



Home Office

Report of a fact-finding mission

Philippines: Domestic violence

Conducted between 7 and 11 November 2022

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Contents

Introduction	3
Background	3
Purpose of the mission	3
Research standards.....	3
Identification of sources	3
Arranging and conducting interviews	3
Notes of interviews/meetings	4
Terms of Reference	5
List of sources	6
FFM introductory note	7
Interview notes	8
British Embassy 7 November 2022.....	8
Bahay Kanlungan 7 November 2022	11
Quezon City Police District 7 November 2022.....	16
Commission on Human Rights 7 November 2022	20
Gabriela Women's Party 8 November 2022	26
Women's Legal and Human Rights Bureau 9 November 2022	28
Bangsamoro Women's Commission / UN FPA 9 November 2022	34
Public Attorney's Office 10 November 2022	38
Department of Justice – National Prosecution Service 10 November 2022.....	41
European Union 10 November 2022.....	45
The Australian Embassy in the Philippines 10 November 2022	47
UN Women 11 November 2022	51
Philippine Commission on Women 11 November 2022	55
The Supreme Court of the Philippines 11 November 2022.....	60
Version control	65

Introduction

Background

This report contains the (approved) notes of interviews with sources during a Home Office fact-finding mission (FFM) to the Philippines.

The FFM was conducted in the Philippines between 7 and 11 November 2022 by 3 officials from Country Policy and Information Team (CPIT), with support from the Foreign, Commonwealth and Development Office. The team was based in Manila.

It does **not** provide advice on handling particular types of protection claims. For this, see the [Philippines Country Policy and Information Notes](#).

Purpose of the mission

The purpose of the mission was to gather accurate and up-to-date information from a range of sources about domestic violence.

See the [Terms of Reference](#) (ToR) for topics that were identified as relevant areas to explore.

Research standards

The FFM was undertaken with reference to the [EU \[European Union\] common guidelines on \(Joint\) Fact Finding Missions: a practical tool to assist member states in organizing \(joint\) Fact Finding Missions](#), November 2010 (EU Guidelines 2010), and the Home Office's internal guidelines for conducting FFMs.

Identification of sources

The FFM team sought to interview a wide range of informed sources (interlocutors), including members of non-government organisations, western embassy officials, and government officials. Sources were identified primarily by desk-based research and in consultation with the FCDO.

The sources contacted and interviewed are those that the FFM team were able to identify as relevant to the mission's ToR. But, as with any FFM, factors including time constraints and availability of sources mean that the list of sources consulted, and information provided are not exhaustive.

That a particular source was interviewed, and the notes of the interview have been included should not be taken as endorsement of that source or the information provided. Rather, all sources and information provided need to be critically assessed and considered against other publicly available material.

See [List of sources](#).

Arranging and conducting interviews

The FFM team met 14 discrete sources, consisting of 32 people in 12 face-to-face interviews, and 2 sources (consisting of 2 people) interviewed over Microsoft Teams and Zoom.

All interviews with sources were conducted in English.

At the start of each interview the FFM team explained the purpose of the mission, including that the notes of the interview may be published in a report on the GOV.UK

website and the sources would be able to review the notes before publication.

See [FFM introductory note](#).

Notes of interviews / meetings

The FFM team made notes of all meetings, which were then sent by email to the sources for review and approval. This email explained that if a source did not respond within a specific deadline, then CPIT would assume that the source was content with the notes as sent to them.

Of the 14 sources, 9 approved the notes with a number making amendments to the original drafts. [5 did not respond.]

All sources are described / referred according to their preference.

[Back to Contents](#)

Terms of Reference

A 'Terms of Reference' (ToR) is an outline of what the FFM seeks to cover. Prior to the FFM, the following topics were identified as relevant areas to explore:

- Support for lone women / women who have suffered Violence Against Women (VAW):
 - police support and the ease of accessing this
 - shelters (government run and NGO run)
 - help gaining employment
 - support relocating to another area
 - legal support in prosecutions
- Police effectiveness in dealing with VAW
 - prosecutions under the VAW act
 - protection orders issued/enforced
- Risk on return for lone women who have been subject of domestic abuse and their ability to:
 - live alone
 - gain employment
 - seek benefits
 - separate from a spouse if divorce is illegal
- Adultery
 - are people charged under the adultery act? If so, how often?
- Divorce
 - How do people separate/legality etc. how does this work in practice?

[Back to Contents](#)

List of sources

British Embassy

Bahay Kanlungan

Quezon City Police District

Commission on Human Rights (CHR)

Gabriela Women's Party

Women's Legal and Human Rights Bureau (WLB)

Bangsamoro Women's Commission / United Nations Population Fund (UN FPA)

Public Attorney's Office

Department of Justice – National Prosecution Service

European Union

Australian Embassy in the Philippines

UN Women

Philippine Commission on Women (PCW)

The Supreme Court of the Philippines

[Back to Contents](#)

FFM introductory note

Officials from the United Kingdom (UK) Home Office are undertaking a Fact-Finding Mission (FFM) to the Philippines to obtain information about domestic violence and would like to interview you about this subject.

The FFM team consists of 3 officials from the Home Office, the government department responsible immigration and asylum. More information about the Home Office can be found on our website:

<https://www.gov.uk/government/organisations/home-office>

The information you provide the FFM team may be cited in a report which may be placed on the Home Office website and made available to the public. It will be used to assist UK immigration officials and judges involved in the asylum and human rights decision-making process.

However, the FFM team will only publish information you provide with your consent. If you prefer that the information is not made publicly available, this will be respected.

The FFM team will give you an opportunity to review the notes of the interview to ensure they are an accurate reflection of the conversation and ask if you are willing to be identified as the source of the information. If you do not wish to be identified by name, then the FFM team will ask if you are willing to be identified in more general terms, for example as a representative of your named organisation, or as 'an official of an international humanitarian organisation'.

The FFM team would find it helpful if you could provide some background to your organisation (where appropriate) and your role in the organisation. This will help them to understand the context of the information you provide.

[Back to Contents](#)

Interview notes

British Embassy 7 November 2022

Interview conducted at: Taguig City, Metro Manila

Date: 7 November 2022

Meeting with: British Embassy team who shared insights largely drawn from policy research on the area and/or engagements with local contacts.

Present in the meeting: 3 representatives from UK Home Office

Overview of violence against women and children (VAWC)

- VAWC law – covers physical, psychological and economic abuse. Charges under the law 9462 are really high, but less success at prosecuting level because of a lack of evidence prior to filing at court. Law enforcement still needs developing.
- Law provides for Protection Orders (POs). These can be at barangay level (smallest unit of govt). Application at barangay level for a PO is quite easy, however there can be confusion. For example, a person can be turned away as staff at barangay or the person doesn't understand the law / process. Women can get passed between the Barangay and police. The City Social Welfare Development (CSWD) office should provide psycho-social support to VAW. Not always the case [share a study].
- Availability of POs before the courts – these are more difficult to procure. The process is not as simple and requires the services of a lawyer (already prohibitive) as requires money, time and preparation. The civil suit process from start to finish is lengthy – 2-3 years typically in civil suit to get the PO but this depends on how heavy the docket [listings] for the court is and willingness of victim as its need active participation. Opposition from the resisting party [perpetrator] may also affect time scales.
- Quezon City has a really good Local Government Unit (LGU) – with a holistic approach to DV.
- There is no divorce in civil law but do have the annulment of marriage for very specific grounds, and if not one of the conditions is met you remain married. You might be able to get legal separation, which is different.
- There are laws on trafficking (IACAT agency).
- **The Human Rights Officer (from the perspective of a lawyer who has supported both women victims and males accused of VAW) outlined the process of a complaint as a VAW victim:** Woman approaches a lawyer, and the first step is psychological support. This is not free (private clinics). Then they build the criminal / civil case. Seeking services of police officers doesn't cost but takes time. Each Police Station (PS) should have a VAW desk but remains to be seen whether each has a properly trained person. If a competent police officer is present, they take the statement and file the criminal case. This assumes that there is a strong case which includes documents and testimony of 3rd party

witnesses which would result in filing with court. Prosecutorial stage takes 6 months – 1 year. Court part takes under a year. Family courts are protective of women and children – more convictions than acquittals.

- Supreme Court (SC) has expressed commitment to gender work.

Who makes the decision for the case to be lodged in court?

- Case is filed with the police who then pass it to the prosecutor who then reviews the evidence. They decide whether the case is either dismissed or lodged with the court. Public prosecutor then retains responsibility

If civil suits take some time, is there any protection in place during the process?

- Yes, while waiting for the permanent PO, they can ask for a temporary protection. Even before filing the suit, they can ask for a Barangay Protection Order (BPO), which has to be renewed every 15 days.

What is the cost for a lawyer?

- In Metro Manila it's more expensive around 500,000 (PHP) in legal fees. In the provinces 100,000-300,000 (PHP) Minimum wage is around 13,000 per month so would take around 38 months to pay.
- There are no filing fees for the criminal suit and minimal fees for filing for civil suits. There are lots of pro-bono clinics offering help.

What are the grounds for annulment?

- Depends on where you are at the point of marriage – first 5 years. At least 5 grounds -lack of parental consent for example. After 5 years you are limited to 1 ground which is psychological incapacity. There was a recent Supreme Court (SC) judgement where the move has been to veer away from the medical definition of psychological incapacity as opposed to the legal. The consensus in legal community is that it should make it easier, waiting to see the results from that.
- Legal separation - the person remains married. If it's annulment, it's like you are not married at all.

In terms of implementing a BPO, once you have it and you are assaulted what happens?

- It should deter the other party coming near the victim as there are sanctions. That won't prevent approach if the person wants to. The woman who has a PO should easily be able to ask for the assistance of law enforcement / barangay. As Filipinos there is a cultural aspect, and it does have an effect on deterring the men.

- The law is clear that VAW cannot be compromised, but police officers may still try to get the spouses to arrive at settlement. That then forces the woman to stay with the man.
- There are family / cultural aspects that play into it, the older generation are more forgiving than younger of the perpetrator. To get round the temporary restraining orders sometimes the family intervene to reconcile.

Background on VAW in Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) provided by BARMM political officers:

- Mindanao – Autonomous region. Majority Muslim community. BARMM recovered from conflict, including massacres of Muslims. The Bangsamoro Organic Law (BOL) Peace agreement formally created BARMM in 2019.
- **[This additional information was provided after the meeting** Clan politics in Muslim Mindanao can also be responsible for conflict. Although clan feuds or violence among families in the Philippines are not limited to the Bangsamoro, they are particularly prevalent there. Commonly known as rido, conflicts among families over power, revenge, honour and land are not fully regulated by the government and often left to the clans to settle. When rape cases are reported in the community, families can resort to rido as a form of retaliation.] There are also many IDPs in the region triggered both by the small armed group's skirmishes and natural disasters.
- In BARMM there are very low recorded VAWC cases. The communities will tell you otherwise as they will be resolved between the person / families. Underreported cases to police, and even those reported the efficiency is low. Some victim-survivors don't trust the justice system, as they result to rido. **[This additional information was provided after the meeting** BARMM also has its own justice system through the sharia law and the council of elders to resolve disputes. Often, the elder leaders resort to traditional remedies to VAWC cases and persuade the involved family/ies not to report sexual or violence cases.]
- In the Philippines there are 726,000 child brides (UNICEF, 2020). Although, under the Philippine Family Code, marriage should be above 18 years old but BARMM is operating as autonomous and under the Muslim Personal Law, which is different. **[This additional information was provided after the meeting** Girls were legally allowed to enter into marriage as young as 12 years old or when at the onset of the first menstruation.] There is currently an Embassy programme working on gender, but it gets watered down because of the stance on child marriage.
- Child marriage is the new face of GBV in the region. According to BWC, 33% of those who reached out to the BARMM's VAW hotline were child brides. There's also a low understanding in what constitutes GBV among women and girls. **[This additional information was provided after the meeting** Giving dowry in BARMM is a tradition and the value of the dowry depends of the social status of the woman/girl.] Even young girls are being married off to their perpetrator, as a way to "to redeem the girl's pride and dignity".
- In March 2022, a fatwa (religious ruling) was issued against five forms of GBV –

VAW, rape, wife abandonment by husband, sex trafficking, forced marital sex. Women advocates are also lobbying for the implementation of the anti-child marriage act that was signed early this year, raising the BARMM's age of marriage from 12 for girls and boys 15 to age 18. In BARMM, although culture plays a role to it, child marriage also occurs due to displacement, poverty and to secure status in the community.

