a strong thrust on transformative politics and good governance, PILIPINA was drawn into this movement, particularly on the activities related to the impeachment proceedings. Most of its resources and efforts were harnessed towards this endeavor.

Other activities, including those related to this project took a backseat thereby necessitating some adjustments:

1. The number of issues was reduced from three (3) to two (2), since the write assigned to do the paper on sexual orientation was no longer available;
2. The round-table discussions with the groups of experts was cancelled since the writing of the papers on the remaining 2 issues could not be finished in due time. Instead, local fora to be conducted in five areas/chapters were conducted to submit the draft policy papers for further leveling off and discussion;
3. The national policy forum/workshop was conducted for further leveling off, on 17 November 2000 at the Lakandula Room of the Sulo Hotel. This time other women's groups were invited. The public presentation was shelved momentarily, since it was felt that discussion of the issues was still not exhaustive and that it was not yet time to put forward our positions and proposals.

It was acknowledged that this initial process undertaken by PILIPINA has barely scratched the surface in terms of the complexities and the many grey areas involved in the issues. Nevertheless, it was also felt that it was the right step towards the time and place when women can come out openly to express their views without fear of public censure and sense of shame.

## **Policy Analysis of Proposed Legislation on Absolute Divorce in the Philippines**

### **I. Definitions and Laws**

Divorce is a legal remedy for a marriage that has deteriorated or in truth no longer exists.

There are two types of divorce: (1) *relative divorce*, or what is more commonly known as legal separation, means that the couple separates "from bed and board" but remain

in the legal bonds of marriage; and (2) *absolute divorce*, more commonly called *divorce*, dissolves or terminates a legally valid marriage, and provides each of the former spouses the right to marry again.

In present Philippine laws, two different codes define rules for marriage and divorce for non-Muslim and for Muslim Filipinos.

**The Family Code of the Philippines** (Executive Order No. 209 as amended by E.O. No. 222) allows non-Muslim Filipinos three ways to change marriage status: (1) legal separation; (2) declaration of nullity, and (3) annulment.

*Legal separation*, as stated earlier, allows spouses to live separately but restricts them from re-marrying. Their prior marriage still exists in legal terms. There are ten grounds for legal separation pertaining to acts or situations that make the marriage untenable such as repeated physical violence inflicted by one spouse against the other or against a child; destructive addiction or behavior; and abandonment by a spouse without justifiable reason for more than one year.<sup>1</sup>

*Declaration of nullity* states that the marriage is void or did not even legally exist in the first place. This situation arises if one or more requirements for a legal marriage are absent, such as, if one of the parties was below 18 years of age, even with the consent of parents or guardians; if one of the parties is still legally married; or if one is proven to be "psychologically incapacitated to perform essential marital obligations." There are several other grounds for declaring a marriage null and void<sup>2</sup>.

*Annulment* declares the marriage defective from the time it was contracted. As different, however, from declaration of nullity, annulment still considers the marriage valid until the time it is annulled. Grounds for annulment include among others: the unsound mind of either party; fraud or concealment of important information, such as homosexuality, in obtaining consent of one to marry; or incurable<sup>3</sup> physical incapacity to consummate a marriage, which appears to be incurable. Annulment cancels the marriage and restores the man and woman to their single status.

For Muslim Filipinos, the **Code of Muslim Personal Laws of the Philippines** (Presidential Decree No. 1083, 1977) allows divorce, where both spouses are Muslims or even if only the male is Muslim but the marriage was solemnized under the Muslim Law. There are six ways by which divorce may be effected in Muslim marriages. One is repudiation of the wife by the husband (*talaq*). Another is redemption by the wife, in which she petitions the court for divorce after offering "to return or renounce her dowry or to pay any other lawful compensation for her release (*khul'*) from the marriage bond..."<sup>4</sup> This Code further states that "divorce will be granted only after the exhaustion of all possible means of reconciliation between the spouses."<sup>5</sup>

Historically, absolute divorce has existed in Philippine laws. In pre-colonial Philippines, a woman could obtain divorce in order that she might re-marry by simply returning the dowry to the man or his parents with an additional amount equal to the dowry. If she did not remarry, only the dowry was returned. If the couple had children, both the dowry and fine went to the children, which was held in trust for them by the grandparents or responsible relatives.<sup>6</sup>

During the Spanish Regime, only relative divorce was allowed under law called *Siete Partidas*, whose six grounds for divorce included maltreatment by deed or serious insults; or proposal of the husband to prostitute his wife or attempt to corrupt their sons or prostitute their daughters.

In 1917, Commonwealth Act No. 2710 of the American colonial period provided for absolute divorce with only two grounds: (1) adultery on the part of the wife; and (b) concubinage on the part of the husband. It implicitly ruled out relative divorce.<sup>7</sup>

During the Japanese occupation of the Philippines (1941 to 1944), Executive Order No. 141 provided nine other grounds for divorce aside from adultery and concubinage, such as, attempt by one spouse against the life of the other; or "*slander by deed or gross insult by one spouse against the other to such an extent as to make further living impracticable.*" Upon reinstating American rule in the Philippines in 1944, the American government re-established the Commonwealth of the Philippines and with it, Act No. 2710 was revived.

In 1950, the Civil Code of the Philippines was enacted and provided only for legal separation. And finally, in 1988, the Family Code of the Philippines (E.O. No. 209) took effect and replaced the Civil Code's provisions on marriage and family.

## II. The Politics of Family and Marriage

Families are ever evolving. Through generations and cultures, the nature of the family has acquired different compositions, forms, extensions and relationships among its members. The United Nations *International Conference on Population and Development* (ICPD) in Cairo, 1994, stated as one of its basic principles that:<sup>8</sup>

The family is the basic unit of society and as such should be strengthened. It is entitled to receive comprehensive protection and support. In different cultural, political and social systems, various forms of the family exist. Marriage must be entered into with the free consent of the intending spouses, and husband and wife should be equal partners.

