

**BREAKING THE SILENCE,  
SEEKING JUSTICE IN INTIMATE PARTNER VIOLENCE  
IN THE PHILIPPINES**

**A Review on the Implementation of Republic Act 9262  
Or the Anti-Violence against Women and their Children Act of 2004**

**Women Working Together to Stop Violence against Women  
(WWTSSVAW)  
2009**

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## Introduction

Violence against women (VAW), in its various forms – physical, psychological and sexual – continues to be pervasive in the Philippines.

Violence against women by State actors was highlighted at the time of martial rule when detained women suffered sexual abuse, torture and other ill-treatment.<sup>1</sup> Violence against women as a human rights issue was largely viewed as State violence, and minimal attention was given to VAW by non-State actors or private individuals, particularly in inter-relational contexts.

Women's rights advocacy flourished in 1986 after martial rule. Work against violence in families, in workplaces and in communities was slowly integrated by women's groups into their advocacy through diverse strategies such as direct services, education and training, organizing, networking and coalition building, and legislative lobbying. Thus, the 1990s saw the enactment of several laws protecting women and girl children from violence by the State *and* individuals, groups or corporations. This included the Anti-Child Abuse Law (1992), Anti-Sexual Harassment Law (1996), the Anti-Rape Law (1997) and the Rape Victims Assistance and Protection Act (1998). Citing provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), law groups advocating women's rights posed court challenges regarding prostitution and trafficking. In 2003, a law against trafficking of persons was enacted following strong pressure of women's organizations.

The Republic Act 9262, or the Anti-Violence against Women and Their Children Act of 2004,<sup>2</sup> is a result of the vibrant advocacy on women's human rights in the country. The Women Working Together to Stop Violence against Women (WWTSVAW)<sup>3</sup> was one of the groups that campaigned for the enactment of this law. The law is considered as a significant victory for women as many of its provisions are based on the inalienable right of women not to suffer discrimination and violence, including in intimate relationships. The law defined violence against women by their intimate partners as a public crime. The law provided for the immediate legal relief for the victim-survivors of abuse in the form of protection orders, redress for abuse experienced and stronger community mechanisms to respond to cases of domestic violence, among other things.

The Anti-VAWC Law held much promise for women suffering from physical, psychological and sexual abuse from their husbands, common-law partners, boyfriends or girlfriends. However, the stories of abuse by intimate partners presented by women survivors who came to government and non-government facilities are grim reminders that it is one thing to have a law and another thing to diligently implement its provisions in order to protect women from violence and uphold their rights.

## Objective

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<sup>1</sup> Martial law was declared by President Ferdinand E. Marcos on September 21, 1972 and lasted until February 1986. Rape was used as a tool of repression against women political activists during the authoritarian rule.

<sup>2</sup> The full title of Republic Act 9262 is "An act defining violence against women and their children, providing measures for victims, prescribing penalties therefore, and for other purposes", hereinafter referred in this report as RA 9262 or the Anti-VAWC Law.

<sup>3</sup> The Women Working Together to Stop Violence (WWTSVAW) is a network of 10 non-government organizations which came together to work on the issue of VAW. Amnesty International – Philippines is currently the secretariat of WWTSVAW.

This report is an assessment of the implementation of Republic Act 9262, or the Anti-Violence against Women and Their Children Act of 2004 in the Philippines. Issues and difficulties encountered by women and their lawyers in using the law to protect women from violence are discussed. The obligations of the Philippine State, as state party to human rights treaties including the Convention for the Elimination of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC), to protect women and children from violence by private individuals are also analyzed. Recommendations for key duty bearers are found at the end of the report.

## Methodology

Interviews and focus group discussions were conducted from 2006-2008 among government officials, grassroots women's organizations, lawyers, service providers and WWTSVAW members. The real names of the women victim-survivors are not included to protect their identity and security. The group discussions were held in various parts of the country: in Baguio City (15 December 2006), Cebu City (10 January 2007), Davao City (8 January 2007) and in Quezon City (5 January 2007 and September 2008). A total of 54 persons were interviewed and participated in the group discussions: 8 from regional offices of national government agencies, 7 persons from local government offices, 17 officials from 13 barangays, 10 persons from NGOs, 4 lawyers, and 8 women victim-survivors. Assessment reports on the Anti-VAWC Law and literature on women's status were also collected and reviewed. Time and resources did not permit discussions with Muslim and indigenous women's communities, where formal Philippine legislation is interwoven with traditional law and indigenous justice mechanisms.

## International Human Rights Standards

The Philippines ratified and is bound by the major international human rights treaties including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture (CAT), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol as well as the Convention on the Rights of the Child (CRC).

### Box 1: Discrimination against Women

Article 1 of the Convention on the Elimination of All Forms of Discrimination Against Women defines discrimination against women as "... any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the politics, economic, social, cultural, civil or any other field."

Although the definition of discrimination in CEDAW Article 1 did not specify VAW or gender-based violence as a form of discrimination against women, the CEDAW Committee's General Recommendation No. 19 is explicit on this link:

“6. The Convention in article 1 defines discrimination against women. The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence.

7. Gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention. These rights and freedoms include:

- (a) The right to life;
- (b) The right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment;
- (c) The right to equal protection according to humanitarian norms in time of international or internal armed conflict;
- (d) The right to liberty and security of person;
- (e) The right to equal protection under the law;
- (f) The right to equality in the family;
- (g) The right to the highest standard attainable of physical and mental health;
- (h) The right to just and favourable conditions of work.”

Moreover, General Recommendation No. 19 reiterates Article 2(e), 2(f) and 5 of the CEDAW that states obligation to protect and fulfill women’s human rights applies not only to violence perpetrated by state actors but to violence by any individuals, organization or enterprise.

In the United Nations Declaration on the Elimination of All Forms of Violence against Women (1993), violence against women is defined as:

“... any act of gender-based violence that results in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.”

It goes on further to state in Article 2 that VAW includes but is not limited to:

“Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation

Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women, and forced prostitution; and

Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.”

“[A]ll human rights [impose] three types or levels of obligations on States parties: the obligation to respect, protect and fulfil. In turn, the obligation to fulfil contains obligations to facilitate, provide and promote. The obligation to respect requires States to refrain from interfering directly or indirectly with the right...The obligation to protect requires States to take measures that prevent third parties from interfering with...guarantees...Finally the obligation to fulfil requires States to

adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures towards the full realization of the right..." (AI Index: ACT 77/049/2004)<sup>4</sup>

Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is clear on the obligations of State Parties. In order to eliminate discrimination against women, states must undertake:

“(a) To embody the principle of the equality of men and women in their national institutions and other appropriate legislation if not incorporated therein and to ensure through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions, where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.”

The first Special Rapporteur on violence against women Radhika Coomaraswamy reported to the UN Commission on Human Rights:

“ States must promote and protect the human rights of women and exercise due diligence:

(a) To prevent, investigate and punish acts of all forms of VAW whether in the home, the workplace, the community or society, in custody or in situations of armed conflict;

(b) To take all measures to empower women and strengthen their economic independence and to protect and promote the full enjoyment of all rights and fundamental freedoms;

(c) To condemn VAW and not invoke custom, tradition or practices in the name of religion and culture to avoid their obligations to eliminate such violence;

(d) To intensify efforts to develop and/or utilize legislative, educational, social and other measures aimed at the prevention of violence, including the dissemination of information, legal literacy campaigns and the training of legal, judicial and health personnel;

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<sup>4</sup> Committee on Economic, Social and Cultural Rights General Comment 14: The right to the highest attainable standard of health (Article 12) UN Doc.E/CN.12/2000/4 as cited by Amnesty International, Making Rights a Reality, The duty of states to address violence against women, 2004 (AI Index: ACT 77/049/2004).

(e) To enact and, where necessary, reinforce, amend domestic legislation in accordance with international standards, including measures to enhance the protection of victims, and develop and strengthen support services;

(f) To support initiatives undertaken by women's organizations on VAW and establish and/or strengthen, at the national level, collaborative relationships with relevant NGOs and with public and private sector institutions.”<sup>5</sup>

## **Republic Act 9262 or the Anti-Violence against Women and Their Children Act of 2004**

The declaration of policy in the Anti-VAWC Law makes clear the intent of the Philippine government to fulfill its obligation to protect women from discrimination by criminalizing one of the most pervasive forms of gender-based discrimination, that is, violence against women by intimate partners.<sup>6</sup> It cites the CEDAW and the Convention on the Rights of the Child as standards in addressing VAWC, in addition to the Universal Declaration of Human Rights, the Philippine Constitution and other international human rights instruments to which the country is a state party.

The Anti-Violence against Women and their Children (VAWC) Act presented new options for women abused by their intimate partners. Although some forms of physical, psychological and sexual violence were already penalized under Philippine laws prior to the Anti-VAWC Law,<sup>7</sup> this law highlighted and addressed the particular vulnerability of women to abuse by their intimate partners.

The enactment of the anti-VAWC law took almost a decade of policy advocacy. During the final deliberations on the proposed law, two issues surfaced: “discrimination against men” and negative effect on family ties. The draft law allegedly discriminated against men and violated the equal protection law in the Philippine Constitution.<sup>8</sup>

Substantive equality between men and women as provided by CEDAW and the CEDAW Committee's General Recommendation No. 19 were cited to address criticisms of “discrimination against men”:

“Under General Recommendation No. 19 of the Convention on the Elimination of Discrimination against Women, gender-based violence is a form of discrimination, and addressing / correcting discrimination through specific measures focused on women is not discrimination.

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<sup>5</sup> Radhika Coomaraswamy, Special Rapporteur on violence against women, Report to the Commission on Human Rights, UN Doc. E/CN.4/2003/75, 6 January 2003, para. 65.

<sup>6</sup> RA 9262, Section 2

<sup>7</sup> VAW-related laws enacted prior to 2004, and are used to prosecute intimate partner violence cases included the following: Republic Act 7877 or the Anti-Sexual Harassment Law (1996), Republic Act 8353 or the Anti-Rape Law (1998). The Revised Penal Code (1938) also defined the crimes of parricide, homicide, murder, grave threats, unjust vexation, acts of lasciviousness, adultery and concubinage, among others, that were used against abusive partners. The Family Code (1988) provisions on marriages, ownership of common or community properties, support and parental authority and children's custody have also been used in civil cases. In addition to criminal cases, there were also national policies and institutional mechanisms already in place mandating provision of gender-sensitive support services to VAW victim-survivors prior to 2004.

<sup>8</sup> Women's Legal Bureau for Sama-samang Inisyatiba ng Kababaihan sa Pagbabago ng Batas at Lipunan (SIBOL), “Answers to the Points of Resistance to the Anti-Abuse of Women in Intimate Relationships” (n.d.)

General Recommendation No. 19, requires that State Parties: "...should take appropriate and effective measures to overcome all forms of gender-based violence, whether by public or private act..." and "...should take all legal and other measures that are necessary to provide effective protection to women against gender-based violence..."<sup>9</sup>

On the criticism that the proposed law would result in broken families, women's groups asserted that empowering women through a law that addresses violations of their human rights within the context of family or intimate relationships is critical in families.

"While the state encourages the preservation of marriage and the protection of the family as the basic institution, it should only be so long as the marriage serves its purpose of promoting harmonious conjugal or family life. It cannot be ignored that social, political and economic realities take its toll on marriages. Married couples should not be forced to remain in a relationship that is a failure and is even destructive, both to them and to their innocent children."

... In extending its protection to marriage and family life, the state proceeds from the premise that such marriage upholds the inherent rights and dignity of both husband and wife. Where a woman's rights are violated, the state will act to protect the rights of the individual first before that of the collective good of the family.<sup>10</sup>

Policy advocacy was complemented by intensified consciousness raising and education because resistance to the proposed law was also held by women and men in Congress and among various sectors in Philippine society.

In March 2004, the Republic Act 9262 or the Anti-VAWC Law took effect, with its Implementing Rules and Regulations finalized within the same year. Much of the original provisions of the bill filed in Congress were retained in the final text of the law, with the addition of children as protected persons.<sup>11</sup>

### **Violence against Women and Their Children (VAWC) Defined**

RA 9262 specifically defines violence against women and children (VAWC) as:

"... any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the woman has or had a sexual or dating relationship, or with whom he [sic] has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which results in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty."<sup>12</sup>

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<sup>9</sup> Ibid.

<sup>10</sup> Women's Legal Bureau for Sama-samang Inisyatiba ng Kababaihan sa Pagbabago ng Batas at Lipunan (SIBOL) (n.d.)