- There is an ongoing debate in the Bangsamoro on whether the law against child marriage will be acknowledged. There have been calls for it to be implemented on the ground, but there are cultural difficulties.
- In relation to mechanisms on GBV in BARMM, this is still being developed and the policy against child marriage is still being questioned by a number of leaders.

[Back to Contents](#)

Bahay Kanlungan 7 November 2022

Interview conducted at: Quezon City, Metro Manila on 7 November 2022

Date: 7 November 2022

Meeting with: The team at Bahay Kanlungan Quezon City Protection Center

Present in the meeting: 3 representatives from UK Home Office, 1 official from the British Embassy

Notes in conjunction with presentation slides (slides available on request)

Bahay Kanlungan – temporary shelter for VAWG victim survivors. We are open 24/7. Victims are processed here and then admitted to the shelter.

One-stop-shop services – All services we provide are free of charge. In terms of our psychiatric services, this is provided in the main hospital, and we refer clients to them. Counselling and consultation to clients 18 years and above.

Aftercare, livelihood and skills training - Our mayor has a programme and package, given to most of our clients as long as they qualify – which is 10,000 PHP worth of goods.

Advocacy and education – we were awarded with a learning hub. We also partake in awareness raising, training and seminars, internship, research studies.

Pre-pandemic we had 60 clients, during the pandemic this was reduced to 40.

Requirements to be admitted

Referral letter addressed to social welfare officer, sworn statement or barangay blotter, social case summary report, if referred by the Social Services Development Department (SSDD), or NGO

Walk-ins will be assisted if the incident is within 24 hours. If a child needs examining, requirements must be presented. If the client needs psychosocial assessment, a request is needed from the fiscal or police.

The client will be assisted if they are a QC resident and if the incident happened in

QC. We only cater to QC residents but those who have come from outside of QC, we will advise and instruct them on where they needed to go for help.

(In conjunction with presentation slides on CPIT ToR questions)

Support for lone women who have suffered VAW. Police support and ease of accessing support.

We coordinate with women's police desks notifying that we have a victim who requires assistance in preparing a statement and we accompany them in filing cases in court.

Work with other shelters

In QC there is only one shelter. There are different shelters for different people but for women fearing GBV we have this shelter, which is temporary.

Help gaining employment

We have a livelihood and skills programme for victims which helps them to find employment.

Legal support in prosecution

We will coordinate with the relevant police station, and in QC there are 16 police stations. We assist victims in making their statements, filing cases and we accompany them to file because it is important to provide them with moral support.

The Public Attorney Office offers free services, and later that is who represents them during the court hearings.

Support in relocating

Before we release women from the shelter, we ensure that the family are going to support them, before we integrate them to the family in the community.

(Follow up questions from the FFT)

Are there any age restrictions on children you accept to the shelter?

We cater for all ages of children. We have a 1-year-old victim of rape.

Are the police generally effective in dealing with cases of VAW?

The police are the first point of contact in terms of prosecution under the VAW act and who we will coordinate with.

There is Barangay Protection Order, valid for 15 days, within the barangay only. The other one is a Temporary Protection Order, valid for 30 days, issued by the court signed by the judge. There is the Permanent Protection Order – this is a lifetime Protection Order and will be valid for as long as the victim or client wants. It will only be invalidated if the victim withdraws. Protection Orders are only for VAWs.

How effective are Protection Orders?

When I was working in the barangay, our experience is they will be issued one, but they don't follow it. The BPO for 15 days you cannot go near the victim, and this is for the 4 types of violence - sexual, physical, emotional and financial. The BPO violation is you can be imprisoned for 30 days. But they are not being followed.

Couples are couples, lovers are lovers. In barangay they're ok, but once they go home, they are lovers again and go back to their husband.

Do the police take action if a PO is breached?

It should be the barangay captain that files a case. On filing of complaints on BPOs, the law says it is a public crime. If the victim doesn't want to make a complaint, there is a provision that any two people that have personal knowledge of the case can provide an affidavit and file a case on behalf of the victim. But it is better if the victim is filing the case.

Do you have return victims, who have been here before?

Yes, we do. Sometimes a victim will come here and say they were raped and then we will advise them on what to do, where to go, but at the time they are still not ready to make a decision. They are still thinking what to do and when they make a decision to go ahead, they will come back.

(Question clarified- have victims who have stayed at the shelter before and left, ever come back?)

We have no repeat clients. We don't encourage them to come back but they can come back if they need to. Before we release them, we do sessions and talk with the family where they will go, we provide psychosocial counselling every day. We do activities, drawing, painting, colouring, counselling to empower them. By the time they go back to the parents, they are stronger and know their rights.

Are victims that come to the shelter from a particular cultural or educational background?

Yes, most of them are poor. Mostly come from remote areas within the province. They can be easily fooled. They are dependent on their partners. We offer livelihood programmes so they will not be fully dependent on their partners and don't have to take the abuse from their partners. That's the reason for the livelihood programmes.

Do you work with other shelters?

We will if needed. For example, rape victims, we refer them to agencies even outside of QC.

(Back to slides)

Risk on return for lone women

We don't encourage women to live alone – we promote family support. Sometimes we talk to the elder members of the family to help them understand the situation and what the victims need so the family provides it for them. Family first.

With employment, the package we offer is worth 10,000 PHP which will help them with gainful employment. Part of it is they are no longer dependent on the abusive partner.

Our clients who need medical help, services are free.

Legality of separation

We have no divorce here, but there is a law being pushed for it.

(Follow up questions from the FFT)

Does that make it difficult for women to escape violent relationships?

Yes, it does. We only have legal separation. With that, you cannot re-marry and cannot live together, or you will be charged with adultery. We have the ability for annulment, but only rich people can afford that. The cost ranges from 150,000 – 200,000 PHP.

You mentioned you don't encourage women to live by themselves – what happens to women with no family?

It is not common in the Philippines to have no family. Everyone knows family is really close, and close-knit. It is ok to live with your parents.

Do victim's families ever support the victim's husband instead of the victim?

What we normally do is we talk to the parties concerned. If the client wants to stay with her in-laws, we try to reach out to them, ask if they are welcome and see if that is what the victim really desires. We will always follow the victim's decisions; we won't contradict that. We will explain to them if their decision isn't a good one, because we can see the situation clearly and we can explain that this is not better, this is not good for them, but at the end of the day, the victim will decide what to do.

Do you see many cases of adultery?

We don't even have one. Divorce is a big no. It is being pushed for in the law. Most people in the Philippines who are not Catholic do want divorce law. Our legal consultant is pushing hard for it.

In the absence of divorce what is available for victims?

There is annulment. There are some reliefs that you can have including legal separation. The problem is you have to sacrifice a lot. You cannot have any relationship as long as you are married. Marriage is a life-sentence.

With the lack of divorce and expense of legal separation, does that play into women's decisions to return to a violent situation?

Normally on the Barangay Protection Order or permanent Protection Order, all the provisions to protect the victim are written. The Permanent Protection Order is a court order and says who will live in the house, who will own the car, how much financial support the victim will receive, visitation rights. I encourage Temporary Protection Orders. The judge decides on them, and they sign it. It is valid for 30 days and is renewed automatically every month. It is better with a Protection Order because everything is stipulated. The man cannot go near the victim and they cannot stalk the victim.

Is there any stigma for women victims of violence when they go back to their families?

There is a cycle of violence. We start from a woman was violated. The wheel says you have the fight, you have the honeymoon stage of "I'm sorry, I love you, I won't do it again" and promises.

(Question clarified, how are women victims of violence treated following reporting a case?)

They do treat them negatively, but we encourage or talk to the family and explain before we let the victim go from the shelter, but as for the community it's hard for us to manage. We do give aftercare, check how are they doing, is everything ok with them, that's what we do.

How often do you check in with victims once they have gone home?

We do it by phone. We get their telephone numbers and if we find it hard to reach them, we coordinate with the barangay, ask them can you please visit, look for them and tell them to contact us.

Do you facilitate any outreach programmes to educate younger men and boys on how to treat women better?

In the barangay, particularly with VAW cases, they try to provide orientations in the area to increase the awareness for women and of children. The barangay council provide seminars and orientations to increase awareness for women to know their rights and obligations. We also have the parent effectiveness seminar. Also, there are seminars for fathers to know that their wives have rights too, give them the idea that they should not be violating the rights of their wives and women.

There are also lessons integrated in school. Awareness raising is not just the responsibility of the barangay, it's the responsibility of others too. Aside from the school, we also have NGOs.

The shelter offers services for LGBT individuals. Are men allowed in the same place as the women clients?

We only have female staff, but we treat gay men. They are not separated from women, but they would be seen one by one. There are different steps for them, they have a different intake form for interview. The shelter can cater for VAW and LGBT persons. They have rooms in there. One dorm each is provided there. Since the clinic and shelter opened, we have never had a man, it's all women, but we are ready to provide for LGBT if needed.

Does the shelter have any security measures in place?

We have 24/7 security, two guards and CCTV.

How many women who come to the shelter do pursue a Protection Order? What percentage?

All the people suffering physical abuse, automatically they are offered to apply but we cannot give one automatically. Sometimes they refuse to be issued. A minority will not want one, but majority will apply for one.

If a woman separates from her husband and has a Protection Order, can she then have another relationship?

We have what we call 'live-ins' or de-facto relationships. Only married people will be charged with adultery if they have a live in relationship.

[Back to Contents](#)

Quezon City Police District 7 November 2022

Interview conducted at: Quezon City, Metro Manila

Date: 7 November 2022

Meeting with: Quezon City Police District Officers

Present in the meeting: 3 representatives from UK Home Office and 1 official from the British Embassy

(In conjunction with slides)

Mission vision of the police

March 16, 1993, the pilot Women's Desk was launched.

Women's desks were established in all police stations nationwide in February 1998.

Gender sensitivity and development programme – equal opportunities for women, protect against harassment and discrimination

September 2013, one-stop-shop for the treatment of women and children.

Women and children concern section (WCCS) 15 personnel in the HQ and 62 personnel from police stations 1 to 16.

(The slides outlined various initiatives in relation to VAWC)

Intervention programmes and legislation

- Capacity building and collaboration with barangay VAWC
- Programmes Projects and Activities (PPA), conduct lectures in schools to prevent GBV
- Dialogue in the different barangays to collaborate and monitor victims of violence and reported crimes
- Round table discussions
- Barangay visitation to strengthen ties with them
- Information dissemination via flyers pertaining to GBV handed out in schools, barangay, workplace, community, neighbourhood and public spaces.

M+K+K=K – “Malaskit, kaayusan at Kapayapaan tungo sa Kaunlaran”

- Adopt a day care programme – within QC feeding
- Gift giving
- Storytelling
- Cleanliness drive
- Adoption of the ‘PulisKo Tiser Ko’ concept – self defence
- ‘Ronda Ni Juana’ – mobile van to go to different parts of the community to distribute information and leaflets about GBV, crime prevention tips.

After 2004 we could charge the perpetrator with VAWC. WWCS desks were

established with police assistance (harassment, sexual violence).

Personnel at the women's desk will contact the barangay officials about any complaint within the barangay. Police will collaborate with the barangay on any complaints made in regard to GBV in the barangay

Police presence on the streets – talking to street vendors, offer food including to street dwellers (including children) in markets.

Barangay PO process

If a woman is beaten by her husband, the barangay passes the case over to the Police Station. We assist in the medical / legal consultation and conduct an investigation. Then we will refer to the prosecutor and if the victim has no shelter, we will refer to the Bahay Kanlungan (shelter for GBV victims). The shelter provides education and support.

Women and Children Concern Section – flowchart

- Receive complaint and interviews complainant
- Assists and responds (intervention and referral) and completes a standard Incident Form
- Conducts investigation and proper filing of complaint against perpetrator.
- Refer for medical examination, if the victim is traumatised, referral for psychological examination. Rape victim they are referred for genital examination
- Refer to one stop shop, medical examination, psychosocial counselling
- Refer to the QC prosecutor's office – regular filing/ inquest proceeding. 24 hours
- Court / family court

There is an ECPAT (shelter for children who are victims of sexual abuse) NGO's state that the common abusers of children are fathers and stepfathers.