The same UN document recognized the diversity of forms and composition of families throughout the world. The family is changing and suffers incredible stresses as a social unit.<sup>9</sup>

The process of rapid demographic and socio-economic change throughout the world has influenced patterns of family formation and family life, generating considerable change in family composition and structure. Traditional notions of gender-based division of parental and domestic functions and participation in the paid labor force do not reflect current realities and aspirations...widespread migration, forced shifts of population caused by violent conflicts and wars, urbanization, poverty, natural disasters and other causes of displacement have placed greater strains on the family, since assistance from extended family support networks is often no longer available.

Filipino families are likewise changing. More and more, there are female-headed families or households, because of widowhood, separation of spouses or existence of single mothers. Although still relatively few, there are also families of acknowledged same-sex relationships, some of whom have opted to care for adopted children. The latter are excluded from the traditional and legal notions of family.

The concept of family is, however, not a rigid structure narrowly defined by two adult parents (male and female) and children. Rather, in its essence, the family is a social unit of two or more persons relating intimately with each other and providing love and support for the growth and development of its members. Pogrebin states that the family provides "*essential humanizing functions of stable, longstanding, generation-spanning groups.*"<sup>10</sup> She further elaborates: "*The family's lifelong continuum of reciprocity could be the model for generational transfer, or generativity, on a wider scale from individual to family to community at large.*" Intergenerational transfer, not just of genetic make-up or characteristics, but more importantly of values, history, beliefs, stories and histories, experiences and emotional passages make the family a central force in sustaining a society.<sup>11</sup>

As long as these essentials of being family are present and its role in sustaining a particular society is achieved, the shape or form or lifestyle of its members, individually

or collectively, need not be prescribed, but can rather be a product of the choices made by its members in dynamic interaction with their society. Thus the United Nations, as previously cited, recognized the diversity of families in different cultures; but also upheld the universal equality of women and men in the family.<sup>12</sup>

Marriage is a contract between two adults to live together in an atmosphere of love, trust, and mutual respect and support. In purely legal terms, it is a contract carrying rights and obligations of the parties. As a social contract, however, it lays out how two adults can nourish each other's lives and fulfillments; help one another cope and grow, not only within themselves but also in their community. Marriage is a pact that serves as a stabilizing element in a family. It does not, however, automatically make a truly happy or enduring family. In reality, some families have endured and thrived even without the formal condition of marriage.

Marriage in the Philippines has been revered because of the population's predominantly Roman Catholic religion. Thus, in this country, any intimate relationship between two adult persons who are not blood related should be maintained within the sacred bond of marriage that is considered as a *permanent union* and *inviolable social institution*.<sup>13</sup> Roman Catholicism upholds in its dogma, the exhortation in the Holy Bible (Matthew 19:6) that "*what God hath joined together, let no man put asunder,*" taking this to mean that only God and not any human being or institution can bring an end to the union. The Muslim religion, however, permits divorce by virtue of its tradition and as upheld in the Code of Muslim Personal Laws.

Furthermore, marriage in the Philippines is recognized only if it is a monogamous relationship between a man and a woman. Within prevailing Filipino culture and tradition, the man or father is the dominant figure in the marriage and family. He is expected to be the primary breadwinner, the leader and ultimate decision-maker, particularly regarding property, livelihood and the family's economic choices. The woman, on the other hand, is homemaker, child-bearer and family caregiver. She is an "ideal wife and mother" if she cares for her husband and children in all their needs and should be willing to sacrifice her own needs and set aside her aspirations for the sake of other family members. If the woman is, therefore, unable to fulfill these ascribed roles, she is considered a failure and threat to the family's stability.

The stereotyped roles of women and men in marriage and family have imprisoned them both in these imposed expectations. With the added social and economic pressures in Philippine society today, women take on livelihood and economic roles while still maintaining primary responsibility for reproductive and caregiving roles. The unequal relationship between husband and wife in the home also robs women of autonomy and the chances to develop themselves more fully or engage in social commitments outside the home or family sphere. She has little choice but to remain the submissive, self-effacing ideal wife and mother.

Many marriages, straddling all Filipino socio-economic classes, are in crises and end up with spouses agreeing to live separately. There are varied reasons for conflicts or crises in marriage. Among the most prevalent ones are:

- Infidelity or extramarital sexual relations or affairs by usually the husband; and in less cases, the wife.
- Violence inflicted by the man on the woman or child/ren. A man who is psychologically disturbed and wants to wield absolute control over his wife resorts to wife beating.
- Incest or sexual abuse inflicted usually by the husband on children or other close relations.
- Disagreements or conflicts, such as over money or its use that led to angry verbal arguments or even physical violence.

- Psychological illness, mental imbalance, drug addiction or alcoholism of either spouse, leading to violence or abuse.

In all these, unless the erring spouse is willing and able to change and the other willing to forgive, the conflict or crisis can lead to irreparable damage in the marriage; or so-called *irreconcilable differences* that can no longer be healthily and wholly resolved. The marriage fails and forcing the couple to continue living together may lead to harm, illness or even death to one of them, their children or other relatives in their abode.

Another reality of marriages in the Philippines is that of abandonment by a spouse. This could be a result of conflict or crisis that is not resolved, or of the choice of the leaving spouse for whatever reason. Many women in poor communities find themselves trapped in this situation, not of their making, and consequently having to feed their families and care for their children single-handedly.

### **III. A Proposed Law on Absolute Divorce**

House Bill No. 6993 and its substitute version presented to the Eleventh Congress of the Philippines is entitled: *An Act Legalizing Absolute Divorce, Amending for the Purpose Title II, and Certain Provisions Thereunder, of Executive Order No. 209, as amended by Executive Order No. 227, Otherwise Known as the Family Code of the Philippines*. The bill's purpose is to amend existing laws on marriage "to allow absolute divorce or dissolution of marriage" <sup>14</sup>and furthermore give divorced individuals the right to remarry.