<sup>11</sup> "Children" in the Anti-VAWC Law "... refer to those below eighteen (18) years of age or older but are incapable of taking care of them as defined under Republic Act 761cal children. As used in this Act, it includes the biological children of the victim and other children under her care (RA 9262, Section 3 (h) )

<sup>12</sup> RA 9262, Section 3

The definition of VAWC recognized that women are vulnerable to being abused by their intimate partners in various settings. The law does not also specify the gender of the abuser, recognizing the reality of intimate partner violence in lesbian relationships.<sup>13</sup>

Acts of violence against women and children (VAWC) were categorized as physical, psychological and sexual violence and economic abuse.<sup>14</sup> The definitions of sexual, psychological and economic abuse consolidated various acts, some not previously defined as crimes, such as stalking; forcing the woman to witness physical, sexual and psychological abuse of a family member; forcing the wife and mistress/lover to live in a conjugal home or sleep together in the same room with the abuser; and acts that aim to make the woman financially dependent on the abuser.

The law, in its title, used the term “violence against women” (VAW) in a limited way i.e. to refer to abuse of women by their intimate partner. On the other hand, VAW monitoring agencies such as the Philippine National Police (PNP) and the National Statistical Coordination Board (NSCB), approximate international standards in defining VAW:

“... any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. It encompasses all forms of violation of women’s rights, including threats and reprisals, exploitation, harassment and other forms of control.”<sup>15</sup>

## **Penalties and Protection Orders**

Violence against women and children was declared a public crime by the RA 9262 which has the following implications:<sup>16</sup>

- A public crime is a crime that is perpetrated not only on a single individual but against the entire society
- Any individual with public knowledge of the circumstances involving the commission of an abusive act is authorized to file a criminal complaint.

The law details the acts which constitute the crime of violence against women and children (VAWC) and its corresponding penalties. Imprisonment of the offender can range from one month and one day to life, while fines can range from Philippine Peso 100,000 to 300,000. The court shall also order the offender to submit to psychiatric treatment or confinement when necessary.<sup>17</sup> Likewise, the Department of Social Welfare and Development (DSWD) shall provide rehabilitative counseling for perpetrators “towards learning constructive ways of coping with anger and emotional outburst and reforming their ways.”<sup>18</sup>

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<sup>13</sup> In general, Philippine laws are silent on the gender-specific issues of the lesbians, gays, bisexuals, transgender and queers (LGBTQ), particularly their discrimination in society. An anti-discrimination bill has been filed in Congress.

<sup>14</sup> RA 9262 Section 3, (A) to (D)

<sup>15</sup> NSCB Gender and Development Glossary of Terms ([www.nscb.gov.ph](http://www.nscb.gov.ph))

<sup>16</sup> Saligan, “Strengthening Responses to Violence Against Women: Overcoming Legal Challenges in the Anti-Violence against Women and Their Children Act” (n.d.)

<sup>17</sup> RA 9262, Section 41

<sup>18</sup> Ibid.

A protection order under the Anti-VAWC Law is defined as:

“... an order issued... for the purpose of preventing further acts of violence against a woman and her child specified in Section of this Act and granting other necessary relief. The relief granted under a protection order should serve the purpose of safeguarding the victim, minimizing any disruption in the victim’s daily life, and facilitating the opportunity and ability of the victim to independently gain control of her life. “<sup>19</sup>

The law enumerates the following reliefs that may be availed of through a protection order:<sup>20</sup>

1. prohibition of the respondent (perpetrator) from threatening to commit or committing personally or through another, any of the acts penalized by the Anti-VAWC law
2. prohibition of the respondent from harassing, annoying, telephoning, contacting, or otherwise communicating with the petitioner (victim-survivor) directly or indirectly
3. removal and exclusion of the respondent from the residence of the petitioner whether temporarily or permanently
4. directing the respondent to stay away from the petitioner and any designated family or household member at a distance specified by the court
5. directing lawful possession and use by the petitioner of an automobile and other personal effects regardless of ownership
6. granting temporary or permanent custody of a child/children to the petitioner
7. directing the respondent to provide support to the woman and/or her child if entitled to legal support
8. prohibition of the respondent from any use or possession of any firearm or deadly weapon and order him to surrender the same...including revocation of license and disqualification to apply for any license to use or possess a firearm
9. restitution for actual damages caused by violence inflicted including property damage, medical expenses and loss of income
10. directing the Department of Social Welfare and Development or any appropriate agency to provide temporary shelter and other social services that the petitioner may need
11. provision of other forms of relief as may be necessary to protect and provide for the safety of the petitioner.

The law specifies three kinds of protection orders: the Barangay Protection Order (BPO), Temporary Protection Order (TPO), and the Permanent Protection Order (PPO).<sup>21</sup> Violations of protection orders are punishable by imprisonment and/or fine, without prejudice to any other criminal or civil action that the offended party may file for any of the acts committed.<sup>22</sup>

The Barangay (village) Protection Order is the most accessible protection order that may be obtained by the woman. However the coverage of the Barangay Protection Order is limited to immediate protection against further physical harm and harassment within the barangay where it was

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<sup>19</sup> RA 9262, Section 8; See also Sections 9-23 and Rule IV on protection orders in the RA 9262 Implementing Rules and Regulations.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> RA 9262, Sections 12 and 21.

issued and it is effective for 15 days, without extension.<sup>23</sup> Courts can issue Temporary and Permanent Protection Orders<sup>24</sup> which are enforceable anywhere in the country<sup>25</sup> and can provide a broader coverage of relief and protection. A Temporary Protection Order is effective for 30 days and shall be continuously extended or renewed until final judgment is issued on the application for a Permanent Protection Order (PPO). A Permanent Protection Order is valid until revoked by the petitioner.<sup>26</sup>

Cognizant of the urgent need for protection orders, the Anti-VAWC Law states that Barangay and Temporary Protection Orders shall be issued within the same day of filing of application and after *ex parte*<sup>27</sup> determination of the basis of the application.<sup>28</sup> The issuance of Permanent Protection Orders, on the other hand, is scheduled for hearings which shall take place before or on the date the Temporary Protection Order expires. As much as possible, the court shall conduct the hearing on the merits for the issuance of a PPO in one day.<sup>29</sup>

### **Rights of Victim-Survivors and Prohibited Acts in Handling VAWC Cases**

RA 9262 specified the following as rights of the victim-survivors:<sup>30</sup>

“Section 35. Rights of Victims – In addition to their rights under existing laws, victims of violence against women and their children shall have the following rights:

- (a) to be treated with respect and dignity;
- (b) to avail of legal assistance from the Public Attorney’s Office and the Department of Justice or any public legal assistance office;
- (c) to be entitled to support services from the DSWD [Department of Social Welfare and Development] and the LGUs [local government units];
- (d) to be entitled to all legal remedies and support as provided for under the Family Code; and
- (e) to be informed of their right to apply for a protection order.”

The right to privacy of the victim is also provided in the law, and its violation is punishable by imprisonment and fine.<sup>31</sup>

RA 9262 also provided for the liberal construction of its provisions “to promote the protection and safety of victims of violence against women and their children”.<sup>32</sup> A critical provision in the law is the Battered Woman Syndrome as a defense. A victim suffering from Battered woman syndrome is not disqualified from having custody of her children:<sup>33</sup>

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<sup>23</sup> RA 9262, Section 14

<sup>24</sup> RA 9262, Section 10

<sup>25</sup> RA 9262, Section 12

<sup>26</sup> RA 9262, Section 15 and 16

<sup>27</sup> without notice or hearing to the respondent

<sup>28</sup> RA 9262, Section 14 and 15

<sup>29</sup> RA 9262, Section 15

<sup>30</sup> RA 9262, Section 35

<sup>31</sup> RA 9262, Section 44.

<sup>32</sup> RA 9262, Section 4

<sup>33</sup> RA 9262, Sections 3, 26, 28. RA 9262 defined Battered Woman Syndrome (BWS) as “a scientifically defined pattern of psychological and behavioral symptoms found in women living in battering relationships as a result of cumulative abuse.” The Philippine jurisprudence on the Battered Woman Syndrome (BWS) was established in 2004 in the case of

“Section 26. Victim-survivors who are found by courts to be suffering from battered woman syndrome do not incur criminal and civil liability notwithstanding the absence of any of the elements for justifying the circumstances of self-defense under the Revised Penal Code.”

The following acts are prohibited in handling VAWC cases:

- (1) using as defense (by the alleged abuser) the influence of alcohol, illicit drug or any mind-altering substance<sup>34</sup>
- (2) directing, forcing or unduly influencing (by a government official) a victim to compromise or abandon any relief sought by the applicant in the application for protection<sup>35</sup>.

In line with the provision of the law to prioritize ex parte and adversarial hearings on applications for protection orders,<sup>36</sup> the Supreme Court Rules on Violence against Women and Their Children also prohibit lawyers of the respondent (alleged offenders) from filing pleadings and motions which would delay court hearings on protection orders.<sup>37</sup>

### **Responsibilities of National and Local Government Units**

The law is clear that all government agencies shall be actively involved in eliminating violence against women and children. The law also clarified the duties of health care providers and other government agencies. Section 39 of RA 9262 provides for the creation of the Inter-Agency Council on Violence against Women and their Children (IAC-VAWC)<sup>38</sup> which shall formulate gender-sensitive programs and projects according to their respective agency mandates including capability building programs for their employees.

Locating critical interventions at the local government unit (LGU) level, particularly in the barangays (village level government unit) is a significant feature of the Anti-VAWC Law. This takes into account the reality of poor women who do not go to courts to seek protection from abuse for reasons of shame, lack of resources or inaccessibility of courts and other national institutions, lack of

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*People v. Genosa*, a parricide case wherein the accused was sentenced to death. The Supreme Court forwarded several requisites for the BWS: (1) Each phase of the cycle of violence (i.e. tension-building, acute battering incident and tranquil phases, as propounded by Lenore Walker (1980) ) must be proven to have characterized at least two battering episodes between the appellant and her intimate partner; (2) The final and acute battering episode preceding the killing of the batterer must have produced in the battered person’s mind an actual fear of an imminent harm from her batterer and an honest belief that she needed to use force in order to save her life; and (3) At the time of the killing, the batterer must have posed probable – not necessarily immediate and actual – harm to the accused, based on the history of violence against the latter. In *People v. Genosa*, although the accused was not acquitted of the crime, the defense of BWS lowered her sentence. The Philippines has since 2006 repealed the Death Penalty Law. (WEDPRO and PhilRights, *Invisible Realities, Forgotten Voices: The Women on Death Row from a Gender and Rights-Based Perspective*, 2006).

<sup>34</sup> RA 9262, Section 27.

<sup>35</sup> RA 9262, Section 33.

<sup>36</sup> RA 9262, Sections 16 and 20.

<sup>37</sup> A.M. No. 04-10-11-SC, Section 22.

<sup>38</sup> The IAC-VAWC is composed of the following national agencies: Department of Social Welfare and Development; National Commission on the Role of Filipino Women; Civil Service Commission; Commission on Human Rights, Council for the Welfare of Children, Department of Justice, Department of Interior and Local Government, Philippine National Police, Department of Health, Department of Education, Department of Labor and Employment, and National Bureau of Investigation.

women's awareness of their rights and limited information on the services that are available to them. Poor women usually seek assistance from barangay officials when experiencing intimate partner violence since the barangay is easily accessible.

The Implementing Rules and Regulations of the Anti-VAWC Law state the following duties and responsibilities of barangay (village) officials in addressing VAWC cases, in addition to issuing barangay protection orders:

**“Section 47. Duties and Functions of Barangay Officials –In order to eliminate violence against women and their children, barangay officials shall:**

- (a) Undertake an education program on Republic Act No. 9262 and on violence against women and their children and why it exists, the rights and remedies of victim-survivors, and the duties of residents and all barangay officials;
- (b) Have a family violence prevention program, including peer counseling for men;
- (c) Support organizing efforts and development programs for women in the community;
- (d) Prioritize livelihood projects for victim-survivors;
- (e) Involve women in planning and implementation of all programs and projects in the barangay;
- (f) Have an Anti-VAWC desk officer in the barangay who shall coordinate a one-stop help desk. As much as possible, this help desk shall be open for 24 hours;
- (g) Ensure that all barangay officials, barangay health workers, barangay nutrition scholars, other barangay workers and tanod or barangay security officers undergo gender sensitivity seminars to enable them to respond to victims of violence;
- (h) Develop a system to document and report cases of VAWC and assistance program to victims thereof; and
- (i) If applicable / necessary, prescribe additional guidelines and standards provided that these are consistent with the Act.

## **Violence against Women by Intimate Partners in the Philippines**

A cursory glance at the situation of women in the Philippines reveals an irony. On the one hand, the Philippines enjoys a high rating with regard to international indices on gender. The country ranked 86<sup>th</sup> out of 182 countries in the 2007 Gender and Development Index (GDI), and 59<sup>th</sup> in the Gender Empowerment Measure (GEM) of the same year.<sup>39</sup> Another global index, the Gender Gap Index of the World Economic Forum,<sup>40</sup> ranked the Philippines 6<sup>th</sup> worldwide with respect to its efforts to address gender disparity in economic participation, education, health and politics. In the latter index, the Philippines is the only country in Asia among the top 10 which is composed mostly of European countries.