- Refer to Bahay Kanlungan- Social Services Department (SSDD), QC. They conduct counselling, medical assistance, livelihood and skills training, Balik Probinsiya, education programme.
- Intervention programme – referral for psycho-social intervention and parental assessments

Refer via RA 9262 [legislation] – after taking the statement from the victim we proceed to the prosecutor's office for proper filing of the case (regular filing process). Most of our victims are poor and residing in remote places, we take them home.

Protection Orders

Barangay Protection Order (BPO)- Lasts for 15 days and the perpetrator cannot approach the victim or harass or call the victim. If he violates it, he can be sued for violation of protection order. Temporary or TPO and Permanent PO are also available if the victim doesn't want to be contacted. Temporary is for 30 days and permanent is for life.

A PO contains some or all of the following-

- Prohibition of threatening or actually committing violence

- Harassing, annoying, telephoning or otherwise contacting
- Removal of the person from residence
- Directing respondent to stay away from petitioner and family
- Directing lawful possession and use by petitioner of an automobile and other essential personal affects, regardless of ownership

Common findings

9 out of 10 cases are settled by compromise. In the Philippines there is stigma against broken families. The victim is dependent on her husband. They prefer that the family remains intact because of reputation and other cultural aspects. Even if beaten and faces are bruised for example, once the husband approaches and apologises she will no longer file the case. There are some victims who have jobs and if they are not ok with their partner they proceed with the case and separate. More of a financial capacity – if they don't have that they will settle, but if they have their own means they are more likely to pursue justice.

Legal status of divorce

Divorce is not legal. Legal separation is allowed and annulment only. Some of them will ask for a BPO so that they will be able to live outside of their homes separately. Also, if not married they will file for BPO so they can live separately. But it's valid only for 15 days. If a woman is legally married and has sexual relations with another man not her husband, the woman is liable for adultery. Penalty 2 years 1 month – 6 years. If the man has an affair, it's concubinage not adultery. If woman is legally married, she will sue for concubinage. If live in partners, the woman can still sue for infidelity.

Protection order process

BPO – form filled in by complainant. Signed by barangay captain. 15 days. Issued by Barangay not the police. Shall be personally served to the respondent by any Barangay official.

If someone violates a PO – they can be arrested.

TPO is issued by the court after notice and hearing. When the TPO is issued and due to expire, they can apply to continually extend or renew for 30 days. Its effective until its revoked.

Follow up questions from the FFT

What information is needed to get a PO?

A statement of complainant by the victim against the perpetrator (usually husband). In every Barangay there are violence against women female members of the Barangay. They first attend to the victims. Then if it goes to the police, they assist the victim and police continue the investigation.

What happens after 15 days of the BPO?

They are allowed to renew and when lodged with prosecutors' office they are allowed a TPO. It doesn't happen often as it's usually resolved by themselves before.

During the pandemic at the women's desks the VAW cases were quite high because they were confined in one space, no money, no work. Most of them get resolved as they prefer not to file a case. We did not encourage them to let it go however, most let it go. Most women here (QC) know about the law, and they are aware. Males are also aware of the law. Compared to other cities. The mayor is good for fighting VAW – lots of projects to tackle.

Is it normally women reporting violence or is it someone on her behalf?

Usually, people will go with the victim, and she will report it herself, with people there to support her. There are some cases where the family will report it themselves to the barangay. Then the police will rescue the woman and conduct investigation. She will then get a BPO.

Violence against women is a public crime. If they suspect a victim, then they can report it to the police station for possible rescue.

Is it free to obtain a BPO?

It is free to get a protection order.

To get a TPO, do you have to file a case?

Yes, to the prosecutor's office for a TPO and a PPO.

Are victims able to access legal aid?

Public Attorney's Office will assist complainants.

If someone breaches a PO, how quickly will police intervene?

In QC we are practising a standard response time of around 3 minutes. If a victim dials 122(in QC it's 122 but it's 911 in other districts). That's what we're practicing right now. All crimes.

If a woman reports via the hotline does she get referred to the barangay?

The first response is the nearest police station, they then liaise with the nearest Barangay. In QC the barangay VAWC and the SWCCS. When the barangay are contacted they will contact the police – collaboration – there is a good referral system.

Hotline goes to the police 122 and contact police in that area

How many barangay offices in this city?

142 barangays in QC and each one has a VAWC desk.

How many staff man the desk?

Depends upon the chairman and the jurisdiction how many people man the desks. They are manned 24 hours a day. In QC they have 3 male personnel. Stations are mostly women and in the barangay most of them are women too.

How much training do VAW desk officers receive?

In QC, the Mayor has insisted they are trained at least once but there is plenty of training, police are asked to join as well so they will have a chance to learn about issues relating to victims of VAW.

How long do investigations take?

It depends on the case. The perpetrator is arrested within 24 hours and within 8 hours it goes to the prosecutor. If they fail to submit within 8 hours, they can file a complaint case against the police for unfair detention. As soon as they finish the paperwork, they file it with the prosecutor's office.

[Back to Contents](#)

Commission on Human Rights 7 November 2022

Interview conducted at: Quezon City, Metro Manila

Date: 7 November 2022

Meeting with: Krissi Shaffina Twyla Rubin, Officer in Charge, Centre for Gender Equality and Women's Human Rights

Present in the meeting: 3 representatives from UK Home Office, 1 official from the British Embassy

How do you contribute to VAW prevention?

As a national HR institution, we advocate on HR in general and monitor the gov't's compliance. As the Philippines is a signatory to 8 International Human Rights treaties including CEDAW, the Commission monitors the State's compliance with its treaty obligations including those under CEDAW. The only human rights treaty the Philippines has not signed is the one on enforced disappearance. Another mandate under the CHR is our designation as Gender and Development Ombud under the Magna Carta of Women (RA 9710), our gender equality law or localization of CEDAW. The Magna Carta of women promotes and advocates for women's rights. Under the MCW, the Commission is tasked to provide legal advice and assistance to women victims of human rights violations by the state and even by private actors. We also monitor the government's compliance of other laws related to women. We then report to congress on how other government departments are complying with the law and we make recommendations.

Our office consists of protection, policy, prevention of HR violations (visits in detention) and promotion clusters.

Our task is to promote gender equality and protect victims of GBV. One of the core programmes of our Center is strengthening response to GBV. We have created an online portal for victims to report GBV during the height of the pandemic.

Legal assistance and advice on cases of GBV or other human rights violations are also provided by the Commission's regional offices. These could include providing legal advice and assistance, referral to support services and assistance in seeking protection orders. We can also draft complaint affidavits although we do not represent clients in court. Most women who come to us are those who have been through the barangay / justice system or have sought help from other government agencies and have not been satisfied or have not been treated fairly. Some complained of insensitive handling of cases or instances of victim blaming.

Is the Commission the main body that women go to if dissatisfied with the barangays or police etc?

It is one of the agencies that the public can go to complain against erring public

officials. Other agencies include the Office of the Ombudsman. If the police and other duty bearers are doing their job, victim survivors of GBV would not feel the need to seek the Commission's assistance.

How many complaints do you get from women?

Don't have the data available but we average around 1000 requests for assistance in a year. We have cases looking for legal assistance and cases for investigation. A number are reported via telephone and internet referral. On our online GBV portal we have had around 300 reports of GBV since lockdown.

The online portal is that for initial complaints against GBV or complaints against police action?

The online portal is not specific to complaints against the police, it is a portal to report and seek assistance for cases of GBV, this includes those committed by the police as well as instances where the police or other duty bearers fail to act in a case of GBV. The portal was only developed during the pandemic as services weren't as accessible because of the restrictions on mobility. Our protection office also developed a remote reporting service via calls through the E-lawyering service.

Does the centre provide support or signpost to other organisations?

We manage the online portal and refer to other areas. Some cases we refer to the regional offices (if it's their jurisdiction) and they will refer for other services be it medical, legal, or provision of psychosocial support. If it's urgent we would provide support ourselves, either legal advice or psychological first aid. We also refer to our partner organisations like IDEALS for legal assistance (examples problems with the prosecutor's offices) and Lunas Collective for counselling.

To strengthen our referral system. We also entered into agreements with Legal Aid providers, and we refer cases to them for the drafting of complaints and representation before the prosecutor's office. However, we only have one partner organization for psycho-social support help – Lunas Collective. The members are not clinicians but can provide much needed support and counselling. Because of the limited number of government services providing psycho-social support, there is often a long queue for counselling and rape cases are prioritised as are those with children.

Is the portal accessible to all?

Yes nationally, but connectivity can be an issue (internet access) and use of /access to technology especially for those living in geographically isolated and disadvantaged areas. We intended to develop a component of the portal that would allow reporting via SMS but this has not been established yet. Other government agencies have also developed online portals during the pandemic as they realise the challenges in mobility / accessibility. Most offices have phones lines too. The 911 hotline, which includes cases of GBV was developed during the lockdown. They can process and respond to cases of GBV as an emergency. That is a welcome development.

What sorts of complaints do you get from victims?

We receive complaints pertaining to various forms of GBV. Like that of the PNP data, complaints pertaining to intimate partner violence [IPV] is the highest. The country's Anti Violence Against Women and Children Law (RA 9262) covers intimate partner

violence and penalizes physical, sexual, psychological and economic abuse.

Many women complain of economic abuse, but economic abuse is difficult to prosecute **[This additional information was provided after the meeting** as there is a prevailing thinking that when we speak of violence it has to leave marks or it has to be physical. This can affect women's access to remedies. This challenge is also present in cases of psychological violence, where often acts of violence are trivialized or dismissed and most prosecutors and courts would require psychological reports before the report can proceed.] Psychological evaluations are expensive with current rate of sessions at PhP3,500.

Economic abuse is one form of abuse that many survivors are interested in as women are often left on their own to take care of their children. The practice has been to file for a criminal case for economic abuse as a form of VAW under RA 9262. Women find this route easier compared to filing for support and navigating a civil claim/process.

Recently, the Supreme Court issued a clarification pertaining to economic abuse has been a new ruling on economic abuse in *People vs. Acharon*. In the case, in order to prosecute failure to provide support as a form of psychological abuse, it is important to show that the perpetrator wilfully denied financial support in order to cause psychological harm to the woman. This could possibly make it more difficult for women to file a case in cases of failure to provide support by their partners but at the same time, as it sets out the criteria for what is needed to prove economic abuse cases, it makes supporting victims easier. It means if we know the criteria, we can help victims with the information / evidence they need to provide to prosecute their cases successfully.

What are the nature of the complaints to the commission from victims?

Complaints received by the Commission are complaints of human rights violations. But in cases of GBV, we often receive complaints as well due to the insensitivity of duty bearers. There were instances during quarantine that survivors were told that they can just go back because the police station [PS] is closed. There was an instance when a woman survivor of rape was questioned regarding her complaint as she had no lacerations – the police on duty insisted there is no rape. In another instant, a complaint of physical violence within a family was dismissed by a village chieftain (Barangay Captain) stating that it is normal for families to hurt each other.

Our response is to have dialogue with the Women's Protection Centre (WPC) so they can be sensitized on how to handle cases. Also, victim survivors often retract cases when they experience victim blaming or feel that they are not supported by the police. It has also been the experience of women that when they retract their cases and then decide to subsequently, they are often lectured regarding their indecision. This makes it all the more difficult for women to obtain justice.

There was a case of rape (not IPV) in the Commission's Gender Ombudsman's Report for 2020 where delayed action of the police (after threats were received by the complainant) resulted in her being killed. She said she was being threatened and yet the Police failed to act. She was killed on her way home from the police station. In our report, we highlighted that it is not enough that police respond to complaints, they should be able to ensure protection if someone says they have been threatened.

Is the approach to GBV / IPV consistent across the islands?

No, very different. For example, there is the 1 stop shop in QC, they have a protection centre/shelter which is near the hospital and the police are nearby. Complete service can be provided in one venue, it is very different areas. For instance, in areas that are geographically isolated / disadvantaged it might mean several hours walk to the barangay or the nearest police station or hospital.

In Mindanao it's more complex. There is religious (Sharia law), customary law that exists alongside formal legal mechanisms, many women would be forced to resort to customary law and/ or pressured to settle by family due to religious or cultural reasons. These impact access to justice of women and girls.