The most salient proposals of the bill<sup>15</sup> are:

- the grounds for legal separation should include: *"upon a showing that there is an irremediable breakdown of the marriage relationship due to irreconcilable marital differences that destroy the legitimate ends of the marriage relationship and prevent any reasonable expectation of reconciliation"*
- an additional chapter providing for the option of absolute divorce with any of the following grounds:
  1. physical violence or abusive conduct against the other spouse, a common child, or a child of the other spouse;
  2. attempt against the life of the other spouse;
  3. attempt to sexually harass or rape any child;
  4. contracting by the other spouse of a subsequent bigamous marriage, whether in the Philippines or abroad;
  5. sexual infidelity or perversion;
  6. lesbianism or homosexuality;
  7. insanity, unless caused by battering;
  8. abandonment by the other spouse without justifiable cause for more than five years;
  9. where the foreigner spouse of a Filipino has filed for divorce abroad;
  10. where the church or religious sect of either or both spouses has already allowed separation of the spouses; and

11. where the spouses have been granted a decree of legal separation for more than five years.

The bill further proposes that the *divorced spouses shall be entitled to remarry* and other rules to guide the custody of minor children, rights of the children after the divorce, and the disposition of property and assets of the spouses.

#### **IV. Arguments – For and Against a Proposed Law on Absolute Divorce**

##### **A. For a Law on Absolute Divorce**

###### **1. Social and women-specific arguments:**

A law allowing absolute divorce will provide recourse for a person to be freed from a failed marriage and rebuild one's personal life, including having the option to remarry.

Women who are victims of violence and abuse by their spouses, who have been abandoned (or *de facto* separated) or whose spouses have intimate sexual relationships with other women, are among those who have the right to freedom from oppressive and at times life-threatening relationships. Reconciliation in many cases is next to impossible because of, usually, the male spouse's refusal to change his dominating attitude and psychologically errant or controlling behavior.

It is true that legal separation (or relative divorce) can provide the woman or man with the right to live separately from the other spouse. However, both remain married to one another and cannot, in the eyes of the law, be truly autonomous nor completely take hold of one's life and future, since the marriage bonds still tie them, even if only on paper. A person, thus shackled, is moreover deprived of the freedom and the right to pursue a healthy and happy intimate relationship, supported by legal rights, with another person who can also provide love and support.

This predicament is particularly unjust to women who have been abandoned by their husbands, a state of existence for countless women in the Philippines. These women do not bother to file for legal separation since this process is expensive for middle and lower-income classes and there is little autonomy gained from the exercise. Declaration of annulment, on the other hand, is hardly accessible to these women, due to the costs of legal processes. The current estimated cost of litigation ranges from 50,000 to 200,000 Philippine pesos plus fees for an expert witness who will testify for the ground of psychological incapacity. <sup>16</sup> As a consequence, too, of these legal and financial limitations, many live-in or so-called "common-law" relationships exist.

###### **2. Socio-political and religious arguments:**

The principle of separation of church and state should be upheld in civil law. Other countries, in fact, wherein most of the people are Roman Catholics, like Spain and Italy, have civil laws allowing divorce.

This principle is respected by the *Code of Muslim Personal Laws of the Philippines* (P.D. No. 1083 of 1977), which allows divorce for Muslim Filipinos. Recognition and respect for religious beliefs, customs and traditions is upheld by the state in the case of Muslim Filipinos.

In the same vein, there are other cultural beliefs and traditions of indigenous peoples, tribal communities, and religions that should be respected and given legal recognition. The Family Code itself, in Article 33, recognizes marriages among Muslims or members of ethnic cultural communities that have been performed validly within their respective customs, rites or practices. Why then should it not recognize the termination of such marriage for non-Muslim Filipinos, if it is accepted within their own set of beliefs and customs?

A divorce law is a legal recourse that supports a citizen's right and should not be hampered or held captive by religious dogma. It should be the married persons' choice to follow their religious beliefs in availing of this legal recourse out of a failed marriage.

### **3. Psycho-social arguments:**

The decision of two persons to marry and have children is founded on love, trust, mutual respect and a sense of responsibility for the other. When these foundations are shattered and one spouse oppresses or abandons the other, the victimized spouse and their children suffer psychologically and emotionally.

The oppressed or abused spouse craves for freedom from an oppressive situation and relief from fear of being victimized for an indefinite period. She/he needs to be able to heal the wounds from the abusive and hurting relationship and restore strength and ability to nurture the self and children with a full family life.

Within the current laws and judicial processes, declaration of nullity and annulment are more and more sought after by Filipinos who want out of failed marriages and value the chance to re-create and improve their lives and provide a healthy and nurturing environment for their children. The usual basis resorted to in applying for declaration of nullity and annulment is psychological incapacity of the spouse. Some lawyers have observed that this basis supported by Article 36 of the Family Code of the Philippines has been used loosely as the best way out of a marriage that has deteriorated or is no longer working. In ultimate effect, this legal remedy is like absolute divorce.

## **B. Against a Divorce Law:**

### **1. Constitutional and religious arguments:**

Divorce is unconstitutional. The most salient provision of the 1987 Philippine Constitution states that in Article XV, Section 2 that:

*Marriage is an inviolable social institution, is the foundation of the family and shall be protected by the State.*

The last section above hinges on the term "*inviolable*," which, in the view of the dominant Roman Catholic Church in the Philippines, is founded on the belief that the union between husband and wife should never be severed, based on the biblical teaching mentioned earlier.

The Church hierarchy in the Philippines also argues that divorce is contrary to natural law, which is the law of God. "Divorce breaks the contract to which the spouses freely consented to live with each other till death."<sup>17</sup>

### **2. Social arguments:**

The 1987 Philippine Constitution also states in Article XV, Section 1, that:

*The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development.*

Marriage being in turn the "foundation of the family," the integrity and stability of the family will be shaken by legally allowing absolute divorce and its corollary option for remarriage. A strong argument put forward by anti-divorce proponents is that: "*Divorce breeds divorce.*" Statistics from the United States show that the ratio of divorces to marriages for the same year has increased significantly: whereas in 1960 this was 8:100, by 1975 it became 50:100.<sup>18</sup>



The social consequence of increasing the chances of divorce is felt in the instability of the family and its corresponding psychosocial effects, especially on children. Briefly, anti-divorce law proponents have argued that parental separation and forming new family relationships with step-parents and siblings shatter children's sense of security and stability. These constant rearrangement and readjustment of familial relationships give children the notion that family is fluid and ties among its members are non-permanent and easily dissolved. Taken altogether, the prevalence of such psychosocial problems among children threatens the moral fabric of society and brings up maladjusted and potentially harmful or destructive adults.