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<sup>39</sup> UNDP, Human Development Index 2009. The gender-related development index (GDI), introduced in Human Development Report 1995, measures achievements in the same dimensions (living a long and healthy life, being educated and having a decent standard of living) using the same indicators as the Human Development Index, adjusted to account for inequalities between men and women. The gender empowerment measure (GEM) reveals whether women take an active part in economic and political life. It tracks the share of seats in parliament held by women; of female legislators, senior officials and managers; and of female professional and technical workers- and the gender disparity in earned income, reflecting economic independence. Differing from the GDI, the GEM exposes inequality in opportunities in selected areas.

<sup>40</sup> The World Economic Forum is an independent international organization committed to improving the state of the world by engaging leaders in partnerships to shape global, regional and industry agendas. Incorporated as a foundation in 1971, and based in Geneva, Switzerland, the World Economic Forum is impartial and not-for-profit; it is tied to no political, partisan or national interests. The World Economic Forum is under the supervision of the Swiss Federal Government.

Yet, discrimination against women, in the form of violence, remains very pervasive in the country. Table I shows the incidence of violence against women (VAW) reported to the Philippine National Police, according to the National Commission on the Role of Filipino Women from 2004-2008.

<b>Table 1. Annual Comparative Statistics on Violence Against Women, Philippines: 2004–2008</b>					
<b>Reported Cases</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Rape	997	927	659	837	811
Incestuous Rape	38	46	26	22	28
Attempted Rape	194	148	185	147	204
Acts of Lasciviousness	580	536	382	358	445
Physical Injuries/Wife Battering	3,553	2,335	1,892	1,505	1,307
Sexual Harassment	53	37	38	46	18
RA 9262	218	924	1,269	2,387	3,599
Threats	319	223	199	182	220
Seduction	62	19	29	30	19
Concubinage	121	102	93	109	109
Sex Trafficking/White Slavery/RA 9208	17	11	16	24	34
Abduction / Kidnapping	29	16	34	23	28
Unjust Vexation	90	50	59	59	83
<b>Total</b>	<b>6,271</b>	<b>5,374</b>	<b>4,881</b>	<b>5,729</b>	<b>6,905</b>

Source: National Commission on the Role of Filipino Women (NCRFW), based on PNP records.

Since 2004, wife battering cases were included in 'violation of RA 9262' if the victims file a case under such law, otherwise the cases still fall under wife battering/physical injuries category. The National Commission on the Role of Filipino Women noted that “ in 2008, the number of violence against women cases reported to the police rose by 21% from the 2007 report. The increase caused the trend to go upward after a six-year downward trend from 2001 to 2006 and that for the past twelve years since 1997, the trend peaked at a record high of 9,132 VAW cases in 2001. ..Among the regions, the National Capital Region (NCR) posted the highest reported violence against women cases from January to December 2008 with 1,541 reported cases, accounting 22 percent of the total reported VAW cases nationwide for that year.<sup>41</sup>

Underreporting of cases exists since some women do not speak about the violence experienced due to several factors such as shame and self-blame for the violence, fear of the abuser’s retaliation, limited resources to pursue justice, inaccessible or unavailable facilities where one can report the violence, among others. In cases of intimate partner violence, many women also experience being “filtered out” of the legal justice system when they are pressured by village mediators to reconcile with their abusive partners.<sup>42</sup>

The data from the Department of Social Welfare and Development (DSWD) in Table 2 show that physical abuse, battery and maltreatment of women comprise the bulk of the problems presented by Women in Especially Difficult Circumstances (WEDC) who sought their services.

Table 2: Number of Women in Especially Difficult Circumstances Served by DSWD  
2005-2007

Case Category		2005	2006	2007
Sexually abused	Rape	254	237	319
	Incest	90	91	
	Acts of lasciviousness	4	5	
Physically abused / maltreated / battered		1,582	1,438	1,475
Victims of illegal recruitment		74	45	102
Victims of involuntary prostitution		141	75	32
Victims of armed conflict		5	15	174
Victims of trafficking		112	38	
Women in detention		62	71	--
Uncategorized		3,116	3,363	3257
Total		5,440	5,378	5,359

(Source: DSWD<sup>43</sup>)

Violence against women by intimate partners occurs in a context where there is gender disparity in political and economic participation of women and men.

<sup>41</sup> <http://www.ncrfw.gov.ph> accessed May 2009.

<sup>42</sup> Women’s Legal Bureau, “Engendering the Barangay Justice System” (2004).

<sup>43</sup> Department of Social Welfare and Development. Total Number of Women in Especially Difficult Circumstances Served by DSWD. [www.dswd.gov.ph](http://www.dswd.gov.ph) (last accessed 21 October 2008).

The Women in Nation-Building Act of 1991 (Republic Act 7192) asserts the right of women to equal participation in the formulation and the benefits of government programs and recognized women's capacity to act as equal to that of men, e.g., in entering into contracts, memberships in social clubs, admission to military schools and in securing access to credit and social security benefits. In 2005, all government institutions were mandated by law to formulate Gender and Development (GAD) Plans and allocate at least five percent (5%) of their respective annual budgets for the implementation of these plans.<sup>44</sup>

Although women and men are roughly equal in terms of population in the Philippines, women's representation in certain sectors is very low.

Women in formal public decision-making spaces continue to be limited and representation of their gender-specific interests remains marginalized. Results from the 2004 Philippine elections show that women are only 16.62 per cent of the local government officials, 15.24 per cent of the Congressional representatives, and 16.67 per cent of the senators.<sup>45</sup> It has been noted that gender equality issues are not priorities in Congress.<sup>46</sup> Top-level leadership positions are also elusive for women even in social movements. Building a women's vote or a women's political bloc to lobby gender-specific interests in the legislature remains a critical agenda for the women's movement in the country.<sup>47</sup>

The labor force participation of women<sup>48</sup>, however relatively high at 87.7 per cent, is still less than that of men's which is 90.7 per cent. The gap is even wider in the rural areas where 86.6 per cent of the women are engaged in productive work compared to 93.2 per cent of the men.<sup>49</sup> In terms of labor force participation rate, women lag behind men at 50.2 per cent and 79.5 per cent respectively.<sup>50</sup>

Based on data from the Civil Service Commission, 57.59 per cent of government employees in Career Service positions are women, however most of them are found in first and second level positions (99.1 per cent of the women compared to 93.3 per cent of the men). Third level positions are still dominated by men (4.4 per cent of the men compared to 0.6 per cent). In terms of income, women's earnings are generally lower than men's. In top executive and managerial positions, women's salaries are only 24 per cent of men's. However, the reverse pattern is true in the lower rungs of occupational hierarchy. The women's salary in professional and technical work exceeds men's by 40 per cent. In clerical and sales work, women earn 15 and 17 per cent, respectively, more than men.<sup>51</sup> Gender stereotyping of female laborers into unskilled work also explained the lower wages compared to their male counterparts who are tracked into skilled work.

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<sup>44</sup> Republic Act 9336 or General Appropriations Act of 2005.

<sup>45</sup> National Statistical Coordination Board. Factsheet on Gender. [www.nscb.gov.ph](http://www.nscb.gov.ph) (last accessed 21 October 2008)

<sup>46</sup> WEDPRO and the Institute for Popular Democracy (2006), "Reflection and Insights on the Status and Directions of Women's Political Participation: Re-imagining Women's Movements and Struggles in Conversations with Women".

<sup>47</sup> Ibid.

<sup>48</sup> Labor force participation of women means employment of women in the formal labor sector

<sup>49</sup> Friedrich Ebert Stiftung, "Gender Issue-Philippines". [www.fes.org](http://www.fes.org) (last accessed 24 October 2008).

<sup>50</sup> National Statistical Coordination Board. Factsheet on Gender. [www.nscb.gov.ph](http://www.nscb.gov.ph) (last accessed 21 October 2008)

<sup>51</sup> Friedrich Ebert Stiftung, "Gender Issue-Philippines". Available from their website [www.fes.org](http://www.fes.org) (last accessed 24 October 2008).

Despite the positive economic growth in the past six years (estimated at an average of 5 per cent<sup>52</sup>), real and substantial changes in the micro or household level still remains to be felt. The results of a Social Weather Station survey released in July 2008 showed that 59 per cent of Filipino families, or about 10.6 million families, rated themselves as poor. Moreover the same survey showed that 49 per cent of Filipinos considered themselves as “food-poor” while another 26 per cent rated on the “food-borderline”.<sup>53</sup>

In a report to the UN Committee for the Elimination of Discrimination against Women, the DSWD Secretary noted: “Continuing poverty in the nation exacerbates gender issues. Almost a quarter of the population, and close to a third of Filipino women live below the poverty line. Rural women bear the brunt of impoverishment.”<sup>54</sup>

Women are multiply burdened by the demands of their reproductive work in the home, in addition to productive labor that they must take on so their families can make ends meet. In poorer communities, women’s productive work often meant work in the informal sector where women are marginalized and have no access to social security or support systems.<sup>55</sup>

More and more women, regardless of civil status, leave the country each year to work abroad in order to support their families. For the past decade, females have comprised as much as 70 per cent of overseas workers. Women are mostly in service work where they are very vulnerable to physical and sexual abuse, drug dependence, prostitution, mysterious or violent deaths, and trafficking.<sup>56</sup>

## Surviving Violence, Breaking the Silence and Seeking Justice

The stories of women who survived violence, and broke the silence, highlight the dilemma of many women abused by their intimate partners. A number of Philippine laws, including RA 9262, have provisions for the protection of abused women and for redress of their grievances.

However, many women expressed uncertainty on whether laws, including RA 9262, will protect them and will ensure their access to justice and services. Women expressed anxieties about whether government officials will believe them when they come forward with complaints of abuse by intimate partners or whether they will be taken seriously. The women interviewed reported the abuse to authorities only when the violence became a survival issue, that is, when they and/or their children were already at risk.

Women victim-survivors of violence also informed WWTSVAW of various factors that reinforce their silence or hesitance to report abuse. The factors are: women were blamed when abuse occurs;

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<sup>52</sup> CIA World Factbook – Philippines. Available from their website <https://www.cia.gov/library/publications/the-world-factbook/geos/rp.html> (last accessed 25 October 2008).

<sup>53</sup> Social Weather Stations Media Release, “Second Quarter 2008 Social Weather Survey: Self-Rated Poverty jumps to 59%” (31 July 2008). Available from their website [www.sws.org.ph/pr080731.htm](http://www.sws.org.ph/pr080731.htm) (last accessed on 27 October 2008).

<sup>54</sup> Cabral, Esperanza. Statement at the 36<sup>th</sup> Session of the UN Committee for the Elimination of all forms of Discrimination against Women. (United Nations, New York, 15 August 2006, page 6.

<sup>55</sup> Philippine’s Combined Fifth and Sixth Country Report to the CEDAW Committee (2004: 39). Available at <http://www.un.org/womenwatch/daw/cedaw/reports.htm> (last accessed 21 October 2008)

<sup>56</sup> Ibid.

pressures from the women's family and the communities "to make the intimate relationship work" or "to keep the relationship for the sake of the children"; the women are overwhelmed by the abuse which prevents them from considering more strategic actions against violence; because the abuse occurs within the context of marriage, cohabitation or some form of intimate relationship, the women think that the solution is private and must be worked out by the partners.

Repeated abuse takes a toll on the women's self-esteem thus making it more difficult for them to end the abuse. Some women expressed fear that they were already losing their sanity as an effect of violence. Some women entertained thoughts of killing their abusive partners. Two victim-survivors prepared weapons — a gun and a metal pipe — hoping to defend themselves in the inevitable next episode of violence. But, they never used them because they feared imprisonment. They endured violence for several years.<sup>57</sup>

According to women victim-survivors of violence in Davao City, one of the reasons they did not seek help for many years was that they did not believe anyone would listen to them and give any importance to their complaints.<sup>58</sup>

Thus, often responses of women to the abuse are limited to coping and adjusting to the situation. While they fear for their safety, they are also afraid of society's rebuke of women who are not able to "save" their relationships.

Stories of two women who experienced violence and the difficulties they faced when they filed complaints at the police stations are in Boxes 2 and 3 while a service provider reported on the dilemmas of women who had traumatic experiences with their intimate partners in Box 4.