We also work with victims with disabilities. For women with disabilities, the lack of accessibility has been a persistent barrier. Sign language interpreters can be difficult for deaf women and girls. There is a Supreme Court circular that requires that sign language interpreters should be provided but in practice, the process is long, tedious and often inaccessible for deaf women and girls. In QC we have a case with deaf complainant and deaf defendants. We can get an interpreter here but in other places it's not available.

In relation to complaints, what is the demographic of women, which backgrounds?

I haven't studied the demographics, but in the reports of our regional offices most are from disadvantaged backgrounds and would not have the resources. More well-off women may not go to the CHR as they have money for their own lawyers, but that doesn't mean they do not experience gender-based violence.

Cultural attitudes to women who have pursued a Protection Order [PO], any stigma? Are they treated differently?

In areas where awareness of the law is high and barangay desks are well trained then it's easier and more acceptable to obtain a PO. In other areas where there are cultural influences such as family, i.e. don't air private matters in the barangay but reconcile instead. Even in QC there is that thinking, but to a lesser extent due awareness campaign and programmes. GBV is hidden in BARMM as it's not reported. There is also the fact that someone might not report it as they do not know that what they have experience is already a form of violence.

Are POs effective in abuse cases?

Yes, the law was informed by women's experience and with input from women. The most accessible method for women survivors of intimate partner violence is the BPO. Women want the BPO, not necessarily the court proceedings. However, there are challenges still with respect the BPO. For example, in cases where the captain of the barangay is friends with the husband or family and would influence the case or be biased in the intervention. Still, the BPO is often the more accessible / successful form of intervention

BPO is valid for 15 days, and many victims would not proceed to the TPO. In some barangays they give in to the extension of the BPO. This shows the existing gap in the implementation of BPOs. Women still feel apprehensive in pursuing court mediated remedies.

The public attorney's office could help them seek TPO, but it can depend on how busy the public attorney's office is, and if the husband is a client, they cannot help the complainant anymore because of conflict of interest. It thus becomes a first come first served scenario.

Legal aid – can any woman access legal aid?

Criminal case is handled by prosecutor (free). Some women might want to seek independent advice too on a criminal case (if they don't understand, or don't feel supported.) Many women need someone to just to explain the process while they are in the process of deciding what remedy to pursue.

PO can be obtained with the help of the public prosecutor's office, if it's for VAW, then it is free. Other civil matters such as annulment are not free and also not a priority in the Public Attorney's Office. **[This additional information was provided after the meeting** To avail of Public Attorney's Office, a certificate of indigency is required. This certificate is issued at the barangay level. However, in most cases men survivors who are employed are already disqualified from availing of services from PAO. This is also problematic as women could be employed but it is often the case that their income is barely enough to support her and her children. Supporting a legal action is more difficult to sustain. In the experience of many women survivors, the limited availability of legal aid is a continuing barrier to women's access to justice. In cases where the public prosecutor or the public attorney's office handles the cases its free, there are still many barriers]. The woman would need support for transportation and food. It is good that the Anti-VAWC law provides that you are entitled to 7 days of leave from work if you are a VAW victim but there is no provision for financial support. Women have to shoulder miscellaneous expense. The only financial support you can access is from the ministry of social welfare where they provide financial support of a one-off payment of P5,000 PHP for women in especially difficult circumstances. You would also need to be indigent to avail of this.

In cases of trafficking, victim survivors are entitled to receive 10,000 PHP from the social service ministry. This is also not enough according to survivors. Another form of remedy is filing a complaint with the CHR and access the grant financial assistance, but this can take some time as financial assistance is often times granted only after the investigation is concluded. Due to various gaps and challenges in accessing remedies, many women give up prosecutions / retract. Especially in the cases where the perpetrator is powerful or influential.

Can a woman go to the barangay which isn't in her area?

No, it needs to be where she lives. We would advise getting a TPO from the court in those circumstances but very few get a TPO. Those who get court TPOs /POs are usually well off, not the average woman.

If someone breaches a PO how do the police deal with that?

There can be many breaches, but no one files a case. It's provided for in law but doesn't happen in practise. **[This additional information was provided after the meeting** In cases of breach of BPO, the barangay should initiate a complaint regarding the violation, but this seldom happens].

If she complained the police weren't reacting, would someone be able to file the case on her behalf?

In theory the barangay should file as it's a breach of BPO their case, but most expect the victim to file. That's a gap as a victim survivor would often not have the resources to file.

[This additional information was provided after the meeting In case of police inaction of insensitivity, cases could be filed with the CHR or office of the Ombudsman but not all women would know that or would have the resources to pursue that].

What percentage of police VAW cases result in complaints?

There is currently a review. The CHR are currently asking for that data but it's not available, it may be a question for the prosecutors.

What helps is the existence of women's desks in all every police station. Nevertheless, there are some cases where police stations are still not sensitised to DV issues.

The Duterte government did not help in addressing the culture of misogyny. It normalised that kind of thinking. **[This additional information was provided after the meeting** This makes it difficult for women to access remedies in cases of GBV when high level officials have normalized the acts in their words and deed]. We continue to work on breaking that, we are already seeing changes in the more recent change in government. There is less misogyny in press conference, but we still have to see if there are changes in GBV response.

There has been progress in passing the law of the child marriage, but even the passage of the legislation has been faced with many oppositions in the BARMM.

The expanded solo parent act grants privileges to solo parents (women and men) – it has recently been passed into law and provides 1000 PHP a month for indigent solo parents. If earning below minimum wage (that's the only criteria), then it can be availed of. It excludes many solo parents as well. However, it is also down to Local Government Units to implement the law – that they know about it and that they are including it in their budget. Under the law, you can also get tax supplements on milk, priority on housing. The implementing rules and regulation on this have already been done. It was completed earlier as it's not as contentious as prohibition of child marriage.

Any financial assistance for women who are given a PO?

No

Can husbands be asked to provide money?

If filed in court women can seek money from their partners. This can be ordered by the court as part of the remedies that women can avail. Single women (without children) may have more difficulty in getting support. It has to be a civil action or ancillary to a criminal case, so filed in court. This would also need to be clearly communicated with your prosecutor, otherwise it would just be the criminal case and claim for support not included.

In cases where former partners are unmarried it can be complicated. Although the law says the mother gets custody of the children. But these are mainly issues of those with money, those with lawyers. **[This information was added after the meeting** Often, those without access to lawyers' resort to BPO or seek help of their

barangay VAW desk to demand support from partners].

[Back to Contents](#)

Gabriela Women's Party 8 November 2022

Interview conducted: Online in Bonifacio Global City, Metro Manila

Date: 8 November 2022

Meeting with: Arlene Brosas, a representative of Gabriela Women's Party, Member of Parliament, Philippines

Present in the meeting: 2 representatives from UK Home Office and 2 officials from the British Embassy

What work have you done in relation to GBV?

Our organisation represents underrepresented women. Our objectives are to work for women's empowerment rights and welfare. We're involved in all fields, we want to ensure the wellbeing of all Filipinas, not just those who have experienced gender-based violence. We look into other issues against women.

The representatives from the party don't come from political backgrounds. We actively participate in committee hearing in regard to issues of women, gender equality and poor and marginalised conditions of women and children.

How do cultural attitudes to women affect GBV?

In our country we are more patriarchal/feudal. Here we are still pursuing legislation that will equalise men and women. Its feudal because most of those employed are in agricultural areas- the women work in fields in ploughing the lands. Some of the women are in service work.

Do you have any knowledge of police system that deals with violence against women and how that works?

In the Philippines we have cases in the Gabriela women's party of state perpetrated violence against women and children. For police handling of cases, we are not that familiar with how affective it is.

Have you been involved in any cases of GBV where women have obtained a Protection Order (PO)?

We have supported cases of those who have wanted justice from what happened to them, but we are limited in what we can do. Violence against women is under-reported. We only have around 6300 cases reported- there is under-reporting.

When a woman does have a PO are they effective- do they work well?

When we had a review of 15 years implementation of VAW law- we reviewed three municipalities and found that sometimes the PO is not being implemented well, the police tend to try to reconcile the preparator and victim. We believe it is not being implemented well. There are cases where the victim has no privacy in police station- the police keep jeering/sniggering there is no privacy for victim. Those are the results. Also, during the pandemic, in the community when violence ensues, the PO is not given to the victim, they were not able to do anything.

Women are sometimes pushed to charge their husband but because they are economically insecure, they had to go back to husband- we have many cases like that. Battered women syndrome- the effectiveness of local units having those kinds of shelters, anything that can help is not being provided.

There are only 10/11 shelters in the Philippines, and they cannot accommodate all the cases. We have many areas that are very poor and lack facilities- they are not able to help victims.

Are you aware of any other support for VAW victims- NGO's?

We have more residential care and private about 200 social development organisations. Section 40 of act mandates that local government units provide VAW shelter and rehab programs.

What about lone women is there support available for them?

Lone women with no family- we have no cases, I'm not familiar with any case of single women who have suffered domestic violence. In the Philippines culturally we have extended family always, support comes from any relative or any family. You can ask extended family. That is what happens to victims of Domestic Violence.

How does not being able to get divorced affect women who have experienced domestic violence?

Since we are one of the authors of divorce deal, we have cases that are brought to us of DV and here in the Philippines with have 3 remedies, but it is very difficult for women- the church allows annulment of marriage. Legal separation allows separation of marriage because of psychological incapacity but with legal separation you are still married. Violence and drug addiction are grounds for legal separation, but you are still married- you are still in ambit of perpetrator of violence. We have no divorce we are pursuing to have a divorce bill but actually in the Philippines they don't want to call it divorce, we are only country except the Vatican that has no divorce. We don't talk about divorce because we are predominantly Catholic. As of now the women who experience Domestic Violence, they have no remedy of divorce.

How far along is divorce bill in process, will it be passed?

House bill 383- this bill we filed in August 2022 we have been filing it for such a long time, ever since we have been participating in elections, but it's never reached the Presidential level. It needs to pass the lower house, senate and president. In the senate, most senators are not in favour of divorce. There has only been one time it was passed in congress- (17th) congress we passed the divorce bill, but it didn't proceed past the senate- we are hoping it will be tackled on committee on family and development. We are hoping for discussion when it reaches committee, but we are not seeing any change. There's no strong push from the government to push for divorce bill.

How does it work in practise with separation- is a woman able to separate and move on with their life, can they live with someone else?

The narrative of those who experience violence is that they just separate quietly. Most of the poor women separate quietly, they are in separate houses- the man lives somewhere else, or the women lives with her children. Most of time children are with

the women, until they are adults. Since there are no remedies for them to separate its either they live on their own, they live with family/relatives, or they go back to perpetrator. The family of the husband have the economic means to provide support also.

How does the adultery act apply to a woman who has left her husband?

I'm not familiar with cases of adultery, but there is a case in the media (Maggie Wilson) it's a celebrity and businessman- they both charged each other, both had affairs, but the bias is usually with the man. We have a law on adultery and concubinage- if you compare the 2 the concubinage is difficult to prove, in adultery where the man charges the women it is easier to prove, you just take a picture of them together. The tendency is that there is a bias towards the man. In Gabriela's party list we are pursuing legislation that will make them equal. Basically, in the Philippines adultery is criminal offence so we are pursuing to decriminalise adultery.

We have an uphill battle in the divorce bill, adultery, concubinage, we need more legislation to uplift conditions of women. It's difficult for women living with these conditions. The structures in government don't help victims of VAW.

[Back to Contents](#)

Women's Legal and Human Rights Bureau 9 November 2022

Interview conducted at: Quezon City, Metro Manila

Date: 9 November 2022

Meeting with: Jelen C. Paclarin Executive Director, Women's Legal and Human Rights Bureau

Present in the meeting: 3 representatives from UK Home Office, 1 official from the British Embassy

The majority of information about our organisation is on our [website](#).

In the Philippines we don't use the words 'domestic violence', we campaigned for a different terminology (Intimate Partner Violence, IPV). SIBOL – acronym of our network, it means collective network of women - who wanted to transform the law. We refused to use that term [domestic violence] at the time because it is equated to the locality of the crime. It isn't always at home, and we didn't want to include men because a gender-neutral law would exclude the experience of women in the law.

In developing countries gender neutral law doesn't work for us, in comparison to developed countries.

How is your organisation funded, do you receive government funding or are you an NGO?

We don't receive Filipino government funding unless it's a partnership with local government. We don't directly receive the funding but may receive funding for location, food. There is government funding that goes through government agencies, like the government of Sweden.