### **3. Socio-economic state of families:**

One of the main arguments favoring absolute divorce hinges on allowing the spouses the option to re-establish or regain for themselves and their children a peaceful and happy family life. Arguments against absolute divorce, however, claim that re-marriages tend to fail and that the rate of divorce among those who have already remarried tend to be higher than first time divorces. It would seem that those who try for remarriage have higher expectations of the new marriage, but with complex social and economic situations, especially with stepchildren or new children in the subsequent marriage, the chances for a stable and sustained marriage becomes ever more flimsy.

On the economic or financial side, the necessity to support children from previous marriages as well as the present family puts undue strain on parents. Women, who have separated from their husbands, feel the great financial responsibility of raising her children. However, re-marriages put spouses in different situations of financial obligations that may not meet expectations, particularly for low and middle-income families. Re-marriage, therefore, cannot meet the economic needs of families involved; and most probably would add new burdens to the remarried adults.

### **4. Psycho-emotional health of children:**

Anti-divorce advocates cite studies regarding the effects of divorce on children. Children of divorce have been observed to have behavioral and emotional problems such as being "impulsive, irritable and socially withdrawn...anxious and insecure" even years after the marriage breakup.<sup>19</sup> More teenagers, particularly of single-parent families or stepfamilies have sought psychological help; more "disturbed adolescent functioning" is seen among teens of stepfamilies or of single-parent families, than of intact families.<sup>20</sup>

## **V. The Option for Divorce for Women's Wellbeing**

Women have the right to develop to their full potential and live happy, peaceful and fulfilling lives. Women also need to have freedom to make choices that make them more whole as individuals and helpful, responsible members of their community and nation. In living fully and wholly, women also need to express love and share themselves in service to another person or a group with whom they can grow in close, supportive, loving relationships. Increasingly for many women, these relationships can be developed and sustained even outside the traditional bonds of marriage, such as in small communities living together and dedicated to a purpose, whether religious or otherwise. Other forms or types of "families" have evolved in recent times and can no longer be ignored, as they also provide stable, secure and nurturing environments for individual and family growth and wellbeing.

If a marriage and a family are in crisis, what is the recourse for women? Legal separation and annulment are recognized in the Family Code of the Philippines. Declaration of void marriage or annulment allows a person to marry after it is legally upheld in the judicial court.

The experience with the application of these laws shows, however, that:

- Even if a condition for legal separation exists, the legal procedures cost way

beyond what an ordinary income-earner, much less a poor woman, can afford. This leads to the common status of *de facto* separated spouses and live-in (or so-called *common-law*) relationships.

- Many couples seeking annulment resort to the condition of "psychological incapacity" at the time of marriage (Art. 36 of The Family Code). While it purportedly provides a broader basis for declaration of annulment, it is actually still limiting and difficult to prove since the said incapacity must have existed at the time of the marriage celebration. This is a costly and difficult process, therefore, beyond the financial means of most women or men whose marriages are irreparable.

Civil law should apply to all regardless of race, ethnic origin or religious beliefs. If a specific law allows Muslims to divorce in recognition of their religious tenets, why can non-Catholics and indigenous people not be accorded similar recognition, if their respective religions allow divorce and re-marriage? Mature citizens should have a choice to follow their conscience while respecting the rights of people who will be affected by their decisions and actions. The function of civil law is to see to it that these rights are protected but not to restrict one's pursuit of wellbeing and fulfillment.

A law on absolute divorce need not be a threat to the stability of the family as a social institution. If societal structures and conditions provide social, physical, economic, cultural and spiritual support, stable families will thrive and continue. A law on absolute divorce will simply be a legal remedy for individual failed marriages.

The importance of family as a foundation of a community and society can still be upheld even with a divorce law. The Code of Muslim Personal Laws, for instance, emphasizes that divorce can be granted if all other alternatives to reconcile the spouses have been exhausted. Taking this cue, a proposed law on absolute divorce in the Philippines can provide for:

- creation of counseling and support programs to help couples decide if divorce is the only option for their marital problems
- reorientation of judicial processes (up to the barangay level) and the public attorney's offices to explore other remedies prior to seeking or granting of absolute divorce.

No woman would want out of a happy, supportive and fulfilling marriage. But if a marriage is ridden with violence, abuse, oppression and deprivation for her and/or her children, a woman owes it to herself and the children to get out. But her pursuit of happiness and fulfillment does not end there. The right to rebuild family, regain self-esteem and give of herself to loved ones, with an option to remarry, should be open to her, within the bounds of the religious and cultural beliefs, which she freely and responsibly chooses to follow.

## Endnotes

\* Although the Friedrich Ebert Foundation funded the project, PILIPINA claims sole responsibility for the views and ideas presented in the papers.

<sup>1</sup>Art. 55, Family Code of the Philippines (E.O. No. 227) states: *A petition for legal separation may be filed on any of the following grounds:*

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 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 petitioner by respondent without justifiable cause for more than a year.*

<sup>2</sup>Art. 35-38, Family Code of the Philippines (E.O. No. 227) give the grounds for declaring a marriage null and void.

*Art. 35. The following marriages shall be void from the beginning:*

1. *Those contracted by any party below eighteen years of age, even with the consent of parents or guardians;*
2. *Those solemnized by any person not legally authorized to perform marriages unless such marriages are contracted with either or both believe in good faith that the solemnizing officer had the legal authority to do so;*
3. *Those solemnized without license, except those covered by the preceding chapter;*
4. *Those bigamous or polygamous marriages not falling under Article 41;*
5. *Those contracted through mistake of one contracting party as to the identity of the other; and*
6. *Those subsequent marriages that are void under Art. 53.*

*Art 36. A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization.*

*Art 37. Marriages between the following are incestuous and void from the beginning, whether the relationship between the parties be legitimate or illegitimate:*

1. *Between ascendants and descendants of any degree; and*
2. *Between brothers and sisters, whether of the full or half blood.*

Article 38 explains void marriages for reasons of public policy such as between collateral blood relatives up to the fourth civil degree and between parents-in-law and children-in-law, among others.