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<sup>57</sup> Adoracion Avisado, *Republic Act 9262 and the Women Victims of Violence in Davao City* (Unpublished study, n.d.: 36-38)

<sup>58</sup> Adoracion Avisado, *Republic Act 9262 and the Women Victims of Violence in Davao City* (Unpublished study, n.d.: 49)

### Box 2: Amelou's Story

Amelou reported her husband's battering when she realized that her life and those of her children were in real danger. Going to the barangay to file a complaint was a discouraging experience - there was no one to receive her complaint in the barangay hall and she had to go back the following day. She did not go to the hospital for medical assistance because she imagined she would be blamed for bringing on her husband's violence. She felt sorry for herself and ashamed of her situation.

Amelou, an accountant, met her husband at work who was her subordinate. After marriage, her husband told her to stop working so she can better take care of her three children, one girl and two boys.

In 2003, when Amelou experienced violence by her husband for the first time, she did not file a case. Instead, they mutually agreed to live separately and her husband gave their children financial support. Soon after, her husband begged for reconciliation and Amelou agreed to live with him again.

When another episode of battery occurred, in 2008, Amelou sought help from the barangay. A neighbor, who learned about RA 9262 by attending education sessions on VAWC organized by a women's organization, informed her about the anti-VAWC law. Amelou said, "Had I known about the [Anti-VAWC] law, I would not have simply reported the violence to the barangay. I should have gone to the police and had him picked up. I want to see him behind bars." Amelou is determined to learn more about women's rights. She wants to rebuild her life by joining her sister who lives abroad. In the meantime, she and her children are living with one of her sisters.

August 2008, Angeles City.

### Box 3: Nora's Story

One woman told the researcher how the local authorities did not provide her with consistent support to pursue her complaint of violence against her common-law husband:

Nora, a former staff of a women's human rights organization in Metro Manila and an active member of a women's group in her community, is familiar with the many laws protecting women's rights, including the Anti-VAWC Law. However, this knowledge did little for her against the physical and psychological violence of her common-law husband, John. Her husband also took out huge loans from a usurer which Nora had to pay with her income from her food shop. Although John owned a vulcanizing shop, it was Nora who supervised the business. Once, her brother came to live with them while looking for work but he was not able to protect her from her abusive husband.

Nora's breaking point came when she discovered that John was raping her son from her previous relationship. But she did not immediately file a case against John due to fear of John's reaction. When she finally got the courage to go to the barangay and police, the barangay officials were reluctant to consider her complaint because they get free vulcanizing services from John and were anxious about a possible violent reaction from John. Nora got a Barangay Protection order (BPO) but it did not give her the protection she expected. John continued to harass her while the barangay officials did not do anything to stop or prevent the harassment.

At one time, Nora got help from the police so John was arrested for violating the provisions in the BPO. However, he was released after a short period because John knew the policemen who arrested him and convinced them to let him go. The police even insinuated that perhaps Nora was filing a VAWC case so John could go to prison and she would have the income from the vulcanizing shop to herself. The police told her she had no witnesses, hence no evidence, that John beat her up. Some police officers told her that domestic violence is "natural" between couples. The police saw merit only in the child abuse and rape charges against John. They advised Nora to drop the VAWC case and focus her energies on the child rape case.

Nora filed a VAWC case against her husband on 6 December 2007 at the Angeles City Regional Trial Court and the last hearing she attended on the case was on 14 February 2008. She eventually gave up on the VAWC case, and focused on winning the rape case as the police advised.

On her experience in using the Anti-VAWC Law, Nora remarked, "The law in this country is useless. Instead of protecting the victims like me, the authorities instead protect the perpetrator. Officials are biased for men."

September 2008, Quezon City.

### Box 4: Not "Protective Shields"

One participant in the roundtable discussion conducted in the National Capital Region shared: "We have cases where women already have a collection of medical certificates but they keep coming back with bruises. I always tell them that the certificates are just pieces of paper and not a protective shield, unless they use them [by filing a legal complaint]. The thing is many women go back to their husbands and forgive them shortly afterwards. One more problem, I think, is the culture. Many women believe that battering is part of being married. Most of these women say that the battering was their fault."

## The Challenge of Due Diligence in the Implementation of RA 9262

Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is clear on the obligations of State Parties -- beyond ratification of CEDAW, States must “adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women”. Furthermore, ensuring *de facto* equality through addressing social and cultural barriers to gender equality is also an obligation of State parties (Article 5a). Specific steps to be undertaken by State Parties are also found in the consensus and outcome documents from international conferences on women’s human rights, such as the 1995 Beijing Platform for Action, which was adopted by the Fourth World Conference on Women: Action for Equality, Development and Peace, which was held in Beijing on September 15, 1995.

RA 9262, as a law criminalizing violence against women by intimate partners, is a very concrete effort by the Philippine state to eliminate discrimination against women. The Anti-VAWC Law is grounded on the principle that men and women are equal in rights and it provides protection and services for the women and sanctions against the perpetrators of violence.

Despite RA 9262, the Women Working Together to Stop Violence against Women (WWTSVAW) gathered information about failures of the various institutions of the Philippine state to respect, protect and fulfill women’s right against discrimination, particularly through prevention, investigation and punishment of violence against women by intimate partners.

Discriminatory actions against women victims-survivors of violence by state agents in government institutions, both in the executive and judicial branches, were noted. More than four years after its enactment in 2004, the Anti-VAWC Law has yet to fulfill its objective to give women protection against abuse by intimate partners and to facilitate their access to justice and their substantive equality with men under the law.

### **The Role of the Inter-agency Council on Violence against Women and Children (IAC-VAWC)**

RA 9262 identified key government agencies to compose the Inter-Agency Council on Violence against Women and Children (IAC-VAWC). The members of the IAC-VAWC are the Department of Social Welfare and Development (DSWD), National Commission on the Role of Filipino Women (NCRFW), Civil Service Commission (CSC), Commission on Human Rights (CHR), Council for the Welfare of Children (CWC), Department of Justice (DOJ), Department of Interior and Local Government (DILG), Philippine National Police (PNP), Department of Health (DOH), Department of Education (DepEd), Department of Labor and Employment (DOLE); and the National Bureau of Investigation (NBI). The IAC-VAWC members are tasked to formulate programs and projects to eliminate violence against women and children based on their mandates, develop capability programs in order that government employees become more sensitive to victim’s needs as well as monitor anti-violence against women and children initiatives.<sup>59</sup>

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<sup>59</sup> Section 39 of RA 9262.

## ***Public Education on Gender-based Discrimination, RA 9262 and Women's Rights***

The law made clear that the education of the general populace and capacity-building for government personnel on RA 9262, gender-based discrimination including violence against women and children (VAWC) and women's rights is a responsibility of the government in general.

WWTSVAW gathered information, from government officials and human rights groups, of many gaps in the implementation of even earlier programs and policies addressing gender concerns which has implications for the Anti-VAWC Law implementation. Gender and Development (GAD) budgets, which are mandatory, are considered by many national agencies and local government units as "optional" hence may be non-existent or may be used in activities not related to gender concerns and gender mainstreaming.

Some women victim-survivors of violence and government officials, who were interviewed and participated in the focus group discussions, did not know about RA 9262 including the fact that violence against women is a public crime. Until now, the view that violence against women by intimate partners (occurring within the context of marriage, cohabitation or some form of intimate relationship) is a private matter is pervasive. Views that women are to be blamed when abuse occurs; keeping the relationship for the sake of the children, despite abuse; physical violence against women is normal in a marriage are cultural barriers to prevent abuse and protect women from violence.

The Declaration on the Elimination of Violence against Women and the Beijing Platform for Action specifically called on states to

"adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women."<sup>60</sup>

The mandate on all government agencies to conduct education on women's rights is not a new one. The National Commission on the Role of Filipino Women (NCRFW) since the 1990s has been helping government agencies to "mainstream gender" in their policies, programs and activities. Gender mainstreaming necessarily integrates raising gender awareness of these agencies towards addressing gender issues such as violence against women. The Philippine Plan for Gender-Responsive Development 1995-2025 was also adopted by the national government by virtue of Executive Order 273. The enactment of Republic Act 7142, or the Women in Nation Building Act in 1992, paved the way for the mandatory inclusion of a Gender and Development (GAD) Budget within the national budget.<sup>61</sup> Thus, the responsibilities of government agencies under the Anti-VAWC Law are meant to further enhance what they have supposedly been doing for a decade.

A critical government institution in the implementation of RA 9262 is the Department of Interior and Local Government (DILG) which supervises the local government units including barangays. The DILG trained provincial and city directors on RA 9262, who were expected to convey what they learned to local government officials. The heads of the League of Provinces and Municipalities

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<sup>60</sup> Declaration on the Elimination of Violence against Women, Article 4 (j) and Beijing Platform for Action, para 124 (k).

<sup>61</sup> See Section 6 of the Implementing Rules and Regulations of RA 7142.

stated during the roundtable discussions that they have no knowledge of the law and thus have no programs on VAWC. Some 2,000 barangay officials were trained by the Department of Interior and Local Government.<sup>62</sup> Efforts to disseminate an understanding of VAWC are also hampered by resistance to the law itself and absence of due diligence to protect women from abuse.

On the other hand one of the best government institutions in generating awareness of women's rights, gender based discrimination and RA 9262 is the Department of Education (DepEd) which has offices all over the country and has a broad reach among women, communities and government officials. The Department of Education is mandated to conduct sensitivity trainings and seminars on VAWC, train teachers and principals to assist victims in applying for BPOs, develop gender-fair curricula, establish school-based interventions and protocols in handling VAWC.<sup>63</sup> However, the Department of Education informed the coalition that it has not looked into many aspects of their mandate and their activities basically consist of conducting gender sensitivity trainings among teachers since 1989 and developing a sample lesson exemplar on women's issues, both of which have some content on VAWC.<sup>64</sup>

National agencies such as the Department of Social Welfare and Development (DSWD), the National Bureau of Investigation (NBI) and the Philippine Judicial Academy (PHILJA) accessed funds from various donors for GAD-related projects, including improvement of facilities, purchase of equipment, and capacity building activities.

The Philippine Judicial Academy, the training arm of the Supreme Court, trained 624 judges, clerks of court, prosecutors, public attorneys and other justice personnel in 2004-2006 on handling of cases of violence against women and children.<sup>65</sup> An assistant administrator of the Supreme Court said that more extensive efforts are necessary to re-orient the justice system. She said that not all family court judges are in favor of Temporary Protection Orders (TPO).<sup>66</sup>

The Philippine Commission on Human Rights was also mandated by the RA 9262 in its Implementing Rules and Regulations to ensure the integration of VAWC core messages in its programs and projects, conduct trainings on women's rights and VAWC for all sectors including the police, military, members of investigating agencies, investigate and recommend prosecutions of violations of the RA 9262 and assist victims with legal services.

### ***Monitoring and Documentation of Cases of VAWC***

The Inter-Agency Council on Violence against Women and Their Children (IAC-VAWC) monitors the performance of national and local government agencies and units, but compliance by all agencies with responsibilities to implement the RA 9262 has not been ensured.

Documentation of cases of intimate partner violence against women and children is erratic and very poor. The tracking of cases by the Department of Interior and Local Government (DILG) is dismal.

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<sup>62</sup> Interview with Department of Interior and Local Government (DILG) official, 21 November 2006.

<sup>63</sup> Implementing Rules and Regulations of RA 9262, Section 61.

<sup>64</sup> Interview, Department of Education, 30 March 2007.

<sup>65</sup> Philippine Judicial Academy, Accomplishment Report: UNICEF-Assisted projects 2000-2004 (Manila: PHILJA, n.d.) 19.

<sup>66</sup> Interview with Assistant Administrator of the Supreme Court, 11 December 2006.

Having links to the 42,000 barangays (villages) across the country where incidents of violence against women and children first come to the attention of government, the DILG is in the best position to provide comprehensive data. The DILG issued a circular directing barangays to report on VAWC cases but the data set available is very incomplete, with information from only six regions out of the 17 regions in the country. These regions correspond to the locations of the 2000 barangay officials who were trained on RA 9262.

The processing and recording of cases of violence against women and children is problematic. There is no national institution that maintains all data and information regarding intimate partner violence against women and children. As previously mentioned, the use of the term violence against women and children (VAWC) in RA 9262 refers to intimate partner while violence against women (VAW) has been referred to gender-based violence in general. The National Statistics Coordination Board has yet to adopt VAWC in its tabulation of cases. The Department of Interior and Local Government issued their own tracking forms for VAWC cases to the barangays and the categories are physical abuse, sexual abuse, psychological abuse and economic abuse. In a study citing the PNP 2007 database (Table 3), the police uses the category of “wife battering” and at the same time has a separate entry for “violations of RA 9262”.<sup>67</sup>

Table 3: Cases of RA 9262 Violations and Physical Abuse / Wife Battering Reported to the Philippine National Police from 1<sup>st</sup> to 3<sup>rd</sup> Quarter of 2007

Reporting Quarter	Physical Injuries / Wife Battery	Violations of RA 9262
First Quarter 2007	426	412
Second Quarter 2007	483	694
Third Quarter 2007	339	589
Total	1,248	1,649

(Source: Saligan (n.d.))