What happens in the barangay - can you tell us about that process?

I'll go back to the history of the law. In some countries the barangay are not part of access to justice. When we were trying to get bill through one way was to get access for women. The cost of transportation to get to the barangay in rural areas would be the equivalent to one day of meals. Since the Philippines is close-knit, they look at the barangay as someone in authority and we thought that intervention of barangay captain between couples would be more effective than going to the police since women can have little funds.

But there are negative consequences. Since they know each other, there is a tendency to convince them to settle in the barangay. We fought really hard to stop settlement at all levels. Therefore, its mandatory that the barangay should issue a BPO. The barangay captain is not the adjudicator, judge, executor. He cannot change it. Sometimes they would issue a BPO, sometimes they wouldn't saying there is not enough to issue a BPO.

The barangay are the only authorities allowed to issue BPOs, but sometimes its VAW desk. There is sometimes a need to remind the barangay that they aren't the judge, they just have to issue the BPO. Otherwise, a woman can file an administrative complaint against the barangay.

Is it mandatory to issue a BPO to any woman who asks?

Yes, she doesn't have to provide anything. It's just a Protection Order, they don't need to investigate there is no violation of law to issue one if she is lying. It can be extended, but depends on the interpretation of the law, but for us, we believe the BPO should not be extended, because the woman should be encouraged to file for a Temporary Protection Order (TPO). The 15 days BPO should be to prepare for a place to live, to file a case, for a TPO. The reason for this is because a BPO is only applicable to the barangay itself and that area, not to the entire city. A TPO or PPO protects a woman all over the country. That is why we encourage a victim to file for a TPO.

A TPO should be given on the day of its application but because of the processes in the prosecutor's level it is not always given straight away. That's why some people go back to the barangay to get justice because it's easier to extend the BPO rather than get a TPO. This can happen even if the victim is talking about the same, original crime. If you ask for a new BPO, it should technically be for a new crime. These are some of the adjustments that the barangay will do, they should not cover child support as part of the BPO, but sometimes the barangay will include these forms of settlements, even though it shouldn't.

Does a man have a right of appeal against a BPO?

No, because its issued ex-parte [at the request of and for the benefit of one party, without the participation of the other party.] That's why we say there is no harm if you issue a BPO because it's meant to be a temporary special measure.

What training do the barangay and women's desks receive?

They always complain there is too much training on [legislation] 9262. The problem is in differing interpretations of the law and training. We are the ones who drafted the law and know why it is like it is. The barangays we train are better than those we don't train. They think they know the law and it all already. There is nuancing of the

law in the barangays we do not train. Another problem is if a couple live in two different barangays. Who issues the BPO? The law says it should be whichever barangay is nearer for the victim, but the barangay would say that the victim lives in barangay A, and the man in barangay B, so who has jurisdiction? Each say it is the responsibility of the other. Also, sometimes victims will say the barangay won't issue a BPO because they are friends with my husband. I always say there is no harm in whichever barangay filing it.

Are BPOs issued immediately?

Based on the law, yes, but in practice, it depends - sometimes it is not. Sometimes, they have to go back several times and sometimes the barangay will look for medical or legal records to support her claims she was abused, which shouldn't be the case. They are not an adjudicator.

Another problem at barangay level is economic support services. If there are no economic services operated by the Local Government Unit (LGU), the woman will often go back to the perpetrator. In some areas, the victim automatically gets economic financial assistance, around 5,000 PHP, which is around 200 dollars. That helps her to think about filing a case. Without those services and that support from the LGU, the tendency is that the victim will go back to the partner.

Can you tell me about enforcement if a man breaches the terms of a PO? What happens if the husband approaches a woman?

Enforcement at local level, they just go to barangay and say, but it depends how efficient the barangay is. The ones we work with are better. Others may just ignore the complaint. Different sides of the coin, it is dependent on the area. With TPO, they have to go back to court and say there has been a breach, and so they have to call the police and report it. Our communities mainly access BPO because TPO requires expenses. It is free to file, but to go to court, process the documents, and funds in terms of food for lunch, photocopying and so on, it costs money. Sometimes the victim will file a case with the police, and then she will find she doesn't have a lawyer and the perpetrator already has the help of the Public Attorney Office (PAO). The PAO should only be for victims, but if the perpetrator goes first, the victim will not get the help of the PAO. Then who will prepare all the documents? If the LGU doesn't have a legal office to help the victim, the victim will be left with no help at the prosecutorial level.

At the barangay level, if there is a breach, do the police get involved or just barangay captain?

This is up to the barangay. But let's say a perpetrator is armed and inside the house of the victim, and she was able to escape. She has a BPO, so the police should go with the barangay to investigate. There are barangay police, but they don't have guns, the police will ask the barangay police to check if someone is armed, but if there is a claim someone is armed, it should be the main police. That should also happen with a breach of a BPO. Police won't come, they say go to barangay captain, file a complaint, and if they see a semblance of violence or weapons, they might, intervene. Usually, the barangay captain is the person who intervenes if there are breaches in the implementation of the BPO.

The police authority is not with barangay it's with the Mayor that's why they

sometimes don't follow orders of the barangay.

Access to justice post barangay stage – TPOs and PPOs, how do they work?

If accessing justice level at the barangay doesn't happen, the victim won't have access to TPO or PPO, unless they have help from an NGO. We have a Facebook page where they can enquire what to do. If they are informed about their rights, they can navigate the justice system discuss it in a more informed way, with a prosecutor for example.

Sometimes, in the worst-case scenario, we can help them with drafting information for filing a case. If the referral system from the barangay to the courts is not in place, then there is no possibility for the woman to access justice. If she doesn't know any NGO or local groups. We partner with the local barangay VAW desk. They will call us and say, "this is the problem, what do we do?" and we give them advice on what to do. They might have a different interpretation of the law and what should be done. Sometimes, they may have been pressured by police or prosecutor to change a victim's statement to make it align, so I tell them "no, you cannot change a statement, that is falsification of documents".

Are you aware of how many women obtain a BPO and then go to court for a TPO or PPO?

One problem we have in the Philippines, there is no data. We have been lobbying that the police or courts should be able to do that, but until now, they haven't. The only thing the government have is national statistics or at the barangay level, there should be a copy of how many cases have been filed and how many have been referred, for example to the police.

A victim can file a case without going to the barangay. But if she files a case for a Temporary Protection Order, she may still feel it's the person she loves, and they just want to be separated from that person, not make a case. We don't want filing of criminal charges as a deterrent for getting protection. When we used to have a death penalty law, children of sexual abuse would not file a case because they don't want to be responsible for their fathers being killed. It's the same for women victims. Most of the time they just want to be separated from their husband, to be independent, socially and economically, not to file a criminal or civil case.

Is it a victim's choice how to proceed?

Yes, but police play a big factor. There are some instances where the police have a points system, if you have a pending case in your work, you will not get promoted. We lobbied with the human rights office, that this should not be something that prevents promotion, because most women's cases are at a local level. Police will say "Are you sure you really want your perpetrator to be in jail? If you're not sure, then don't file." They look at it as a potential pending case which may block their promotion. They say that this is no longer the case. It was a conversation between the General and us, so we weren't really sure if it was addressed or not. I think it still does affect the performance.

Would it be a criminal case if a husband has assaulted his wife?

No, the criminal case can involve physical, verbal, sexual, emotional, financial. Not necessarily just physical.

Is a TPO or PPO issued as a result of a guilty verdict, or is it separate?

It's separate, the PO should be applied for at the start, so the victim is protected while the case is going on.

Is there any social stigma around women who have suffered and reported IPV? How does it affect them, their social position, ability to access jobs?

Stigma in southeast Asia against women is high. Especially because we have this notion of 'good or bad' women. To be good, you should be able to choose the right husband. If you aren't able to, it says a lot about you personally and your success. It's "See, you didn't listen to me, I told you not to marry him." It says a lot, and that's why women are silent and don't report the case, because they don't want to be judged or labelled for choosing the wrong person who committed violence against them.

Second, they cannot believe the person they love chose to make those acts against them. They're afraid if they share that information with others, there will be gossip and stigma and talk about them in the community. Communities are small at barangay level. With a lot of education, there are more women who are no longer afraid of that stigma, but there is still a lot. That's why some people prefer to ask for help from people they don't know, rather than their families. Through Facebook, Meta, it is easier to report, compared to before when it was face to face advice with clients.

If women are professionals or well-known, or if the woman happened to be related to a famous person for example, it can take them so many years before they have the courage to expose their husband. Some rich people will judge the poor, say "It's easier for them because they don't have a status to protect like us." There is stigma for all. Even if you are a feminist or work for an NGO, it's "How is she an NGO worker and allowed her husband to do this to her?" People will judge other people's circumstances.

Sometimes in reporting women will lie and say it's about someone else, and then say at the end "Actually it's my story." There is stigma. Because of that, some either continue in the relationship or some would have a career like migrant workers to support family but be away from the husband. Sacrificing their career, to stay away from the relationship.

If a woman leaves a relationship, is she able to leave and live as a single woman?

Some of them, if she was able to secure a Permanent Protection Order, she can, but she cannot marry (assuming she was married before), she'll need to file a separate case for annulment. Some women are judged that a PPO is just an excuse to escape the marriage, and some are traumatised. There are some people who are able to go on and find another person, and that's why she left the abusive husband, but it's complicated because the husband can file an adultery case against the woman. That's the reason we don't want anti VAWC legislation to become gender neutral.

The law on adultery, is it applied to women who have suffered IPV?

What I'm trying to say is there is no exclusion to adultery legally, so once there are grounds to say there is an adultery case, even if it was an abusive relationship, still

you should not be in a relationship.

Do adultery cases happen in practice?

Usually, it is Filipinos married to foreign men. They will meet someone here and be together, but they are not able to marry each other because the marriage is still valid to the foreign man.

If a woman had another relationship after leaving husband, how would that be seen, and would she be reported to the police?

Usually women will try to migrate, Overseas Foreign Worker (OFW), and have a relationship in another country. Adultery is only for heterosexual people.

If she doesn't publicise it, could she avoid an adultery case?

If they both agree to go their separate ways but don't have the money to annul, this is ok. The problem is if the husband is a migrant worker, if he had a family in another country and the woman is left here, she cannot file for an annulment, so she remains married to that person. She cannot find the husband anymore, lost communication, the woman still cannot get married because she cannot file for an annulment case.

Can a third-party report adultery?

No. The person who should file the case should be the aggrieved party. It's not a public crime. We are trying to decriminalise adultery and concubinage.

How does the psychological incapacity ground for annulment work?

It's difficult to prove, loss of contact isn't enough. Even if you have agreed you want an annulment. That's why we want a divorce law. It's still a big debate and we are pushing for it in our legislative space.

How common are annulments?

Common, but only for rich people. It costs around 500,000 PHP, or 10,000 USD. It's only for the rich and famous. The conservatives don't want a divorce law. It is a big debate and one we are still pushing for.

Q When people separate, is the husband still required to pay his partner, for children and assistance?

Yes, in law, as long as it has been established. Some women, we advise them as much as possible, if you think you can support your children without your husband, get a PO. But if you think you need support, then include it in the information and you list how much you need for meals, education, etc. We advise, even if your husband is receiving a sum of money, you won't get all of it. It depends on lifestyles how much someone will get. It should be part of the PO. Child custody and support included in the PO. Otherwise, you have to file another case. It should be implemented by the sheriff (bailiff of the court). If there are violations with the decision of the court, you have to go back and report it so that's why it's difficult, and a common complaint of victims of IPV is that the husband does not follow agreements at barangay level or at court level.

[Back to Contents](#)

Bangsamoro Women's Commission / UN FPA 9 November 2022

Interview conducted: online in Quezon City, Metro Manila

Date: 9 November 2022

Meeting with: Helen Rojas, Bangsamoro Women's Commission/UN FPA

Present in the meeting: 3 representatives from UK Home Office, 4 officials from the British Embassy

What is the situation in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) for women fearing IPV?

In national statistics the incidence of violence against women in BARMM is the lowest but this does not mean that there are only a few incidences of violence against women. One factor could be that women here, especially the victim survivors are not reporting because the culture of silence is very prevalent in the BARMM. The second reason is that they may not report to Philippine National Police, but they are reporting to their relatives who report the matter to the council of elders which is the traditional mechanism existing here in the BARMM. Usually, if violence against women is being taken up in a traditional mechanism like the council of elders it is settled amicably which is contrary to the provision of the republic Act 9262- the law on anti-violence against women and children.