<sup>3</sup>Art 45, Family Code of the Philippines (E.O. No. 227) states that: *A marriage may be annulled for any of the following causes existing at the time of the marriage:*

1. *That the party in whose behalf it is sought to have the marriage annulled was eighteen years of age or over, but below twenty-one, and the marriage was solemnized without the consent of the parents, guardian, or person having substitute parental authority over the party, in that order, unless after attaining the age of twenty-one, such party freely co-habited with the other, and both lived together as husband and wife;*
2. *That either party was of unsound mind, unless such party after coming to reason, freely cohabited with the other as husband and wife;*
3. *That the consent of either party was obtained by fraud, unless such party afterwards, with full knowledge of the facts constituting the fraud, freely cohabited with the other as husband and wife;*
4. *That the consent of either party was obtained by force, intimidation or undue influence, unless the same having disappeared or ceased, such party thereafter*

*freely cohabited with the other as husband and wife;*

5. *That either party was physically incapable of consummating the marriage with the other, and such incapacity continues and appears to be incurable; or*
6. *That either party was afflicted with a sexually-transmissible disease found to be serious and appears to be incurable.*

Art 46. Any of the following circumstances shall constitute fraud referred to in No. 3 of the preceding Article:

1. *Non-disclosure of a previous conviction by final judgment of the*
2. *other party of a crime involving moral turpitude;*
3. *Concealment by the wife of the fact that at the time of the marriage, she was pregnant by a man other than her husband;*
4. *Concealment of a sexually-transmissible disease, regardless of its nature, existing at the time of marriage; or*
5. *Concealment of drug addiction, habitual alcoholism or homosexuality or lesbianism existing at the time of marriage.*

<sup>4</sup>*Code of Muslim Personal Laws, as reprinted in the Proposed Revised Code of Muslim Personal Laws by PILIPINA Legal Resources Center, manuscript, August 21, 2000, p. 16*

Other grounds for divorce herein are:

1. *vow of continence by the husband (ila);*
2. *injurious assimilation of the wife by the husband (zihar);*
3. *acts of imprecation (li'an)*
4. *judicial decree (faskh).*

The proposed revision includes an additional ground of divorce by mutual agreement (*mubarat*).

<sup>5</sup>*Ibid.*

<sup>6</sup>Feliciano, Myrna, *The Filipina: A Historical Legal Perspective* (Q.C., Philippines, 1994)

<sup>7</sup>Paras, Edgardo, *Civil Code of the Philippines, Annotated, 13<sup>th</sup> edition*, 1994, citing *Garcia vs. Tuazon*, 40 Phil. 943

<sup>8</sup>United Nations, Report of the Internal Conference on Population and Development (Cairo, 5-13 September 1994) A/CONF.171/13 18 October 1994.

<sup>9</sup>*Ibid.* Chapter V.

<sup>10</sup>Dorothy Dinnerstein, *The Mermaid and the Minotaur*, New York: Harper and Row, 1976, p. 275, as quoted in Letty Cottin Pogrebin, *Family Politics: Love and Power on an Intimate Frontier* (New York: McGraw-Hill Book Company, 1983), p. 31.

<sup>11</sup>Pogrebin, p. 33.

<sup>12</sup>The **Universal Declaration of Human Rights** states: *Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.* Source: The United Nations, Article 16 of the *Universal Declaration of Human Rights*, December 10, 1948 (Internet web page of the UN Department of Public Information, 1998.)

<sup>13</sup>Family Code of the Philippines, Title I, Art. 1.

<sup>14</sup>Explanatory Note, House Bill No. 6993, Introduced by Representative Manuel C. Ortega, *An Act Legalizing Absolute Divorce, Amending for the Purpose Title II, and Certain Provisions Thereunder, of Executive Order No. 209, as amended by Executive Order No. 227, Otherwise Known as the Family Code of the Philippines*, First Regular Session, Eleventh Congress, House of Representatives, Republic of the Philippines. p. 2

<sup>15</sup>House Bill No. \_\_\_\_\_ (Submitted to the Committee on the Revision of Laws in substitution of House Bill No. 6993), by Rep. Manuel C. Ortega, *An Act Legalizing Absolute Divorce, Amending for the Purpose Title II, and Certain Provisions Thereunder, of Executive Order No. 209, as amended by Executive Order No. 227, Otherwise Known as the Family Code of the Philippines*, First Regular Session, Eleventh Congress, House of Representatives, Republic of the Philippines.

<sup>16</sup>Atty. Carol P. Tanjutco, Esq., "Marriage Annulment: More Info Needed," Atty. Webby Deliberates (an Internet web page accessed on January 29, 2001).

<sup>17</sup>Catholic Bishops Conference of the Philippines, "CBCP: No to Divorce Law," a position paper presented to the Committee on Revision of Laws, House of Representatives, Congress of the Philippines, on May 19, 1999.

<sup>18</sup>Burke, Cormac, "Marriage: Why Monogamous? Why Indissoluble?" Lecture given in January 1979, Nairobi, Kenya.

<sup>19</sup>Wallerstein, Judith, Ph.D., "The Long Term Effects of Divorce on Children: A Review," *Journal of the American Academy of Child and Adolescent Psychiatry*, AY 1991, p.352, as cited by Atty. Jo Aurea M. Imbong, "The Disappearance of Family in a Culture of Divorce," a position paper on H.B. 6993, presented to the Committee on Revision of Laws, House of Representatives, Congress of the Philippines, on May 19, 1999.

<sup>20</sup>Gallagher, Maggie, *The Abolition of Marriage*, p.72, as cited by Atty. Jo Aurea M. Imbong, *ibid.*

### **The Abortion Question: Integrity and Compassion**

"AMBIGUITY" and "ambivalence" are words that have been used to describe Filipino public opinion as well as public policy on the issue of abortion.