The varied data sets across agencies make comparison and consolidation difficult. There is a need to standardize monitoring and documentation systems towards compiling a national data on intimate partner violence against women and their children. Another challenge is accurate recording, ensuring that all cases are recorded and overlap of cases avoided.

Box 5 illustrates the lack of political will on the part of government departments to contribute to the implementation of the law to prevent violence against women and children.

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(Manila: NCRFW; CIDA, 2004) 99.

<sup>67</sup> As cited in Saligan, “Strengthening Responses to Violence against Women: Overcoming Legal Challenges in the Anti-Violence against Women and Their Children Act” (n.d.).

Box 5: The Anti-VAWC Law in the Bureaucracy

Section 39 of the Anti-VAWC Law states:

The Council [IAC-VAAWC] members may designate their duly authorized representative who shall have a rank not lower than an assistant secretary or its equivalent.

A government official of the Civil Service Commission (CSC), recalled the first IAC-VAWC meeting: “I went to the first Council meeting because I thought it was so important. I expected to find Department Secretaries there. But there was just one Undersecretary and everybody else was the representative of the representative of the representative. So, now we do the same. But we took the initiative to implement the law in the CSC. I could just see it would take one year to decide on an agenda, another year to assign it and so on. Because the people who are sent to attend cannot make decisions and there is no passion at the top. If you have passion, you will assign people who have the same passion.” (Interviewed 23 November 2006).

### ***Social Services for Women***

As Amnesty International reported in 2004:

“Appropriate funding, responding to need, for the infrastructure of the criminal justice system, services and support to survivors, is an important measure of government’s commitment to making rights a reality. It is a sign of their good faith in implementing their obligations under international human rights law. Without adequate funding, plans to address violence against women will not flourish and will not prove effective.”

Violence against women is interlinked with the right to health. A World Health Organization (WHO) study on violence and health comprehensively documented the physical, psychological, sexual and reproductive consequences of violence in the immediate and long-term. Intimate partner abuse as a form of gender-based violence was particularly given attention in the WHO study. WHO noted the interplay of cultural patterns, policies and social welfare system and protection in preventing – or aggravating – the abuse. The financial cost of violence for the health sector is immense as it covers not only medical treatment but also other non-medical interventions that contribute to the total well-being of the woman. Indirect costs related to lost productivity, disability, decreased quality of life and premature death are also included.<sup>68</sup>

RA 9262 clearly stated that victim-survivors are “entitled to support services from the DSWD and LGUs”<sup>69</sup> and that funds needed for services to women will be provided through the General Appropriations and the Gender and Development Budget.<sup>70</sup>

### Medical Services

RA 9262 stated that the Department of Health (DOH) shall provide medical assistance to victims of VAWC.<sup>71</sup>

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<sup>68</sup> World Health Organization, *World Report on Violence and Health* (2002: 100-103).

<sup>69</sup> RA 9262, Sections 31, 35, 40, 41.

<sup>70</sup> RA 9262, Section 45. Funding.

<sup>71</sup> RA 9262, Section 40.

In the Philippines, health services for abused women are often addressed by Women and Children's Protection Units (WCPUs) which were established in all Department of Health hospitals (DOH) by virtue of its Administrative Order No. 1-Bs in 1998. Strengthening this administrative order is Republic Act 8505 which provides for the establishment of rape crisis centers, preferably in hospitals, that will provide medical, psycho-social and legal services to rape victim-survivors in every province and city in the country.<sup>72</sup> These health facilities for abused women are appropriate organizations to serve victims of abuse by intimate partners. However, not all cities and provinces in the country have WCPUs or rape crisis centers and usually only large hospitals have them.

Further, the presence of a facility does not assure accessibility of such services to women. Women in villages far from the town centers and cities, where the rape crisis centers are usually located, have difficulties accessing the centers. Indigent women, in particular, are constrained by their lack of finances. Although general health services and first aid may be provided for free (or at discounted rates), more intensive treatments, laboratory examinations and medicines are charged to the patient. Even in some of the larger hospitals in key cities (cities in Metro Manila, Cebu City and Davao City), the WCPUs charge minimal fee ranging from five to twenty pesos.

A Certificate of Indigence issued by the local social welfare office is also required to obtain the free medical services or discounted rates. To secure this certification, the following documents are usually required:<sup>73</sup>

- Barangay clearance or barangay certificate of indigence
- Referral or request from the Public Attorney's Office or requesting agency
- Certification of non-existing property from the Assessor's Office
- Personal letter of requesting party / petitioner
- Certificate of employment
- Business license
- Certification from the Bureau of Internal Revenue
- Photocopy of the case filed (in VAWC cases)

These documentary requirements serve as a barrier in the access to health services. Procurement of the documents requires a significant amount of time and even money which the poor women do not have.

In addition, Women and Children Protection Units in hospitals raised concerns with the coalition<sup>74</sup> about the lack of resources in the face of the growing demand for their services. None of the WCPUs is able to operate 24 hours a day. Thus women coming in after clinic hours are treated by the regular hospital staff who have not attended orientations on gender sensitivity or the Anti-VAWC Law. Inadequate funds for the establishment and maintenance of centers for women and children is an obstacle that needs to be hurdled, as shown in Box 6.

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<sup>72</sup> RA 8505, Section 3.

<sup>73</sup> A letter of a government official of the Department of Social Welfare and Development to Amnesty International Philippines (21 March 2007).

<sup>74</sup> Interview September 2007.

#### Box 6: Passing the Buck

An official of the Department of Health (DOH) Family Health Office, reported that the Department's target was to establish hospital-based Women and Children Protection Units (WCPUs) in all the 80 provinces of the country. However, the DOH has no budget for the establishment and maintenance of WCPUs; it can only provide for coordination meeting expenses. For the DOH, it is the local government units which should allocate funds for the WCPUs. Local government units, however, also asserted that they have no funds for WCPUs.

However, no WCPU has been established and, to some extent maintained, without foreign donor assistance.

The increase of the DOH budget from P18.4B (2007) to P22.9B (2008) reveals that budgets for government hospitals and medical centers frequented by poor people were actually cut by 12 per cent. Only P1.3B was allocated for capital outlays for a Health Facilities Enhancement Program while the Doctors to the Barrios Program received only P42.3M.

The social services, which includes health and social welfare services, receive only a fraction of the national budget compared to allocations for debt servicing and national defense which are allocated P295B and P56 billion respectively.

(Interview, 19 January 2007. Additional information from Ibon Foundation, "Here's Why Philippines Budget is Anti-Poor". Available at <http://www.pinoypress.net/2007/10/02/heres-why-08-philippines-budget-is-anti-poor/> (Last accessed on 04 November 2008)

### Social Welfare Services

Under the Anti-VAWC law, the Department of Social Welfare and Development (DSWD) and the local government units are mandated to provide victim-survivors with temporary shelter, counseling, psychosocial services and/or rehabilitation programs, including livelihood assistance while they are in crisis and pursuing justice as may be necessary.<sup>75</sup>

There is a wide gap between the demand for social welfare services and their availability. Specific to temporary shelters, it was noted that there are only 43 DSWD-run shelters in the country ( 12 Havens for women, 14 homes for girls and 17 crisis intervention units) servicing women victim-survivors of violence from 117 cities and 79 provinces. These shelters also serve "women in especially difficult circumstances", including women and girl-children who were maltreated, sexually abused, involved in prostitution, trafficked or displaced by armed conflict, among others.

Social welfare offices under the administration of local government units are also inadequate, especially for rural women. A DSWD Secretary noted:

“With the devolution of powers and the transfer of responsibility over many public services to local governments, there has been uneven distribution of social services, infrastructure and economic resources across the land, with urban areas getting the lion's share in many instances. Women's choices for health, educational benefits have been constricted by these structural adjustments.”<sup>76</sup>

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<sup>75</sup> RA 9262, Section 40.

<sup>76</sup> Cabral, Esperanza, Statement to the UN Committee for the Elimination of all forms of Discrimination against Women. United Nations, New York, 15 August 2006, page 6.

Very few cities, municipalities and provinces have well-established systems for addressing cases of violence against women in general. The shelters are overcrowded and in some cases, only “priority cases” can be accommodated. Priority cases often referred to children who were sexually abused and women who were physically abused.

Barangays, like other government agencies, are mandated to allocate five percent of their annual budget for Gender and Development (GAD)-related activities. However, WWTSVAW gathered information from interviews and in meetings that many barangays do not allocate a GAD Budget from their annual funds, others allocate less than five percent of their funds, while still others use the 5% GAD Budget for other expenses not related to gender concerns. Many barangays have failed to fulfill their obligation to use Gender and Development budgets for services to victim survivors of intimate violence.<sup>77</sup>

Barangay officials interviewed by the coalition and those who participated in roundtable discussions pointed out the inadequacy or lack of resources as a barrier to fully carry out their mandated duties and responsibilities even if they want to implement the Anti-VAWC Law. Barangay officials reported that assistance for some indigent victim-survivors alone (e.g. to cover emergency medical treatment, transportation costs) used up significant percentages of the barangay Gender and Development (GAD) Budget leaving meager or no resources for other victims. This problem of meager resources was mostly highlighted in very poor or low income barangays. To address the gap in resources, barangays often had to rely wholly or in part on national or municipal government agencies and civil society groups for support.

The Council for the Welfare of Children highlighted the urgency of good services:

“...the population explosion, unemployment, declining export levels, inflation and other factors will continue to negatively impact the spending power of families, It will be even worse for families in remote areas and villages where basic services are scarce...the country needs to find ways to improve the coverage and delivery and quality of social services and minimize the disparities between province.”<sup>78</sup>

A social worker, the only one assigned to attend to all VAWC cases received by a city welfare office, admitted during an interview<sup>79</sup> to have advised women to return to their families and communities if their injuries are not severe or if they were still undecided about filing a legal complaint against their abuser. She argued that this is because of inadequate resources.

Government officials have a duty not to make it appear that staying in an abusive relationship is the best option for traumatized women even if the physical injuries are minimal, the women are still undecided on what to do or even when resources are scarce. Social workers, in fact, have the responsibility as government workers to advise the women about their rights and what RA 9262 can offer as possibilities for them, outside an abusive relationship. The local governments have an obligation to train social workers and direct service providers to be gender-sensitive and responsive to the needs and concerns of the women victim-survivors, to adopt appropriate procedures in

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<sup>77</sup> RA 9262, Section 45. Funding.

<sup>78</sup> Council for the Welfare of Children, The Filipino Child of the Millennium: National Plan of Action for Children 2005-2010 (Quezon City:CWC, 2006) 33.

<sup>79</sup> Interview January 2007.

handling VAWC cases and to allocate adequate resources for quality services to women and their children.

RA 9262 clearly stated that victim-survivors are “entitled to support services”<sup>80</sup> and that funds needed for services to women will be provided.”<sup>81</sup> However, these provisions of the law become hollow when such services are not available or inaccessible to women. When the state fails to support women abused by intimate partners, their choices become limited and some may be forced to stay in the abusive relationships because there is no other viable alternative. This is more evident among poor women who fear that they will not be able to feed and send their children to school on their own.

Failure of the Philippine state to provide urgent and important services to abused women and to allocate funds for the programs is failure to make women’s right to freedom from violence a reality. The silence of women, who blame themselves or are blamed by others for the abuse, are reinforced when they do not undergo counseling and education and fail to understand the nature and causes of gender-based violence. Failure to provide support services discourages women from reporting their problems to government institutions, especially since some women expressed that non-reporting of abuse for several years was due to their belief that no one would listen to them and give importance to their complaints.

Abused women overwhelmed by repeated abuse continue their silence and fail to consider more strategic actions against violence, if they do not get support from their families, communities and government institutions. Counseling can help victims to understand the nature of the violence, shed her sense of guilt, lay the blame squarely where it belongs and take action. A counselor at a healing center informed:

“ She has been a battered wife for 12 years but never approached the barangay for help because her husband was with another woman. He is unemployed. She makes ends meet by doing laundry for others. The battery was going on for years, a cycle of violence....He had beaten her badly...So we did not leave her...I kept talking to her until she finally agreed that I accompany her to the police station.”<sup>82</sup>

Non-government organizations (NGOs) played a significant role in providing crisis intervention and support services for VAWC survivors. Local government units and national government agencies in some instances have also come to rely on NGO expertise with regard to women’s human rights concerns. However NGOs are not able to serve many cases due to their presence in only a few of the provinces and cities in the country.