We may have a low number of reported incidences of violence against women, but the incidence is very alarming. We have children as young as 3 or 4 years old being raped. The most common violence is sexual violence, specifically rape. Most common profile of the victim is a minor and most common perpetrator is the father or close relative. It's very seldom that we get a report that the perpetrator is a stranger or a neighbour of the victim.

Another type of violence against women or gender violence is child early and forced marriage. Child marriage is very much prevalent here as this is allowed in our culture as long as the girl reaches age of puberty, even if she is still a minor she can be married, and it is very common here, it's a common practise. In a study conducted by Plan International one of the factors contributing to child early and forced marriages is poverty. Parents are forced to have their daughters married off because they could no longer support them. Another factor which triggers or facilitates child marriage is displacement. BARMM is a conflict affected region so whenever there is conflict, there is displacement. Civilians are staying in evacuation camps, and we know what the situation is within evacuation camps. In one room you can have 5 or 6 families staying in one room with no partition. So, the children of one family, daughters or sons, grow closer and get intimate with the children of other families which are staying in the same evacuation camps, so to avoid 'Zina' (word for sin), the parents will marry off their daughters.

Last week we went to Mindanao province which was badly hit by a typhon. There was displacement and there is still displacement because the affected families, especially those with properties destroyed by the flood, are staying now in evacuation camps. So, we assessed the situation of the IDPs, especially in terms of sexual and reproductive health and gender-based violence. In one municipality they

identified one of the factors, the main factor, that's contributing to child marriage is that the children are not encouraged to go to school, children are encouraged to help in providing a livelihood for the family. So, the son assists the father, the daughters assist the father as well. From a very young age they are exposed to parental responsibilities. The daughter for example, if she's not going to school, is left at home to look after her younger brothers and sisters, so at a very young age she is exposed to maternal responsibilities. The son is exposed to the paternal responsibilities which is to provide for the family. At that young age they are already know how to take care of a child of a baby, they already know how to earn, how to work hard and provide for the family. So that encourages them, according to the social worker, to marry at a very young age.

Are there different laws in BARMM for dealing with IPV?

We have a national law, the Republic Act 9262, this is the anti-violence against women and children Act. This is being implemented in the BARMM because it is national in application. We have a guidance note the Mindanao Philippine National Police guidance note on the prevention of and response to gender-based violence and violence against women and children. This is a consolidation of all the policies and protocols that the Philippine National Police is enforcing in terms of violence against women. So, under the guidance note, this guidance note is applicable in Mindanao but there is a plan to have it replicated in the other provinces in the BARMM.

Another reason why rape is prevalent and common here is because we don't have cases of convictions here. Even when cases are already filed in court, perpetrators are able to ask for a settlement even if it is contrary to the law, but they are able and manage to get settlements, they manage to get an affidavit and assistance from the victim survivor. The guidance note on the Mindanao Philippine National Police provides that if the cases are already reported to the Philippine National Police it can no longer be settled amicably. Those who facilitate the settlement will also be charged for accessory, accomplice or for obstruction of justice because most cases here are settled amicably and those involved with the settlement are either the barangay officials, traditional leaders and other family members. This guidance note is like a law already so it will sanction those who will facilitate the settlement of VAWC cases.

Do they have a similar system of barangays in BARMM?

At the barangay level you have the VAW desk. The VAW desk is attached to the office of the barangay, barangay local government unit. The task is to provide assistance to VAWC victims survivors in terms of complaints, filing a case, providing or endorsing the VAWC victim survivor for referral to other ministries and offices which are included in the referral pathway. We have a GBV referral pathway here which reflects and contains the different services that should be made available to VAWC victim survivors and the offices which have a role and responsibility in directing the VAWC cases.

Can a woman who suffers IPV obtain a Barangay Protection Order, or is there an equivalent?

In 2019 there was research study conducted, the salient part of that research is that of the 100% VAW desks in the country only 15% are functional, which means 85% of

the VAW desks in the country are not functional. In several conversations that we have had as a community it appears that there are only very few VAW desks which are being accessed by VAWC victim survivors. So, in the island province for example there are only a handful of barangay VAW desks which were able to share that they were able to issue BPO to VAWC victim survivors. The rest are saying that they were not able because there were no complainants requesting BPOs because VAW here is settled within the family, so it no longer reaches the barangay.

Is there legal/financial support available for those requesting a Protection Order?

Yes, we have the GBV referral system. The process here in the referral system is when a victim survivor complains or goes to barangay VAW desk, they are immediately referred/endorsed to the police for the case and filing of the case and the taking of the complaint affidavit. And then simultaneously all other service providers like the Ministry of Social Services and Development, which is the ministry tasked to provide psychosocial intervention to VAWC victim survivors are being coordinated, the Ministry of Health is also being coordinated for the provision of mental health and psychosocial services. We also have an ongoing partnership between UNFPA, the integrated bar of the Philippines, the Bangsamoro Women's Commission, Bangsamoro Human Rights Commission, under this memorandum of agreement, the lawyers who are members of the Philippines bar will be providing free legal assistance to VAWC victim survivors in the BARMM who want to prosecute their cases. So, all this is part of the GBV referral system.

Are there shelters available in the BARMM?

Yes. In the BARMM we have 6 women centres. These centres are located in the 5 provinces of the BARMM, and one is Cotabato City. These women centres serve as the hardware for the implementation of the provisional action plan of the different provinces. The operation of these centres includes providing temporary shelter for VAWC victim survivors. In Mindanao we also have women's halfway homes these are located in the Mindanao social services (MSSD) it provides temporary shelter not only to VAWC victim survivors but also to children in conflict with the law.

How are women who access support treated – do they face any stigma?

There is none. We have been observing, especially here in Mindanao particularly in the municipality of Zamboanga Sibugay (because this is the municipality which has been active for the last 5 years and is the valedictorian in violence against women.) This municipality has the highest incidences of violence against women. The most common types of VAWC here is sexual violence and rape. So, when VAWC victim survivors access different services, different interventions like health, social, legal, we do not observe any stigma against them as VAWC victim survivors. We have not noted any stigma against VAWC victim survivors.

What happens to victims on return to community?

Actually, it's a case-to-case basis. If the perpetrator is a family member, the victim survivor is not re-integrated with the same family. What the social worker does is give custody to the nearest family relative. If the perpetrator is a neighbour of the victim survivor, the victim is also not re-integrated in the community where the perpetrator is. One good thing about the BARMM is that if the case is rape and the

identity of the perpetrator is already known, and if the perpetrator is not yet apprehended, he is very unlucky because he has the entire members of the community running after him.

Q Is it culturally acceptable for a single woman to live alone?

Yes. In the BARMM we are not that conservative, actually a lot of single women, even if their residence is near the workplace, they prefer to rent a boarding house, an apartment. It's acceptable here for a single woman to live alone.

Q Are women able to get divorced if they are married through Sharia?

Yes, generally yes. A lot of the women are already very empowered and have already learnt about their rights already especially their marital rights and right to divorce. This empowerment is very recent because before 2015, before we were able to engage women, especially wives of combatants [fighters in conflict]. in conversation they were saying that their husbands contracted subsequent marriages and the 2nd 3rd 4th wife are also staying in the same house. When the 1st wife stayed with the husband, they thought they could not separate or leave their husband and they were advised by some Muslim religious leaders that they cannot divorce. But when there was awareness raising on women's rights in Islam, they learn that under the law they are allowed to divorce their husband. One very controversial case on divorce filed here, is divorce by khula, divorce by khula is where the wife returns her dowry because she no longer wants to live with her husband. There was only 1 case file at the Sharia court, and it was granted.

Is divorce expensive?

Yes. There is an extrajudicial divorce agreement when both parties, the husband and wife mutually agree, and sign a divorce agreement, but that divorce agreement it has to be confirmed by the sharia court. It will still entail costs.

Are divorced women living alone able to start a new relationship?

When I was at the Bangsamoro Women's Commission a lot of the walk-in clients complained about the non-support from the ex-husband. The ex-husband not providing support for food, medicine etc of the children. If the wife, the period of iddah [period of waiting] is already proscribed she can no longer demand support. A period of iddah is 3 months when after both parties agree to divorce, they are given 3 months where they get to re-think the decision, reflect and this is also the period where if both parties would like to take each other back they can do so without the need for a marriage ceremony. Within the period of iddah both the husband and the wife are still considered married but after the 3-month iddah the divorce is confirmed and the wife would no longer demand support, except when she is pregnant. So even if the period of iddah is already expired the husband is still mandated to provide support after the wife has given birth. the husband has to support children until the children reach the legal age of 18 or when they are able to provide for themselves.

[Back to Contents](#)

Public Attorney's Office 10 November 2022

Interview conducted in: Quezon City, Metro Manila

Date: 10 November 2022

Meeting with: 5 Family Attorneys from the Public Attorney's Office

Present in the meeting: 3 representatives from UK Home Office, 2 officials from the British Embassy

Could you explain your roles in the Public Attorney's Office (PAO)?

Basically, we represent in the court. In cases of violation against women and children we represent the accused, we are more on the defence [of the accused] side. We also assist women who are subjected to violence. We assist in the filing of cases of abuse. Before the filing of cases in court we can assist the women, the complainant. But in court, we represent the accused. If we represent the complainant, we cannot represent the accuser.

In VAW cases we don't only assist indigent [destitute] clients. One of the peculiarities of the VAWC is we can assist whether they are indigent or not.

How does the PAO process VAW cases?

We have two instances; one where we help the complainant and one the accused. The complainant can attend at the office and ask for legal advice. We assess the situation, if and when there is merit to file a case, we will file a case against the respondent. If the case was already lodged in court that is when we cannot help as we are already helping the accused. Complainants usually approach the Barangay or the police after the abuse in the first assistance. They send the victim to our office, and we will evaluate the merits of the case. If there is sufficient evidence, we will assist in the filing of the case.

What is the criteria for indigent?

Those who cannot afford counsel- the PAO law means indigent clients are those that have less than 24,000 PHP (in metro manilla), in the provinces it's 20,000 PHP net income.

How many indigent clients are there?

Around 50-100 clients per day for legal advice in general and that's not just VAWC cases. For filing of cases up to 20 cases per day. One lawyer here has around 500 cases pending. More people ask for advice than file cases.

Do women file criminal charges against the offender or obtain TPO?

At first they apply for the BPO as a victim of VAWC and the BPO is valid for 15 days. After that they can apply for the TPO and that is when they need to file a case in court which is where we assist them. They can apply for relief protection orders but that's after filing of cases and that is done by the prosecutor, not us.

There are some cases where victims can apply for PO without criminal cases. A client can choose whether they file a criminal case and a PO or she can apply for a PO only.

How long does the process take?

Once someone goes to the barangay, you can immediately secure a BPO for 15 days. Before / after expiration it can be extended for 15 days. Before that expires you must apply for a PO. You get a PO after the summary hearing, but it depends on the court. You need to prove the threat and the necessity for issuing the TPO. Even after the filing for the PO the court can issue a 30-day TPO if the issues in the case warrant a TPO.

What kind of evidence would they need to produce to get a TPO?

Affidavit, medical report, photos and then the judge decides whether a TPO is appropriate.

Does a TPO need to be issued first and then a PPO or can you get a PPO straight away?

You apply for a PPO and get a TPO while the PPO process is pending.

Do you know the number of POs issued?

No, the DoJ should have those figures.

Do you know how many prosecutions occur under the VAWC?

Again, this will be the DoJ. In the PAO we can speak for our cases and it's 40-50 pending cases in court.

Do you deal with cases of Adultery?

That's not in the family courts, that's in the criminal courts.

How is the PAO funded?

The PAO is an attached agency of the Department of Justice (DOJ), but in terms of funding, or in terms of implementing policies, we have our own separate funding, by virtue of the Republic Act 9406. The budget is from the national government.

What happens if you have a complainant, you start the process with them and then you switch to representing the defendant?

If we have already advised one, we cannot then help the other case. Even if one of our colleagues assisted complainant and the case was filed in my court, I can no longer represent the defendant or the accused. Nobody can then represent.

What would happen to that person then?