Philippine laws on abortion are among the most draconian in the world. In countries where "abortion on demand" is not allowed, governments have nonetheless recognized that there are circumstances in which abortion might be necessary, the most common being rape, incest, possibility of a genetic defect or deformation or to save the life of the mother which actually same grounds as the HB 7193. The Revised Penal Code criminalizing abortion, however, makes no exceptions. The provision in the 1987 Constitution declaring that "The State...shall equally protect the life of the mother and the life of the unborn from conception," would also seem to make abortion even in special cases unconstitutional and criminal. Women's groups and feminist lawyers do have their own interpretations and positions on the matter of Philippine jurisprudence on abortion, but that is not our concern here.

What is our concern is that despite the stringent laws and periodic threats of hellfire from Church officials, large numbers of Filipino women continue to undergo induced abortion for a variety of reasons, using a number of methods, some of them high-risk if not life-threatening. A study ("Clandestine Abortion: A Philippine Reality") by the UP Population Institute and the Alan Guttmacher Institute places the estimated number of Filipino women obtaining induced abortions each year at between 300,000 and 500,000. The midpoint of this range -- 400,000 -- translates into an annual abortion rate of 25 procedures per 1,000 women between the ages of 15 and 44, a rate higher than that of the United States (24) and Mexico (23), but lower than that of, say Peru (52) and Chile (45).

Public opinion surveys consistently show that majority of Filipinos think abortion is "wrong" and oppose its legalization. And yet the same surveys indicate that about the same number of respondents believe abortion is justifiable in cases where the health and life of the mother is endangered. A study conducted in northern Luzon (Marcos and Pagalilauan, 1996) shows that abortionists were known in the community and that abortion services were easily available to women of the community, a finding easily validated by a visit to any rural village or even urban poor community.

Why this gap between public attitudes and private practice? It is easy to come up with glib though plausible answers. The fact that abortion is a crime no doubt influences people's thinking and their replies to surveys. Others might ascribe it as a manifestation of split-level Christianity, the failure of official Church teaching or even the law to permeate personal decision-making.

People may not know much about the issue beyond the rubrics of dogma or cliché. Or, women may in fact be driven to seek abortion even under unsafe clandestine circumstances simply because they have no choice.

Yet abortion is a complex matter, a public policy and advocacy issue but also an intensely personal question that draws upon our most deeply-held values and beliefs. Abortion then cannot and should not be examined through the lens of rhetoric, much less of politics, even of gender politics. It is in the spirit of seeking clarification and grounding that members of PILIPINA's National Council sought to go through a process of discussion and clearing the air to submit this preliminary paper that, it is hoped, will serve as the springboard for deeper and more nuanced analysis. We dedicate it to the five Filipino women who die each day due to pregnancy or childbirth-related causes. No doubt, at least one or two of them die because of the consequences of clandestine abortion. It is our hope that in the near future no woman need ever die as a consequence of motherhood, wanted or not.

## **BASIC PRINCIPLES**

Two basic principles undergird our thinking on the issue of abortion. These are: integrity and compassion.

By integrity, we mean women's right over our selves -- our bodies, our bodily functions, our identities, our social roles, our relationships, our destinies, our lives. By integrity, too we mean our ability to determine the shape, direction and meaning of our lives. We reject the limitations implicit in the saying that "biology is destiny," the imprisonment of women within our socially-assigned sexuality, fertility and reproductive functions. And yet at the same time, we affirm and support the reproductive rights of women, especially our right to determine and decide for ourselves whether, when, how often and with whom we are to have sex, get pregnant and bear children.

Debates over abortion rights sometimes tend to pit the "rights" of the mother against the "rights" of the unborn child. And yet, if we accept integrity as a basic value, we cannot deny the integrity of the relationship between the pregnant woman and the life inside her. If a fetus is not just another tissue within the mother's body, neither is the mother just the receptacle and growing medium for the baby. Their rights are intimately intertwined, as are their lives. To say the fetus has rights separate from that of the mother is to ignore the fact that there would be no fetus without the mother. And certainly, a woman does not surrender her right of bodily integrity and independent decision-making the minute she gets pregnant.

A truly compassionate society would seek to build a community where it is possible to protect the rights of both mother and child, and more important, where it is possible for every mother to go through her pregnancy and carry out her responsibilities to the life within her with dignity, autonomy, confidence, good health and dare we say -- joy.

Yet we cannot deny that there will be times when a mother is faced with the dilemma of

whether to continue or terminate a pregnancy. This is a decision that is not arrived at casually. In the Philippines, the criminal nature of abortion has driven the practice underground, making it unregulated and unsupervised. A woman who goes through a clandestine abortion is aware that she is putting her life on the line. And given popular opinion about abortion and the woman who chooses to go through it, she also knows that she is coming up against entrenched stigma and social disapproval. A woman who has had an abortion must also deal with lingering feelings of guilt, shame and remorse, of having sinned and taken a life.

And yet, despite the pain attendant to choosing to end a pregnancy, growing numbers of Filipino women are choosing to go through an abortion. Many do so only under the veil of either self-delusion or self-protection, telling themselves that when they take "menstrual regulation" medication, the tissue they pass is "only blood." But certainly, given the heavy baggage that comes with the decision, we must respect and recognize that they have grave, serious and yes, compassionate reasons, to themselves and their families, if not to the rest of society, for opting for this procedure. It is the woman who will undergo the procedure that carries with it the risk of infection, infertility and death. It is the woman who bears the emotional fallout before and perhaps long after the deed. Who, then is to judge the rightness or wrongness of a woman's choice at that time of crisis and pain? If not the woman, then, who has the greater right to determine the outcome of the pregnancy? If we say that a third party – the father, society, the law, even the church -- has the right to intervene, we will be denying the woman the basic principle of integrity over her body and her life.

Which brings us to compassion. When a mother decides to undergo an abortion, however sound, reasonable and compelling her reasons, it has one undoubted consequence: the death of the fetus. Some people have argued that the fate of living tissue that would, during the first days of pregnancy, be no bigger than the period at the end of this sentence, cannot be balanced against the fate of an adult human being. But weighing the "importance" of human lives, even one equation as lopsided as this, is intrinsically distasteful and dubious. Which is why we don't see any need to go into a discussion on the "beginning of life" or where conception truly begins. For in the mind of the mother, even as she protects herself with terms of comfort and justification, she knows what the consequence of her decision has been. The loss of a child and the grief that accompanies it cannot be and should not be trivialized or glossed over.