Local government support for NGOs providing welfare services for their constituents is very minimal. An NGO service provider reported that they are even burdened by government officials, who do not have a clear understanding of RA 9262 and who ask them to justify NGO interventions in VAWC cases.<sup>83</sup> Further, some NGO workers have experienced harassment and threats of violence from the abusers. This lack of support from the government of service providers runs

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<sup>80</sup> RA 9262, Sections 31, 35, 40, 41.

<sup>81</sup> RA 9262, Section 45. Funding.

<sup>82</sup> Interview January 2007, Quezon City.

<sup>83</sup> Women’s Crisis Center, “RA 9262 Implementation Assessment: Women’s Crisis Center Experience” (February 2006).

contrary to a 2003 recommendation by the UN Special Rapporteur on violence against women to “support initiatives undertaken by women’s organizations and non-government organizations on VAW and establish and/or strengthen...collaborative relationships with relevant NGOs.”<sup>84</sup>

The various Philippine State agencies have to fulfill their obligations to make available and accessible (geographically and economically) quality services for abused women in order to uphold their rights to live with dignity and respect. The State also has a duty to protect NGO service providers for abused women.

One example of the positive role that women’s service providers can play in addressing VAW in the community is given in Box 7.

Box 7. The Women’s Crisis Center

In 1986, a victim-survivor of military rape urged women advocates to establish a facility for victim-survivors of sexual violence. Having very limited resources, the facility called "Women against Rape" was often referred to as a "walking center" because it functioned wherever its founding staff members were; on many occasions, it had to share space with other women’s NGOs, or use homes of women’s advocates for its operations. Its activities revolved around research and case documentation of State violence against women, although they also responded to women abused by their intimate partners.

In 1989, it evolved into the Women’s Crisis Center. It is credited with introducing feminist counseling as a means of addressing gender-based violence in the country. Together with several other women’s organizations, WCC lobbied for the establishment of women’s desks in police stations and hospital-based crisis centers for women which were eventually institutionalized in the Philippine National Police and the Department of Health. WCC’s extensive experiences with survivors of violence against women have been used in the conceptualization of R.A. 9262 and other progressive laws for women.

As the NGO partner of the Women’s and Children’s Crisis Care and Protection Unit at East Avenue Medical Center, WCC provides comprehensive services including crisis intervention, feminist counseling and case management for women. The WCC is also actively engaged in advocacy efforts at the national policy level and in the communities, as well as in using feminist perspectives for addressing violence and abuse.

### **The Role of Local Government Units and the Police in protecting women and facilitating the pursuit of justice**

Justice for victim-survivors of violence entails redress for the crimes committed against their persons as well as preventive measures against their further victimization.

#### Local Government Units and Barangay Protection Orders (BPOs)

A cornerstone of the Anti-VAWC Law is the right of women to access justice against intimate partner violence, even outside of the court system. An immediate protection of women from further harm at the village level is the Barangay Protection Order (BPO). Social services for the victim-survivor maybe also be obtained at the barangay level.

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<sup>84</sup> Radhika Coomaraswamy, Special Rapporteur on Violence against women, Report to the Commission on Human Rights, UN Doc. E/CN.4/2003/75, 6 January 2003, para 65.

In order to competently fulfill their functions to prevent intimate partner violence, the barangay (village) officials must conduct capacity building seminars for the village government personnel as well as conduct community information campaigns on the law.

Women’s human rights groups played an important role in the information campaigns against discrimination, particularly violence against women. Some women’s NGOs organized community-based Anti-VAW groups and mechanisms (e.g. barangay women’s desks) which served as channel for information and services for victim-survivors even before the passage of the Anti-VAWC Law.<sup>85</sup>

In particular, women’s human rights advocates and non-government organizations (NGOs) have contributed significantly to the orientation and training of barangay officials on the law. In a survey of 77 barangays conducted by WWTSVAW in 2006, 58 per cent of the barangays indicated that their knowledge of the law came from NGO-conducted seminars, while the remaining 42 per cent were oriented in government-sponsored seminars. The same survey in 77 barangays showed that only 18.13 per cent of the total VAWC complaints reported resulted to the issuance of a barangay protection order (273 out of 1,514; see Table 4). Almost all of the barangay officials who responded to the survey said that they were familiar with the law (96.3 per cent). The reasons for the small percentage of barangay protection orders (BPO) issued relative to the VAWC complaints received, was not discussed.

Table 4. Awareness of RA 9262 and Issuance of Barangay Protection Orders  
In Selected Barangays

Region	Locality	Number of Barangays Surveyed	Number of Barangays Aware of the Law	Reported VAW Cases	Barangay Protection Orders Issued
National Capital Region	Caloocan City	5	5	715	137
	Manila	32	32	242	22
	Marikina City	2	2	7	7
	Pasay City	2	2	249	0
	Quezon City	12	12	253	76
	Taguig City	1	1	10	10
Cordillera Autonomous Region	Baguio City	1	1	4	4
Region IV- A (Rizal Province)	Montalban	1	1	2	0
	Cainta	2	2	12	5
Region VII (Province of Cebu)	Talisay	1	1	0	0
Region X	Province of Misamis Oriental	18	15	20	12
TOTAL		77	74	1,514	273

Source: Women Working Together to Stop Violence against Women (WWTSVAW) 2006

In the focus group discussions conducted by WWTSVAW, some victim-survivors explained that they themselves are sometimes opposed to applying for Barangay Protection Orders against their abusive partners and “sending their children’s father to jail”. Some women told the barangay

<sup>85</sup> Case studies of notable women’s organizing against VAW are documented in Ford Foundation, *Blooms of Knowledge* (2003). See also District 2 Kababaihan Laban sa Karahasan, *Empowering Ourselves, Empowering Our Communities: Towards a Holistic Community-Based Response to Violence Against Women* (2004) on a grassroots women’s organization’s experience in lobbying for barangay women’s desks.

officials that they only want to have a third and more authoritative party to mediate in the violent situation. Some women sought a Barangay Protection Order only when the perpetrator continued to be abusive after the mediation.

The aforementioned findings highlight the importance of public awareness and legal literacy programs for women and men in general. In a 2004 report on violence against women, Amnesty International stated:

“In every culture, in all regions, many men and women are unaware of the extent and seriousness of gender-based discrimination. Particularly, they are not aware that such violence is a criminal matter and an abuse of human rights – they accept it as a normal and natural part of life. International law and standards require that states take active steps to change this through public education of various kinds, targeted at all sectors of society.”<sup>86</sup>

Further, the first UN Special Rapporteur on violence against women also reported:

“ Recognizing that women and girl children often do not report the violence that is perpetrated against them because they do not understand that they are victims of, rather than participants in, the violence, states should undertake legal literacy campaigns to inform women of their legal rights and educate them specifically about domestic violence.”<sup>87</sup>

On the other hand, women interviewed by WWTSVAW reported that there were instances when women were burdened by the barangay officials to prove the abuse – and often physical injuries are made requisites for the issuance of Barangay Protection Order. The anti-VAWC law prohibits the following acts - physical abuse, sexual violence, psychological violence and economic abuse.<sup>88</sup> Physical violence may not always accompany the commission of the other forms of violence. There is need for training of barangay officials to comprehensively understand the anti-VAWC law such that they can fulfill their functions to protect women victims of intimate partner violence.

Before the RA 9262 was enacted, some women who were not economically supported by their husbands or live-in partner sought recourse at the Barangay Justice System only to experience a highly personalized manner of resolving conflicts rather than being guided by human rights standards. A group that provides legal services to women noted that evidence and legal considerations have taken secondary importance in the hearings. A barangay captain said: “ Puso sa puso ‘yan. Walang legalidad ‘yan, konsensyahan na lang” ( “It is a heart to heart issue. The legal aspect is not important, we appeal to their conscience.”)<sup>89</sup> Some barangay officials have discouraged women in their efforts to get support and instead advised the women to concentrate on finding jobs in order to earn their own income.<sup>90</sup>

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<sup>86</sup> Amnesty International, Making rights a reality, The duty of states to address violence against women, AI Index: ACT 77/049/2004, page 43.

<sup>87</sup> Radhika Coomaraswamy, UN Special Rapporteur on violence against women, Report to the Commission on Human Rights, UN Doc. E/CN.4/1996/53, 6 February 1996, para. 142(g).

<sup>88</sup> RA 9262, Section 5. Acts of Violence against Women and their Children.

<sup>89</sup> Women’s Legal Bureau, “Engendering the Barangay Justice System” (2004).

<sup>90</sup> Ibid. (29)

Training on RA 9262 among barangay officials have not ensured non-discrimination against women and effective implementation of the law at the community level. The barangay officials' discriminatory attitudes against women as well as stereotyped roles for women have resulted to denial of barangay protection orders to abused women. A human rights culture among barangay officials is imperative.

Some beliefs of some barangay officials that hinder implementation of RA 9262, as gathered in the focus group discussions, are the following: intimate partner violence is considered as a private matter; women are blamed for the violence because women, more than the men, have the responsibility to make the relationship work and maintain harmony in the family; women hit by their partners will eventually "come around" once their anger subsided such that later the complaint will be retracted thus wasting the barangays' meager resources if the barangay officials took all complaints of VAWC seriously.

RA 9262 specifically declared violence against women by intimate partners as a public crime. In addition, the Convention on the Elimination of All Forms of Discrimination against Women specifically set out that:

"States parties shall take all appropriate measures... to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women."<sup>91</sup>

The human rights principle of "equality of everyone under the law" is not always at work at the barangays. The coalition gathered in the focus group discussions that some barangay officials tend to give the perpetrator "another chance" or advise the women to take time to "think things over" as a delaying tactic in issuing Barangay Protection Orders. It was gathered in the focus group discussions that some barangay officials advised mediation and reconciliation first before advising other options. RA 9262 declares that:

"A Punong Barangay, Barangay Kagawad or the court hearing an application for a protection order shall not order, direct, force or in any way unduly influence the applicant for a protection order to compromise or abandon any of the reliefs sought in the application for protection under this Act. Section 7 of the Family Courts Act of 1997 and Sections 410, 411, 412 and 413 of the Local Government Code of 1991 shall not apply in the proceedings where relief is sought under this Act.

Failure to comply with this Section shall render the official or judge administratively liable."<sup>92</sup>

WWTSVAW also gathered information during the focus group discussions that some barangay officials hesitated to issue a barangay protection order because they feared a possible counter-charge against them by the abuser. This is ignorance of the provision of the law that persons intervening "to ensure the safety of the victims, shall not be liable for any criminal, civil or administrative liability

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<sup>91</sup> CEDAW, Article 5.

<sup>92</sup> RA 9262, Section 33. Prohibited Acts.

resulting there from.”<sup>93</sup> It is the obligation of the government officials to record any crime committed, support the women through protection orders and make justice accessible to them.

Further, an NGO providing services to women victims-survivors of violence observed that barangay officials have no follow-up actions for violations of BPOs and have delayed actions on cases when they have friendly or political relations with the alleged abuser.<sup>94</sup>

Under the Anti-VAWC Law, State actors can be held administratively liable, and may be fined as well, when they engage in the following acts:

- (a) when the barangay official or judge does not act on the petitions for protection orders within the period specified by the law, without justifying cause<sup>95</sup>
- (b) when the barangay fails to report cases of VAWC to the local social welfare office or to an accredited non-government organization<sup>96</sup>
- (c) when the barangay official or judge orders, directs or unduly influences the woman to compromise or abandon the reliefs sought in her petition for a protection order.<sup>97</sup>

However, no such sanction had been imposed on barangay officials who told women to “seriously think about” filing a complaint against abusive partners.

The problems and dilemmas of women and barangay officials handling cases of abused women are illustrated in Boxes 8 and 9.

Box 8: Time Out

Under the Anti-VAWC Law, it is really forbidden to mediate for settlement between the couple. When the women come to us, seriously hurt and full of bruises, we ask them if they want to file cases against their partners. A few of them do. In those cases, we issue the BPO immediately. But the others say, ‘No. What about our children? How will we get by if the breadwinner is in jail?’ They just want to keep the perpetrator in the custody of the barangay overnight so they can have peace at home for a few hours. They want to talk to the perpetrator the next morning and then decide what to do.”

From the roundtable discussion in Cebu City, 10 January 2007.

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<sup>93</sup> RA 9262, Section 34.

<sup>94</sup> Women’s Crisis Center, “RA 9262 Implementation Assessment: Women’s Crisis Center Experience” (February 2006)

<sup>95</sup> RA 9262, Section 18.

<sup>96</sup> RA 9262, Section 30.

<sup>97</sup> Ra 9262, Section 33.