Since we are required to manifest the court, if we have already assisted the complainant, the court will order the accused to get a counsel of his own choice. Integrated bar of the Philippines or private council or free legal services.

What is the protection given to VAW cases?

In implementation of VAWC law once a case is already in court, we do not know what happens to the complainant, because they are represented by the representative's office.

What is the experience of victims?

Most cases, the court will convict the perpetrator or grant the filer, the victim of the VAWC. Sometimes it will become unfair for the man. For example, a man asks for

legal advice and that man has a business, that man owns that business, however, the woman filed a VAWC case and PPO and TPO. What is unfair was he was evicted from the business, considering the PO prohibits him from going to his business (which is at his house). If you're asking for effectiveness of the court, the court is more inclined to grant in favour of the victim.

How long does the process take?

It depends- the whole case, 1 year. In reality, the PO cases are faster. After submission for the decision, the court has 60 days by law to render a judgment. But in reality, it may take 2 years to finish a case.

If a complainant withdraws their case, does the prosecution continue?

One of the reasons why a complainant will retract is because they have children and they don't have anyone to support the children. So sometimes, even if they want to continue a case, they are forced to withdraw the case.

It will be the accused that provides for the victim.

Does the defendant have to be found guilty in a criminal case for a PO to be implemented?

Not necessarily.

So a defendant could be acquitted but still get a PO for victim?

Yes, because for criminal cases they need to be guilty beyond reasonable doubt, but for civil case and granting of the PPO it is not really necessary.

They can file a TPO and PPO without filing a criminal case.

Does a defendant have any right of appeal against a TPO or PPO?

Yes. They are given a chance to comment on the requests of the filer (victim). They can appeal. Both sides give representation about the PO. Due process, they are allowed to comment on the allegations against them.

If the PO gets granted, can they appeal that decision?

Yes.

How many cases are withdrawn and why?

In my court about 70%. Sometimes they are seen as against family values, and they are more inclined to settle if possible. The court also considers the best interests of the child and that includes having 2 parents.

How many POs are appealed against by the defendant?

So far, I have had none. We don't handle appeal cases.

Would you say you represent more women or men?

Complainants (women).

Pre court, then can't defend the man because of conflict of interest.

If someone is unhappy with the advice you have given, is there an avenue of complaint?

Yes, they can go to the central office and can file a complaint against us lawyers. If

they are not satisfied with the advice given or the way the case was presented, they can go to the legal district office and ask for assistance and if and when they are aggressive, they can file an administrative case against us. It does occur.

Are TPOs / POs ever refused?

Not in our experience (all 5 lawyers said they have not seen any)

How long have you been working here?

Between 4-6 years for everyone and no denial of TPO / POs has been seen.

[Back to Contents](#)

Department of Justice – National Prosecution Service 10 November 2022

Interview conducted in: Ermita, Metro Manila

Date: 10 November 2022

Meeting with: Prosecutor General

Present in the meeting: 3 representatives from UK Home Office, 1 official from the British Embassy

How are cases of IPV received by the prosecutor's office?

There are two options. The first option of the victim is to go to law enforcement agencies such as the PNP or the National Bureau of Investigation. The second option is the victim goes directly to our prosecution offices. If they go to law enforcement agencies, these agencies will prepare the complaint and that will be brought to the prosecution offices. So, through law enforcement agencies or directly through our prosecution offices.

Prior to that, can they come through the barangay?

In some cases, under the Katarungan Pambarangay Law, they can go to Barangay chairman or the lupon [a body organised within every barangay] that reconciles parties. It is a first step, but it is more conciliatory. If it is really implemented carefully and conscientiously, the conciliation at the barangay level is proven effective. It would be more conciliatory rather than prosecutorial.

How many cases are dealt with at the barangay and then come to formal system?

I do not have the statistics and it will be difficult to get those. We can get those filed with the law enforcement agencies. I can only surmise that to resort to barangay is conciliation. I cannot give a rough estimate of that.

Are you aware of the effectiveness of VAW desk in taking initial complaints?

Yes, it is law enforcement, but I know for sure that they are mandated to have them and that they are manned, they must be manned by women police officers who, more often than not, are trained in women and children [cases], and it is effective.

Are they staffed in practise?

Yes, there are personnel assigned to these VAW desks.

Does the Prosecution Office have any interaction with VAW desks

We are getting there. Unlike the system in the UK, it is not the same here. The coordination happens the moment the Women's Desk prepares the complaint and files it to us. Coordination happens after they have gone to the Women's Desk. We're moving to UK/US style.

Can women refuse to file a complaint to your office?

They may decide not to file. However, if they have already filed the complaint, they have no choice, we will act on it. Also, there are cases in which they do not pursue the complaint they filed.

Could you explain what happens once you receive the complaint?

The Task Force on Women and Children in our prosecution office will handle the complaint. It can be decided by any lady or male prosecutor. We take it as a normal case, just like a normal case. If it goes to a prosecutor, they attend to it. We decide cases within 90 days. Whether we dismiss or indict it in the courts, that is the standard time.

What grounds are there to dismiss a case?

Sometimes the cases are used as leverage for negotiations for property/custody issues. Not all complaints are valid. The cases are leveraged against the husband for division of property. These are reasons the cases are dismissed. If we see blatantly that these are the facts, we dismiss the case. For the bigger percentage, we file the cases. I can assume it is a product of western influence. Our law on violence against women is very broad. For a man, there is no easy escape- it is very broad. It involves not just physical violence but includes psychological violence. When a woman claims that, under the current law, there is a presumption in her favour.

What happens if a victim decides not to proceed?

The victim files an affidavit stating that she no longer wishes to proceed, or she will not appear during trial. Economics play a part here. For instance, if the victim is purely dependent on her husband for support, once the husband goes to jail, who will provide a means of living? This is the primary reason for failure to prosecute and to go to trial.

Once you've received the case, how does it proceed to trial?

It goes to trial, but there are provisional remedies. There could be a Temporary Protection Order (TPO), or Permanent Protection Order (PPO issued). It is a very powerful protection method for victims, for 90%. Then the case goes to trial. The mindset of the court is with the victim, it is very hard to defend. Physical and economic abuse are very easy to prove. Emotional damage is very easy to allege but hard to prove. It is the same for defence- how do you defend against these?

There is a proposed ghosting bill in congress. The proponent of the bill said that if you ghost [ignore] a girlfriend, there is emotional violence, and in some sense it is correct.

What are the sentences imposed?

If the courts have proven that the offender is guilty of the crime, he will be penalized with imprisonment ranging from one month and one day to twenty years and will be

obliged to pay 100,000 PHP to 300,000 PHP in damages. The length of imprisonment depends on the gravity of the crime.

If the defendant is acquitted, can a PO still be issued?

It can happen, the PO is not dependant on conviction because the degree to grant a TPO/PPO is not same degree as criminal conviction. It can still happen even if accused is acquitted. **[This additional information was provided after the meeting** Regardless of the conviction or acquittal of the respondent, the Court must determine whether or not the PPO shall become final. Even in a dismissal, a PPO can be granted as long as there is no clear showing that the act from which the order might arise did not exist.]

What information does a claimant have to provide for a PO?

[This additional information which was provided after the meeting (a) names and addresses of petitioner and respondent; (b) description of relationships between petitioner and respondent; (c) a statement of the circumstances of the abuse; (d) description of the reliefs requested by petitioner as specified in Section 8 herein; (e) request for counsel and reasons for such; (f) request for waiver of application fees until hearing; and (g) an attestation that there is no pending application for a protection order in another court.] Its very easy. It can be done in a few hours and then the following day you can get it. **[This additional information was provided after the meeting** Barangay officials and the courts shall schedule and conduct hearings on applications for a protection order above all other business and, if necessary, suspend other proceedings in order to hear applications for a protection order.]

What terms do PO's cover?

I assume it is similar to other countries. It includes, among others, prohibition against going near the complainants within a certain area, staying away from the complainant, prohibition against communicating with the complainant, exclusion from the residence of the complainant. That is the initial stage, to protect physical encounter between the parties.

What is the jurisdiction?

It is nationwide in scope, enforceable anywhere in the Philippines. Not within 1 or 2km of the victim for example, but nationwide.

If a PO is issued for a woman through court can the male make representations?

A PO may be issued *ex-parte* even before the male can react.

Can they appeal PPO

The TPO is effective for thirty (30) days only. Then the court shall schedule a hearing on the issuance of a PPO prior to or on the date of the expiration of the TPO.

Is there a trial about a PO separately, without offence proceedings?

Yes, you can just file a case only for protection or it's part of the main case. It can stand independently or as a part of your case. It may be filed as an independent action or as incidental relief in any civil or criminal case the subject matter or issues thereof partakes of a violence under the Anti-Violence Against Women and their

Children Act. There is a trial just for that. The defendant can make representations as he is given his day in court.

Can he appeal?

Yes, it can go up to the Supreme Court.

Does the complainant get legal assistance through process?

There are two ways- the vast majority would go to the Public Attorney's Office (PAO) as it is free. For those who have the means, they can get a private lawyer. The system is there for those who cannot afford to hire a private counsel. Whether it is civil or criminal if they cannot afford legal assistance, they can go to PAO.

Once a PPO has been issued, can they be rescinded for any reason?

Yes, if voluntarily on part of victim then it can be rescinded. A PPO shall be effective until revoked by a court upon application of the person in whose favor the order was issued.

What happens if man breaches PO?

He can go to jail. [This additional information was provided after the meeting Violation of any provision of a TPO or PPO issued shall constitute contempt of court punishable under Rule 71 of the Rules of Court, without prejudice to any other criminal or civil action that the offended party may file for any of the acts committed.]

What is the position for women who have suffered IPV and leave husband and then find a new partner?

It is very low. It is economics. They bear the brunt, they suffer. But because of the economics, no one would feed them, no one would feed the children. For those capable of doing it, they can prosecute the husband, file legal separation, or seek annulment of their marriage. These are the processes available to the woman.

A woman who does leave her husband through IPV, starts a new relationship, what is the situation with adultery?

If they are not married then there is no problem, if they are married and have children hopefully the husband will support, or the court will make the husband support until the children are adults and can have a livelihood. If they are not married, then they can have new relationship.

Support can be ordered by the court if married with children. The woman cannot get married until she files for dissolution of marriage.

What about those women not divorced, can she be prosecuted?

Yes. As usually the procedure on annulment is expensive, some parties move to another relationship. The husband and wife agree that they can both go off and have adulterous relationships. That can be prosecuted.

In practice are people charged with adultery?

Usually, yes. 10-20% of cases do not proceed to prosecution for adultery because the parties want to protect the marriage but more about properties and who gets custody of their children.

Do you see cases where a woman has suffered IPV and is later charged with

adultery?

Yes, I've had several cases.

Do you know how many adultery cases?

We have statistics for VAWC cases filed in court, including those cases that were dismissed.

Do courts provide statistics?

Yes

What sort of adultery penalties have been given for cases you've seen?

Maybe around 4-6 years. 4 months and 1 day to 6 years imprisonment [added after checking the law]. We are still a conservative country- Catholic/ Christian.

Is there any discretion in sentences?

No, the law provides for a fixed period. But there may be a consideration for the judge to lower the sentencing. The judge could put it to the bare minimum. IPV could be a mitigating circumstance, but you cannot go lower than this.

Are those penalties imposed in practice?

Yes, but few cases.

What evidence would a man need for adultery?

This is the difference here, for a man to file a complaint, he just has to prove sexual contact, in whatever form, that's it. He would have to have some form of evidence- he would have to bring law enforcement and camera to where the action is, in a hotel or a motel, in instances where the culprits are caught both naked.

It's different for a woman to prove concubinage, different for a man. The law should be amended to make it equal.

Is it people with money who file adultery cases?

It is easier for those who have money.

Would you be able to get legal aid for adultery case?

Yes. All kinds of cases, no matter how big, how small, they can go to PAO. The PAO here is very effective.

[Back to Contents](#)

European Union 10 November 2022

Interview conducted in: Makati City, Metro Manila

Date: 10 November 2022

Meeting with: A representative from the EU Delegation

Present in the meeting: 3 representatives from UK Home Office, 1 official from the British Embassy

What is your understanding of the Cultural attitude towards women? How

does that play into VAW?