But compassion for the unborn must extend to and indeed begin with compassion for women. Mothers are still the primary bearers of future generations. We cannot have a world in which every unborn child will have, as the slogan goes, "the right to a birthday," unless in that world every woman also has the right to decide for herself whether, when, how often and with whom she will have a child.

Compassion for women begins with understanding the reasons they choose to end a pregnancy rather than carry the baby to term. Survey results reveal that the profile of the Filipina undergoing abortion is of a woman who is, on average, 26 years old, married or living in, a high school graduate or with some years of college education, Catholic, belonging to a large household, poor, unemployed and a full-time homemaker. This contradicts the common portrayals of abortion seekers as either an unwed teenager seeking to protect her reputation, or a busy and selfish career woman choosing independence over motherhood.

In a policy issue brief on abortion issues in the Philippines, Dr. Aurora Perez writes that "the social, economic and health costs of pregnancy and motherhood are high. It is highest in cases of unplanned pregnancies among young women not ready for motherhood, and among older women with many children, who think an additional child would only mean further impoverishment of their large families." Perhaps the point of view of many women seeking abortion is that the life of the unborn child needs to be sacrificed to save the lives of the children already living, as another child would place the entire family in peril. If as the Church teaches us abortion is a sin, then for many Filipino women, abortion is a sin committed out of compassion.

We cannot discuss the "morality" of abortion, divorced from the "morality" of unplanned and unwanted pregnancies. The Church exhorts us to look on every pregnancy as a "wanted" pregnancy, every child a "wanted" child. Yet desired and accepted pregnancies are necessarily "planned" pregnancies, or at least anticipated. True, many women faced with an unplanned pregnancy nevertheless decide to carry the child to term and bring the child into the world in joyful welcome. But many women, too, faced with no option but carry the pregnancy to term, decide to either give up the child for adoption, or carry out their mothering with hard-to-conceal resentment that may result in abuse or exploitation. Far better then to ensure that when a woman gets pregnant it is because she has chosen to do so freely, without coercion or violence, and with the capacity to bring up the child to fulfill his or her own potentials. Otherwise, the risk is not just an abortion, but possibly a dysfunctional family and an abused child.

The study on "Clandestine Abortion" estimates that a staggering 53 percent of all pregnancies in the Philippines "appear to be unwanted or unplanned; a substantial proportion of these unwanted pregnancies (almost one-third) end in abortion." Though average family size in the Philippines has dropped dramatically in the past 30 years (from 6.9 in 1960 to 4.1 in 1991), and about four in 10 women of reproductive age practice family planning, about three of every 10 women who say they no longer want to have another child or at least not in the next two years report that they do not use any form of contraception. Others say they rely on periodic abstinence or withdrawal, methods with high failure rates. The result: high levels of unwanted pregnancies. Says the study: "Women sometimes feel that they would rather run the many possible risks associated with clandestine abortion than give birth to a child they believe they cannot raise or care for properly. Consequently, some women make the hard and sometimes dangerous decision to end an unwanted pregnancy."

If Philippine society were truly sincere in its desire to eradicate clandestine and illegal abortions, and to make sure that every child is a wanted child, we, including important social institutions like the Church, must support and promote the concepts of responsible sexual behavior and responsible parenthood. Central to these is the need to plan and prepare for the consequences of every act of sex, including protection against an unwanted pregnancy. On the part of both partners, we might add. But equally important is ensuring that both men and women have access to the means to help them act responsibly in matters of sexuality. Government, then must ensure that couples have access to all safe, legal and appropriate methods of family planning, as well as access to the necessary information, counseling and services. It is the duty of both government and private health sectors to help women make informed and considered choices and to have those choices actualized through education, healthcare and support services. And it must do so not because a successful reproductive health program helps meet development goals or population targets, but because reproductive health is a basic human right and entitlement.

We do recognize, though that as long as relationships between men and women, husbands and wives, lovers and partners, remain unequal and unbalanced, women cannot truly be said to enjoy freedom of choice and integrity of body and self. How can she take responsibility for the consequences of every act of sex, if every act of sex is the result of violence or coercion? How can she be said to enjoy freedom of choice when her choices are not respected and she does not have the means to act on and actualize her choices? Before a woman makes the "choice" of terminating a pregnancy, she would have had to be thwarted in making choices down the line, beginning perhaps with the choice of whether or not to have sex, and whether or not to get pregnant.

Finally, a plea for compassion for the women caught in the eye of the turbulence swirling around the issue of abortion. A special plea, particularly for the women who, having risked the emotional turmoil and social stigma of an abortion, also face the painful and life-threatening consequences of a botched procedure. Statistics are difficult to come by on the number of women requiring hospitalization or dying following an induced abortion. Perez writes that "secrecy, by virtue of its illegality, makes abortion unsafe. In the Philippines the most common of various medical complications are hemorrhage and sepsis (infection). Abortions are usually performed by unskilled service



providers using unhygienic methods in

substandard and unsanitary conditions, leading to complications and sometimes, death." A study by the Philippine Obstetrical and Gynecological Society reveals that about one in four of total maternal deaths in 78 hospitals can be attributed to induced abortions.

But because of the stigma attached to abortion and to the woman who undergoes it, it is safe to assume that more women choose to suffer in silence and seek to heal themselves following abortion complications than seek help in hospitals. And when they do muster the courage to seek help, they often face hostility on the part of health professionals who have confessed that they deliberately delay treatment or treat with indifference such women as a form of "censure" for their morally and socially unacceptable decision. Some hospitals, especially those managed by religious institutions, even make it a policy to turn away women suspected of suffering from post-abortion complications, or have huge signs in their emergency room declaring that any woman suspected of having undergone an abortion will be reported to the authorities.

It is for these and other reasons that many women seeking help for abortion complications will refuse to admit they had the procedure, citing all sorts of reasons for their bleeding or infections, thereby delaying treatment and placing themselves at higher risk. Some women also say they are afraid they will be hauled off to jail if doctors find out they had an abortion, so they keep quiet about it, even if the best treatment for sepsis following an abortion is immediate, massive doses of antibiotics.