#### Box 9: Issuing a Protection Order

Rosario Dadulo, Chairperson of Barangay Payatas, in Quezon City, declared that while she respects a victim-survivor's decision not to press charges against the perpetrator, their barangay is strict about the issuance of a BPO. In Payatas, BPOs are issued if the complaint brought to them is a VAWC case – regardless if the woman has physical injuries or not. Receiving threats or being intimidated by her partner, acts often trivialized in the community, are grounds for issuing a BPO. For the barangay chairperson, concerns about how to address the other problems of victim-survivors should not hamper the barangay's ability to ensure protection:

“If the wife forgives her husband there is nothing we can do. If she says, ‘Put him in jail’, we endorse the action. In counseling...as much as possible we try to keep the family intact. It is good when the relationship works out but if the violence doesn't stop then it's a different story. We endorse the case to the courts. But, after the couple is separated, there are other problems. The woman cannot support herself and her children. We also see to it that the woman undergoes some livelihood training so she won't be economically dependent on her batterer.”

### Policing violence against women and children

The police force has a critical role in the enforcement of laws, particularly in criminal offenses. In the crime of intimate partner violence against women and children, the police force enforces the Barangay Protection Order. Moreover, the police have the tasks of apprehending abusers and reporting the VAWC case to the justice system.

As early as 1996, women's human rights organizations successfully lobbied Quezon City police to establish women's desks in their stations. The initiative caught on with other local government units. In 1998, Republic Act 8551 or the Philippine National Police Reform and Re-organization Act was passed. One of its provisions was the creation of women's desks in all police stations in the country.<sup>98</sup> The same law has a provision that gender-sensitivity programs shall also be formulated to address gender-based discrimination within the police force and with regard to their handling of complaints.<sup>99</sup>

To date, 98 per cent of police stations in the country have women's desks, with 90 per cent of these desks being staffed by female police officers. Nevertheless, WWTSVAW was informed by women, barangay officials and direct service providers of several problems in the prevention of intimate partner violence against women and children and in the promotion of women's rights by the police. Problems include inadequate knowledge of RA 9262, gender insensitivity, delayed responses to VAWC and unfounded fear of criminal liability.

#### *Inadequate knowledge on the Anti-VAWC law and gender insensitivity*

WWTSVAW learned through the focus group discussions in 2007 that there were instances when women went directly to the police only to be told to go back to the barangay and file their complaints there. RA 9262 obliges the police to document and report intimate partner violence, assist women to file for protection orders in court, and render other necessary support such as escorting the victim to a safe place or removing the victims' personal belongings from the house, among others<sup>100</sup>. A report or complaint filed with the village officials are not requisites for such

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<sup>98</sup> RA 8551, Section 57

<sup>99</sup> RA 8551, Section 59

<sup>100</sup> RA 9262, Sections 9 and 30.

services. Sanctions for failure of a law enforcement or barangay official to report an incident of intimate partner abuse is provided but to WWTSVAW's knowledge no one has been fined or sanctioned.<sup>101</sup>

There were instances when complaints were dismissed because of absence of physical injuries (which were interpreted as "lack of evidence"). RA 9262 declared sexual abuse, psychological abuse and economic abuse by intimate partners as criminal acts against women and children.<sup>102</sup>

A police officer<sup>103</sup> estimated that only two or three per cent of the VAWC complaints he received were followed through by the police force. He informed that some police officers consider assessing the possibility of the woman reconciling with her abusive partner as part of initial work on the case. There were police officers who advised women to reconcile with their abusers, whether directly or through subtle reminders of their economic dependence on their partners (e.g. "How will you provide for your children?"). The costly and time-consuming process in prosecuting criminal cases has also been used by police officers, according to women interviewed, to discourage women from following through their complaints.

There had been absence of diligence among some police officers to look at the possible reasons for non-follow-up of the complaints by the women. The coalition gathered from interviews with abused women that factors which influence them not to pursue a complaint against violence by their partners are pressures from family not to pursue the case, absence of health and welfare services, inadequate resources, among many others.

#### *Inadequate and Delayed Responses to Reported VAWC cases*

A woman who has a BPO is not entirely protected. The response time of police to calls for help can be as long as two hours, as in the case of one woman<sup>104</sup> in Cebu City whose husband broke through the house, attacked her and stabbed her father with a knife before the police arrived in the scene. The woman's husband, on several occasions, rattled at the fence and shouted threats at her. She called the police but her husband on all occasions left her house before the police arrived. The police asked her for evidence to support her accusation, despite the damaged fence which was pointed out by the woman. Violation of barangay or court protection orders is a criminal act that has penalty, if brought to a court.<sup>105</sup> An arrest warrant can only be issued by a judge but the violator of a protection order can be arrested by the police if the violator is in the act of committing the crime or there is evidence that the offense has just been committed.

#### *Unfounded fear of criminal liability*

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<sup>101</sup> RA 9262, Section 30. Sanctions may include a fine of no more than Php 10,000, criminal, civil and administrative liability.

<sup>102</sup> RA 9262, Section 5.

<sup>103</sup> Interview in January 2007.

<sup>104</sup> Interview 12 January 2007.

<sup>105</sup> RA 9262, Sections 12 and 21. A violation of aTPO or PPO is punishable with a fine of Php 5,000- P50,000 and/or imprisonment of 6 months while a violation of a BPO is punishable with 30 days imprisonment, without prejudice to any other criminal or civil action that the offended party may file for any of the acts committed.

RA 9262 states that persons intervening in violence against women by their intimate partners are exempt from criminal, civil or administrative liability.<sup>106</sup> However, police officers interviewed said that some police officers got counter charges like trespassing, arresting without a warrant, or arbitrary detention of the accused, among others.

### **The Role of the Courts in protecting women and facilitating the pursuit of justice**

According to information obtained by WWTSVAW, filing a criminal case against the abuser is rarely a priority of women who experienced violence by their intimate partners. The legal process is costly and victim-survivors may not have the means to appear in court for a prolonged period of time. The women victim-survivors of physical violence usually move away from their homes and prioritize looking for safe places to stay, making arrangements with their workplaces and their children's schools. Women's economic dependence on their abuser is a critical factor in their decision to leave or stay in the abusive relationship. A lawyer who handled VAWC cases said:

“ The victims who go to court are those women who can stand up economically. Most of the victims cannot stand up on their own.”<sup>107</sup>

But when the women do break their silence, decide to seek government protection and seek justice for intimate partner violence, they are confronted with serious challenges and numerous obstacles to assert their rights within the justice system. Women's rights to equal treatment before the law and to access justice are seriously impeded by several factors.

The protection orders in RA 9262 immediately address the physical and economic abuse of women by their intimate partners. The Barangay Protection Order is issued on the same day of the complaint and application for protection and effective for 15 days. The 15-day period provides ample time for the women to decide whether to apply for a Temporary Protection Order and/or a Permanent Protection Order in court or not.

The Temporary Protection Order and the Permanent Protection Order are more comprehensive in scope and address civil issues, such as support and children's custody, that are not covered by the Barangay Protection Order. According to law, the Temporary Protection Order shall be made a priority in courts and issued on the same day of filing. It is effective for 30 days during which time a hearing shall be conducted on the merits of issuing a Permanent Protection Order. The court decision on the application for a Permanent Protection Order shall, to the extent possible, be made within the day of the hearing. The Permanent Protection Order is effective until the woman revokes it.

The undue delays<sup>108</sup> in the judicial processes burden the women in their efforts to seek justice. Legal counsel for women victim-survivors of intimate violence noted factors that slow the judicial process:

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<sup>106</sup> RA 9262, Section 34.

<sup>107</sup> Interview with lawyer on 10 January 2007.

<sup>108</sup> Backlogs in the criminal justice system are often attributed to the limited staffing and huge caseloads in the institutions. Other factors identified are budgetary constraints, lack of facilities and technology (in the case of investigating bodies) and delays in the courts. (UNDP, Supreme Court of the Philippines, and the Program Management Office, *The Other Pillars of Justice Through Reforms in the Department of Justice: Diagnostic Report* (June 2003) and *Medium-Term Development Plan for the Criminal Justice System (2007-2010)* (December 2006) ).

discriminatory court rules and practices, limited interpretation of RA 8262, difficulties in getting waiver of court fees, corruption in the justice system, among others.<sup>109</sup>

### ***Discriminatory Court Rules and Practices***

A local lawyers' group noted that the issuance of Temporary Protection Orders can range from one day to two months. The average length of time for obtaining a Temporary Protection Order is one month. On the other hand, obtaining Permanent Protection Orders can be issued in as short as 15 days to as long as two years and two months after the filing.<sup>110</sup> Failure of a judge to act on an application for protection order within the period specified in the law would merit administrative sanctions to a judge.<sup>111</sup> To WWTSVAW's knowledge, no such sanction has ever been given to judges who violated this provision, thus delays in the issuance of protection orders happen with impunity.

One of the causes of delayed issuance of protection orders by the courts may be found in the Supreme Court Rules on Violence against Women which failed to communicate to judges the urgency of protection orders for women victim-survivors of intimate violence.<sup>112</sup> The Supreme Court Rules gave courts a discretionary power to extend or renew Temporary Protection Orders until the final judgment on the application for a Permanent Protection Order, as follows:

#### **Section 26. Hearing –**

- (b) Period to hear petition – The court shall, to the extent possible, endeavor to conduct in one day the hearing on the merits for the issuance of a permanent protection order. Where the court is unable to finish the hearing within one day and the temporary protection order issued is due to expire, it **may** extend or renew the same for a period of thirty days each time until final judgment is rendered. The court may modify the extended or renewed temporary protection order as may be necessary to address the needs of the parties. [emphasis in the original]<sup>113</sup>

The aforementioned rule is in contradiction with the Anti-VAWC Law which clearly states that the extension of the Temporary Protection Order is automatic until decision on the Permanent Protection Order is given.<sup>114</sup> A lawyer criticized the Supreme Court Rule and recalled the spirit of the law:

“In the congressional discussion of the bill that formed the basis of the law, it was recognized that the automatic extension or renewal of the TPO [Temporary Protection Order] previously issued (after the determination by the judge of the necessity of its issuance) is critical for the protection of abused women and children during the protracted process of litigation. If the extension or renewal of the TPO is not made automatic, it puts the burden on women to continuously ask for the extension and renewal of the TPO every thirty days and renders her vulnerable to the

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<sup>109</sup> The issues raised in this section were largely drawn from the SALIGAN study “Strengthening Responses to Violence against Women: Overcoming Legal Challenges in the Anti-Violence against Women and Their Children Act” (n.d.).

<sup>110</sup> SALIGAN (n.d.)

<sup>111</sup> RA 9262, Section 18.

<sup>112</sup> WWTSVAW, “Policy Issues and Problem Areas in the Supreme Court Rules on Violence against Women” (n.d.: 3).

<sup>113</sup> Supreme Court Rules on Violence against Women and Children, A.M. No. 04-10-11-SC, Section 26.

<sup>114</sup> RA 9262, Section 16

uncertainties of the judicial process, such as the promptness and availability of every judge hearing the case in addressing the need of abused women and children for immediate and continuing protection.”<sup>115</sup>

It was observed that evidence of physical violence facilitate the issuance of protection orders.<sup>116</sup> Thus women who suffer psychological abuse are confronted with challenges to prove the abuse.

Attached to the Supreme Court Rules on VAWC is the petition-checklist form for reliefs to be filled out by the victim-survivor meant to facilitate women’s application for Temporary Protection Orders, with or without legal counsel. The checklist does not include economic abuse as one of the grounds for the issuance of the protection order.<sup>117</sup>

The Anti-VAWC Law is explicit that women shall not be ordered, directed or otherwise influenced by authorities to abandon their petition for protection orders.<sup>118</sup> There are agreements in court about economic support which are conditional to the woman’s desistance from pursuing the criminal cases filed against abusive partners.<sup>119</sup> To WWTSVAW’s knowledge no judge has been sanctioned for influencing women to compromise or abandon any of the reliefs they sought.

Citing a case where the accused invoked his right to confidentiality to prevent the woman from speaking out and publishing her story, the Women Working Together to Stop VAW (WWTSVAW) criticized the Supreme Court’s interpretation of Anti-VAWC Law’s confidentiality rule:<sup>120</sup>

“The law has made VAWC a public offense (Rep. Act No. 9262, Sec. 25). By extending to the abuser to invoke “privacy”, does not the Rule, in effect, “privatize” the offense in negation of its public character under the law? The treatment of violence against women as a “private matter” harms women. It denies them protection and keeps their realities hidden, unknown and unaddressed. It also protects their abusers from any public accountability and responsibility. In a case where the abuser is accused of committing a crime under the VAWC Act equivalent to an attempted murder, does not the Rule negate the protection that a public trial provides to victims?”<sup>121</sup>

Amnesty International has stated that there has to be an appropriate balance between the right not to suffer abuse and the perpetrator’s right to privacy as follows:

“The human right to a private and family life is of special importance, but cannot be tolerated to condone private conduct within families in which one partner enforces dominance by violence over the other. The key human rights principle is that violence deliberately directed against any other person is never a purely private matter.”<sup>122</sup>

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<sup>115</sup> WWTSVAW (n.d.: 2).