Compassion for these women, yes. But more importantly, respect for their rights as patients, citizens and as human beings. Hospital policies and practices should be reviewed to ensure that every patient brought in as an emergency case is treated with respect, courtesy, compassion and care no matter where one stands on the abortion debate, and no matter one's suspicions about the case. Are not doctors and other medical professionals obliged to care for anyone in need of help and care?

Also, is there any effort on the part of these medical professionals to provide post-abortion counseling, particularly on the matter of preventing future unwanted pregnancies? – counselling for post-abort trauma

Finally, a plea to government and society to stop viewing women who undergo abortion as criminals, which they are under our present laws. Though no Filipino woman as yet has been imprisoned for undergoing an abortion, the threat hangs over the heads of all Filipino women of childbearing age, and influences the way the health system, health professionals, the community and the family look on her. This despite the fact that many women driven to abortion may have begun as victims, such as those who got pregnant as a result of rape or incest. As the acrimonious debates on the "abortion bill" show, free, unimpaired, rational and non-judgemental discussion on the legalization of abortion may be difficult to achieve right now. Even more difficult would be to legalize abortion even under very limited conditions. Perhaps a discussion on the decriminalization of the women who do undergo abortion could be a start for fuller public debate on the issue.

At the start of this paper, we dedicated it to the five women who die each day in our country due to pregnancy or childbirth related causes, since one or two of them would undoubtedly have died because of abortion complications. Let me amend that to include the women's children, the lives lost because their mothers had no real choices except this last, desperate one. The ambiguities and ambivalence that Filipinos profess towards abortion stems from the fact that abortion seems to put at loggerheads two cherished icons of Filipino culture: the madonna and the child. As a people, we value motherhood and we love babies. We still must prove, though whether we also respect the integrity of women's bodies and lives, and feel compassion for the shared fates of mother and child in a hostile world that offers few choices, except desperate and deadly ones.

## REFERENCES

- Burke, Cormac. "Marriage: Why Monogamous? Why Indissoluble?" Lecture given in Nairobi, Kenya, on January 1979.
- Catholic Bishops Conference of the Philippines. "CBCP: No to Divorce Law," a position paper presented on H.B. No. 6993, presented to the Committee on Revision of Laws, House of Representatives, Congress of the Philippines, on May 19, 1999.
- Feliciano, Myrna. *The Filipina: A Historical Legal Perspective*. Q.C., Philippines, 1994.
- Imbong, Jo Aurea M. "The Disappearance of Family in a Culture of Divorce," a position paper on H.B. 6993, presented to the Committee on Revision of Laws, House of Representatives, Congress of the Philippines, on May 19, 1999.
- Ortega, Manuel C., "House Bill No. 8443 (Submitted to the Committee on Revision of Laws in substitution of House Bill No. 6993)" Republic of the Philippines, House of Representatives, Quezon City, Metro Manila, Eleventh Congress, First Regular Session.
- Paras, Edgardo. *Civil Code of the Philippines, Annotated, 13th edition*. 1994.
- Pasimio, Renato R. *Family Code of the Philippines, 1998 edition*. Mandaluyong, Philippines: National Book Store, 1998.
- Pogrebin, Letty Cottin. *Family Politics: Love and Power on an Intimate Frontier*. New York: McGraw-Hill Book Company, 1983.

## ACKNOWLEDGMENTS

PILIPINA wishes to thank those who contributed their time, efforts and resources to the project:

- Veronica (Brownie/Ve) Fenix-Villavicencio and Rina Jimenez-David who, despite their busy schedules and multiple concerns, took time off to articulate our views and feelings on the issues;
- PILIPINA members, as well as friends from other women's organizations who attended the local fora and national policy forum/workshop;
- Our funding partner, the Friedrich Ebert Foundation, particularly Dr. Rudolf Traub, Tos Añonuevo, Anamer Escarez and Sherry Bautista for bravely supporting this project and flexibly accommodating our requests for adjustments.

## ABOUT PILIPINA

PILIPINA is a mass-based feminist organization which affirms the vision of a transformed society in which both women and men shall possess dignity, autonomy and equality. In this transformed society, wealth and resources are shared equitably; care and nurture of persons are valued; and development is premised on sustainable communities and global well-being.

Concretely, PILIPINA is working for women's full participation in public governance, with stress on public office and movements for social change. Feminist exercise of power and leadership is: people-centered; enabling and nurturing; consensual; collective; inclusive; effective, i.e., having one's say and actualizing one's will in every significant discourse. While PILIPINA's mission focuses on women and public power as the key sphere of intervention, it does encompass the entire range of women's concerns.

It seeks to pursue the following goals:

1. A women's constituency that will hold public officers accountable through the exercise of a women's vote;
2. A qualitative increase in the number of gender-sensitive women leaders in
  - elective public offices at all levels
  - appointive positions in strategic government bodies
  - key social movements; and
  - academe
3. Mainstreaming and institutionalization of the women's agenda as manifested in
  - Adoption by social movements of gender equality as an operating principle.
  - Enactment of laws and policies on reproductive rights, violence against women, economic rights of women and other primary concerns of women.
  - Serious consideration and adoption of the women's agenda by political parties.
4. Establishment of support systems, particularly for women with multiple burdens in communities, and for women in leadership.
5. Research, documentation and popularization of baseline data and information on women. This shall also highlight models of and experiences in the feminist exercise of power and leadership.

***Published by PILIPINA***

***Supported by***

The publication of this manual was made possible through the support of the Friedrich Ebert Stiftung (FES).

PILIPINA, however claims sole responsibility for the views and ideas presented in this manual.

**PILIPINA**

Room 303, PSSC Building, Commonwealth Avenue, Quezon City, Philippines

Tel/fax no.: (0632) 927-6349

E-mail: pilipina@codewan.com.ph

**---END---**

Copyright Friedrich-Ebert-Stiftung 2000

**▲ BACK TO TOP**

Copyright 2004 FES Philippine Office  
Site design by Kinetic HTML Co.