<sup>116</sup> SALIGAN (n.d.: 6)

<sup>117</sup> WWTSVAW (n.d.: 3-4).

<sup>118</sup> RA 9262, Section 33. Prohibited Acts.

<sup>119</sup> SALIGAN (n.d.: 9)

<sup>120</sup> RA 9262, Section 44. The Supreme Court interpretation of the confidentiality rule of the Anti-VAWC Law is found in AM No. 04-10-11-SC, Section 26 and 40.

<sup>121</sup> WWTSVAW (n.d.: 5-6)

<sup>122</sup> Cook, Dickens, Fathalla, *Reproductive health and human rights: integrating medicine, ethics and law*, Oxford, 2003, page 390, as cited by Amnesty International, *Making rights a reality, The duty of states to address violence against women*.

There have been instances when the court postponed the hearings on protection orders because of the non-appearance of the perpetrator of violence. RA 9262 provides that the non-appearance of respondent or his/her lawyer shall not be a ground for postponement or re-scheduling of hearing for a Permanent Protection Order (PPO).<sup>123</sup> Based on the principle of “equality under the law”, many judges have used the concept of “fair hearing” to justify their orders requiring the participation of the abuser even in *ex parte* proceedings as well as in considering prohibited pleadings listed by the Supreme Court. (See Box 14 above). Lawyers informed WWTSVAW that prohibited pleadings in court which were allowed by the judges have delayed proceedings for the issuance of protection orders.

In addition, an NGO noted instances when women were belittled and shamed by judges while the alleged abusers were also in court. The NGO also noted the absence of follow up mechanisms by the courts for cases of violations of protection orders.<sup>124</sup>

Although the “anti-men” argument against the RA 9262 had been addressed during the Congressional deliberations, it is clear that education on substantive equality must be carried out more intensively even after the law’s enactment, particularly among state actors and other service providers. Policy actions are only part of the state’s obligation under the CEDAW. The greater challenge to the state is undertaking and sustaining measures to address cultural and social barriers to women’s enjoyment of their human rights.

Section 4 of the Anti-VAWC Law states:

**Section 4. Construction.-** This Act shall be liberally construed to promote the protection and safety of victims of violence against women and their children.

Furthermore, the law also states that the definition of VAWC include but should not be limited to the acts specified. The liberal interpretation of RA 9262 has become an issue with regard to cases of psychological violence.

### ***Difficulties in getting Waiver of Court fees***

The financial costs of court proceedings have been noted to discourage women from seeking relief and justice in the courts. These doubly burden the poor and other marginalized groups of women.

The Anti-VAWC law states two instances wherein the payment of docket fees and other expenses can be waived: “if the victim is indigent, or there is immediate necessity due to imminent danger or threat of danger to act on an application for a protection order”.<sup>125</sup> The latter condition is an innovation of the Anti-VAWC Law which recognizes and prioritizes women’s rights to be protected by the state from intimate partner violence.

However, this provision is not always followed. Often, it is only the indigence of petitioners which is considered for the waiving of fees, as has already been an established practice in the Philippine legal system.

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<sup>123</sup> RA 9262, Section 16.

<sup>124</sup> Women’s Crisis Center, “RA 9262 Implementation Assessment: Women’s Crisis Center Experience” (February 2006).

<sup>125</sup> RA 9262, Section 38.

Further, even an indigent petitioner has to prove indigence before the docket fees can be waived by the court. The process of proving one's indigence entails time and financial costs which are not often available to women. Several documents may be required to prove the woman's lack of financial capacity to sue, including certifications from the barangay or local social welfare office. Furthermore, these documents must be obtained from different agencies which may not be easily accessible to the woman in terms of transportation costs in getting to the agency. Some documents can only be obtained after a waiting period which can be as long as several hours or several days.

This procedure defeats the intent of the law to uphold women's rights to immediate protection from violence as well as their rights to justice.

## Recommendations

RA 9262 is a powerful law that has protected some women and children from violence in their families and homes.

But there are several major challenges for the full implementation of the Anti-Violence against Women and Children Act of 2004 or RA 9262 in order to fully protect women and children from violence in their homes and families, facilitate women's access to justice and promote the human rights of women and children. The challenges include gaps in the justice system and failure of national agencies and local government units to exercise due diligence to fulfill their responsibilities under the law and human rights treaties.

### Box 10: The Battle against Prejudice

"The woman has a role in the family. Your battle is with prejudice. You cannot help it that the police, fiscals, barangay captains, judges have their own views on the role of women based on how it is in their own families. And they cannot separate that from their jobs"

Interview with a Baguio City lawyer, 2007.

### Box 11: Carmen's Story

Carmen has her own business and was financially independent when she married at the age of 33. Her husband came from a prominent family in their community and lived in the United States for several years. However, Carmen encountered several problems with her husband: his income was not enough to support his lifestyle, he was a drug user, womanizer and physically abusive, especially when drunk.

Carmen's husband often embarrassed and humiliated her in public. "He would call me names and tell me that I am fat and ugly," Carmen said. "Even in front of my friends, he would insult me. He treated me as a housemaid and a sex object at the same time. I was too embarrassed to reach out to those I knew. How could I let them know that the man I loved was abusing me? It was so humiliating." On 29 January 2004, she packed his things and told him to move out. Carmen's husband repeatedly asked her to take him back but she no longer believed that their marriage would work out.

Nearly three months after, he came to Carmen's house, shouting and demanding that he be let in. He also threatened to kill her. He destroyed the gate and gained entry into the house. When she saw him coming towards her with a knife, she rushed to her bedroom and locked the door. This infuriated him even more. He tried to break down the bedroom door.

When this did not work, he began to throw appliances and things in the living area and kitchen -- the refrigerator crashed to the floor, the furniture hacked and bashed against the walls, and pots and pans flew. He shouted his threats of burning down the house if Carmen did not come out of the bedroom. Carmen decided to come out and after pacifying the man, she endorsed her husband to the police station. The police recorded Carmen's complaint but did not detain her husband at the station. According to them, they cannot interfere in a domestic squabble.

Carmen received threatening messages from her husband every night after that. He stalked her at home, making sure she knew he was there, but leaving before the police arrived. Carmen lived in constant fear. For several nights, the husband came back demanding to talk to Carmen alone. Each time her husband stalked and threatened them, the police arrived after he had left. Carmen and her brother could not put a stop to the harassment and feared that he might one day succeed in killing them. Finally, through a friend of her brother, Carmen met with an NGO and later with lawyers.

On 27 April 2004 Carmen and her lawyers filed for a temporary protection order (TPO), invoking the Anti-VAWC Law. The implementing rules and regulations (IRR) for the said law had not yet been drafted, but the judge issued the TPO three days later. On 14 May, Carmen's lawyers filed for a Permanent Protection Order (PPO). Carmen's husband tried to delay the proceedings by claiming that he was too busy with his re-election bid to appear in court. Carmen's lawyer insisted that the proceedings should be completed before the TPO ran out. The judge already intervened and explained the seriousness of the matter to Carmen's husband. Still, he did not appear on the agreed date instead had his lawyer file a motion to reset the hearing. This motion was denied and the PPO was issued on 1 June 2004. At one point, Carmen's husband asked the court for half of the house but he was also liable for damages. He did not pay for the damages and had to give up his claim to half of the property.

Carmen, though fearful, has no regrets over what she had done. She continues to run her business and is active in small group discussions on VAW. Sometimes she is invited to talk about her experience on the radio and she does so, incognito. On one occasion, she accepted a speaking engagement before a prestigious civic club, but appearing with a veil over her face. She talked about the Anti-VAWC Law and surviving VAW. Part of her speech is quoted below:

*"For a woman dealing with the pain and confusion of a relationship that is destroying her, there is nothing more important than knowledge.*

*Knowing how to identify behavior,  
knowing who to talk to in a crisis,  
knowing where to get the support should she decide to leave,  
knowing how to survive  
and knowing how to love herself, empowers her and can set her free."*

Interviewed 12 January 2007.

There have been incremental changes in the status of women in Philippine society in the past two decades and in many cases, these have been facilitated by breakthroughs in the legal system. These changes must be sustained, at the same time the present gaps should be addressed.

The Women Working Together to Stop Violence against Women (WWTSVAW) recommends the following:

**1. To all government agencies and institutions to exercise due diligence to prevent, investigate, and in accordance with RA 9262, punish acts of intimate partner violence against women and their children and provide services and reparations for the victim-survivors.**

## **2. To the Inter-Agency Council on Violence against Women and Children (IAC-VAWC)**

- a. Comprehensively assess the effectiveness of all programs and services of all members of the IAC-VAWC towards further development and strengthening to provide effective, accessible and quality holistic services to women and children victim-survivors and perpetrators of violence in order to prevent intimate partner violence, prosecute perpetrators and provide reparations for victims:
  - Develop, facilitate and enhance education programs for all sectors and the general public, including officials and staff in national government agencies and local government units, on the RA 9262, gender-based discrimination and equality of rights between men and women.
  - Strengthen monitoring and documentation of VAWC, including patterns of abuse and patterns of discrimination that obstruct justice and establish a repository of gender statistical data, indicators and other information systems for programming needs:
    - Develop and adopt a standard monitoring and documentation system for intimate partner violence against women and children for all government agencies at all levels, such as barangays, police, public hospitals and the judiciary;
    - Diligently conduct research and documentation of incidence of VAWC, patterns of abuse and patterns of discrimination that obstruct justice to guide in the development of effective programs and procedures;
    - Establish and maintain a user-friendly gender statistical data, indicators and other information for programming needs.
- b. Ensure allocation of funds for services and support to women victim-survivors of violence and their children through general appropriations and GAD budgets;
- c. Develop and establish mechanisms for effective and sustained monitoring and assessment of implementation of other existing laws in terms of their responsiveness to prevent and investigate violence against women and children, prosecute perpetrators and give reparation to victims.

## **3. To the Local Government Units and the Police**

- a. Develop and implement a gender development plan that integrates programs and services for VAWC victim-survivors nationwide with particular attention to poor and remote villages, including the establishment of women's desks, barangay committee for the protection of women and children and barangay human rights action centers and ensuring that they are functional in all barangays, and allocating at least 5 per cent of the agency's budget as mandated by Republic Act 7142 (or the Women in Nation-Building Act) and RA 9262;
- b. Intensify education of local government officials and the police on RA 9262 especially on their duties and responsibilities, including their obligations on the issuance and implementation of Barangay Protection Orders, provision of support services to victim-

survivors and their children, and assistance in their efforts to seek justice for all acts criminalized and prohibited by the law;

- c. Establish, develop and strengthen networks and linkages with government agencies and non-government organizations and other private entities to support enforcement and monitoring of protection orders and ensure provision of services for VAWC survivors;
- d. Intensify community education and information campaigns on the Anti-VAWC Law, gender-based discrimination and equality of rights between women and men and adopt other measures to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices, customary practices and other practices based on the idea of inferiority and superiority of either of the sexes and on stereotyped roles for men and women;
- e. Encourage meaningful women's participation in local development planning as required by the Local Government Code's provisions on people's participation

#### **4. To the Courts**

- a. Intensify training of judges and all court personnel regarding RA 9262, gender-based discrimination and human rights, particularly the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the General Recommendations of the Committee on the CEDAW, the UN Declaration for the Elimination of Violence against Women and the Convention on the Rights of the Child (CRC) towards their diligent implementation of their obligations under RA 9262 and the use of human rights standards in their judgments and actions on VAWC cases;
- b. The Supreme Court 1) to review its Rules on Violence Against Women and Their Children in the light of some provisions inconsistent with the spirit and intent of RA 9262, particularly the renewal of TPOs until judgment on the PPO is finalized and petition checklist form attached to the Rules, and 2) issue guidelines on the implementation of exemption of fees;
- c. Develop mechanisms to monitor and assess the judicial process on cases filed in courts under RA 9262 to ensure that cases are decided within the prescribed period with respect to the number and nature of cases filed, and protection orders released, among others

#### **5. To the Commission on Human Rights**

- a. Strengthen its capacity to fulfill its function as an investigative body for all forms of human rights violations, including gender-based violence;
- b. Establish, improve or develop, as appropriate, the Barangay Human Rights Action Centers (BHRAC) in all barangays, integrating gender sensitivity and promotion of women's human rights in the agenda of these community-based structures.
- c. Undertake intensive education campaigns to promote women's rights to be protected from violence in all its forms, whether committed by State or non-State actors.

**6. To the Philippine Congress – Senate and the House of Representatives**

- a. Approve a national budget that allocates funds for the implementation of RA 9262, in line with the provisions of RA 9262 on funding.
- b. Amend the law to allow the renewal of the BPO which is only valid for 15 days.

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