The cultural attitudes in Philippines indicate that it is one of the more progressive countries in the region in terms of the gender gap. There is domestic violence in country which increased during pandemic. In terms of policies and legalisation they are quite progressive but there is still some work to be done on legislation, abortion is still illegal. As in all parts of the world there is still work to be done but compared to other areas in the region there is quite a good attitude towards women especially in the professional sphere. In terms of legislation there are some initiatives in place in country- they have legalisation in place the problem is often the implementation. They come up with a list of initiatives, but the implementation is more difficult.

Socially are you aware of a demographic difference in terms of treatment of women?

Women are very active in professional life. It's very difficult to get divorced, there is a group of women who have been abandoned and cannot get re-married and are completely left alone. However, women are active in all levels of professional life but over-represented in professions that are under paid. Many go abroad because they are not well paid in country. In terms of treatment in other parts of life, not aware of any issues. One area where it might be bigger problem is the BARMM- the transitional authority has fewer women, and they are a more patriarchal society.

Can you provide information on the effectiveness of the police (PNP)?

In the war on drugs there were extrajudicial killings, people shot rather than apprehended. The guidelines came from the highest level. The new Administration is trying to change this culture. There is some work to be done in the effectiveness of the police in terms of compliance on HR and social obligations, less so on security. The Military is better in that aspect than the police, often because they are more highly educated, the higher-ranking police are all educated in military.

In terms of efficiency yes for security and results but less so on the methods and compliance with HR and social obligations.

Is that the same at the barangay level?

Yes. There was the killing of the journalist and then the police started knocking on the doors of other journalists "to check if they were ok". There were questions on how they knew where these journalists were. The police higher up had to apologise. There was a question about whether the intention was to protect the journalist (inappropriately) or whether it was to intimidate them.

Do you have an understanding of police effective in terms of VAW?

No, you'd have to ask my colleague. We have a gender group.

Generally, can you give overview of the justice system, the court process.

There is a lot of work to be done there. The EU delegation have a project to streamline the system to make it more efficient, GOJUST II. The big problem is under the Anti- Terrorism Act - they have a long pretrial detention period. The courts are slow and there are issues with transparency, everything is still on paper and needs to be digitalised. They are working towards it.

Any avenues of redress? Can they go somewhere to complain?

You have the ombudsman, and the Department of Justice is looking into the extra-judicial killings. In practise we are still waiting for results. The new administration is taking it more seriously. The mechanisms however are limited, and the Philippines have left the [International Criminal Court] ICC and the new admin have indicated they would not return to it, which takes away a forum for redress. It was very poor in that sense, and I think they are working to improve but it's an area that needs a lot of work.

[Back to Contents](#)

The Australian Embassy in the Philippines 10 November 2022

Interview conducted in: Makati City, Metro Manila

Date: 10 November 2022

Meeting with: The Australian Embassy in the Philippines

Present in the meeting: 3 representatives from UK Home Office and 2 officials from the British Embassy.

What is your understanding of cultural attitudes towards women and how that plays into VAW?

Violence against women and children is one of the Philippines' most pervasive crimes. 1 in 4 Filipina women aged 15-49 has suffered violence from a husband or partner based on 2017 data. There is no harmonised data in relation to VAWC, although UN Women Philippines is rallying relevant stakeholders for a VAWC database. Data is reported to a range of authorities – social welfare, health, local government unit, local police, and the barangay (village) units. The approach of the barangay (i.e. Barangay Justice System) and police is more about reconciliation, and protection orders are rarely issued. Because of that, formal complaints and formal aspects rarely get registered. It is seen by [Civil Society Organisations] CSOs and those that advocate and work for women, but the statistics and data is mainly anecdotal. There has not been a considered effort to capture that data. Less than 12 months ago that the Philippines actually passed a requirement that the emergency call centres would accept reporting of violence against women. Previously the hotline didn't react or respond to that. Following President Marcos' directive to strengthen programs countering violence against women, the Philippine Commission on Women is trying to set up more women crisis centres. Currently there are only 14 centres across the country, in comparison to the population it's a serious problem. They are also understaffed and under-resourced.

What is the effectiveness of the crisis centres?

We visited a one-stop-shop for VAWC in Cebu. As you can imagine, it's quite small, very temporary, victim-survivors can only stay for 2 weeks until they have to be relocated. There is a reliance in the Philippines on the family network.

Effectiveness of the police in dealing with VAW?

Not really. Unless they are high profile or have caused serious injury. There isn't women centred or trauma-informed interviewing- it's very confronting. Those who suffer from domestic abuse don't tend to want to file official cases. They move off

into the system of social welfare to seek social services, and that system will then try to find resolutions for those victims, but it rarely gets to the court system, it rarely gets to the prosecution system. It is a big societal problem, the President in July vowed to strengthen programmes on VAWC. But we need to see in practice.

Numbers and statistics are a problem, particularly in reporting on non-physical abuse. It is difficult as there is unlikely to be any evidence. There can be cohesive control which is a factor, not just from the abuser but the surrounding family and the monetary consequences etc.

Can you give an overview of general police effectiveness?

I would say it varies depending on where you are. Depends on the level of influence within those neighbourhoods, because it comes down to the mayor, the relationship with the police chief in that district. If you go to Quezon City, they have a very progressive mayor, who believes in gender equality, LGBTIQ rights, and her police force then reinforce that message. In others, where it is not so, they tend to only go to the police for life threatening cases.

Would you say this is the situation across the whole of the PHL – how is the police system across all the islands?

Yes, the PHL national police is a national body, but then it trickles down into regional and provincial districts. As you take away that central command, the interpretation is different. Its very personality driven in some parts. It's that balance. It very much comes down to community dispute resolution. You will have a barangay captain who steps in and provides early intervention. **[This additional information was provided after the meeting** The Philippine National Police has Women and Children Protection Centers in every city, but these remain chronically understaffed and underfunded.]

Is the judiciary fair and independent?

To a certain extent, yes, but there is an overloading of the cases, the system is there, but the resolution of the cases takes a long time and is often stretched out. We are working with the Supreme Court to modernise the court system and increase access to the judicial system. It's a 60-70% that people can still bring their grievances to court and then it depends on your connection. As with any system, unfortunately, the Philippine court system is not adequately resourced to provide free legal assistance to all indigent litigants. If you are a poor person who cannot get representation, that will reflect greatly on your ability to access justice in the court system.

Are there complaints procedures against the judiciary?

There is an appeal system, and you can take it up to next levels to the higher court, if something is not getting resolved. This is when local dispute resolution comes into play.

Are barangays the same in the BARMM?

They do, but some communities in the BARMM are indigenous and have their own dispute resolution and grievance systems. However, it can be a violent resolution, like rido [retaliatory violence between families] or clan feuds. In the perspective of VAW, the approach of the barangay and up to the courts, it will be resolution. The

barangay captains would actually recommend the couple reach an amicable settlement rather than going to court, because an average case here takes 8 years.

Women in the legislative system are listing legislation to be amended in the term of this government. One of which is trying to legalise divorce, **[This additional information was provided after the meeting]** which has been pending in the legislature for nearly two decades. The Philippines is the only country in the world apart from the Vatican which prohibits divorce. They are also trying to repeal the forgiveness clause in the anti-rape law (if the rapist and victim marry it's no longer a crime). In honour crime there is no liability if there has been adultery. They are also attempting to reduce the adultery and concubinage penalties. It's a system that places a high burden and penalty on women than they do on men.

We have a group of strong women legislators in senate and in the assembly, but when you see what is trying to be proposed, you can see the actual burden on women here.

Annulment costs at least 1 million PHP and takes around 5 years plus it's difficult to justify and hard to prove, it's really only for the rich.

From the legislative perspective there is some fantastic legislation, but the implementation is problematic. The Philippines was successful in banning child marriage in December 2021. **[This additional information was provided after the meeting]** The implementing rules and regulations were released a year later despite considerable opposition from conservative sectors in the BARMM].

Is there stigma for women who have suffered VAW to live alone?

[This additional information was provided after the meeting] Domestic/intimate partner violence and sexual abuse remain politically controversial and culturally sensitive given the country's overwhelmingly Catholic population. We have to look at VAW as still quite a taboo topic in the Philippines, where generationally, younger women would have no problem reporting VAW, but older women reporting VAW could bring shame to the family. Geographically as well, more women are empowered to report violence in Manila, but in Mindanao for example there are cultural reasons that prevent reporting but also knowing where to report.

The 911 system now covers VAW cases, and your case gets referred to the police. Usually, it's the barangay who would be the first responder. Most of the offenders are family members so there are dynamics to manage in the neighbourhood and household. Often women have to stay because they have no choice and cannot support themselves.

Can lone women access benefits?

It would be very hard, they may have to go to friends, family, extended family. The 14 centres we mentioned, they are stretched. There is a lot that is underreported which goes to social aspect rather than the police, so there is probably distortion of data.

One of the results of someone escaping could be to become an Overseas Foreign Worker or be trafficked. It's not that easy to move from Mindanao to another area of the Philippines due to travel costs. Without community support and adequate financial resources, it would be very difficult for a woman to internally move across the country.

There is a lot of victim-blaming here, they can be abused and then blamed for it, so some people won't see them as victims but think that they deserve it.

How hard is it to move from Mindanao region?

There is freedom of movement, but it would be in practise difficult for those in BARMM. There is no movement restriction but it's whether someone has the money. The easiest route would be via domestic or factory work in a different area.

The Philippines suffers from so many natural disasters so when those crises happen and the broader family structures break down, that's when traffickers move in and take advantage of those people. People are trafficked within the Philippines as well as internationally. Because it's not a widely spoken about issue, there isn't a sense of a safe space for a woman. Managers here are not trained to deal with reporting of sexual abuse.

Most women are engaged in informal arrangements so there is not a lot of resolution there.

The Philippine Government tried to mobilise a group of men "men opposed to violence everywhere" or MOVE through the Department of Social Welfare and Philippine Commission on Women. That was one initiative to change the norm. It was an attempt to find allies in men to tackle VAW with men.

The pandemic has caused a statistical decline, rather than an actual decline. There is less access to people, less reporting. **[This additional information was provided after the meeting]** The PCW management cited pandemic lockdowns and consequent limited mobility and access to report cases as reasons for VAWC underreporting.] One of the toughest lockdown laws here in the world, and DV skyrocketed, but official figures will look like it went down. Only this month children have started going back to school face to face. Additional burden that children are meant to be educated at home and that is part of the issue and problem that we see here.

There is an increasing emergence of online sexual abuse of women and children. The pandemic drove that kind of abuse online. The Philippines is a hotspot for that. Growth of abuse against women and children online. Escalation of numbers in that is enormous.

How effective are POs?

VAW cases rarely reach the court, unless it is an issue of annulment or legal separation, but VAW violence is usually settled amongst the families. VAW is socially and legally prohibited but you will struggle to get justice in the court.

There is a legal defence in the court - battered women syndrome. If you are a woman proven to have battered woman syndrome (BWS) and kill your husband, then you can be expunged from the crime. Women don't report, they usually suffer it and then kill their husbands. BWS changes the way a court will deal with a woman who has killed her husband.

The Philippines has some of the most progressive laws for women they are just not implemented well.

[Back to Contents](#)

UN Women 11 November 2022

Interview conducted in Mandaluyong City, Metro Manila

Date: 11 November 2022

Meeting with: Ma. Rosalyn G. Mesina, UN Women Country Program Coordinator for the Philippines

Present in the meeting: 3 representatives from UK Home Office, 2 officials from the British Embassy

Could you give us overview of UN Women's work on intimate partner violence (IPV)?

Practically UN women do not have any direct service provisions in relation to IPV. Since we were set up in country, we support different organisations to make sure women know the laws and can access different mechanisms. We support NGOs, including women's rights organisations and set up support services. We also assist in the lobbying of VAWC, a landmark legalisation, relating to violence that happens in relationships. Prior to that we pushed for advocacy under the anti-rape law and anti-sexual harassment law. There can be push back due to the patriarchal nature of society, so it can be difficult, however women's rights organisations have really pushed for it and worked in tandem with the national mechanisms.

Community organising and raising awareness is very crucial to work alongside national organisation. UN women try to create platforms for conversations around these issues, so parties have a clear understanding of why we need these laws. We pilot certain programs; we see what works and doesn't and find ones for other organisation to scale up help.

In terms of IPV it's an on-going work. We engage with different agencies involved in IPV. We regularly participate in conversations, try and find ways to support them, not necessarily always through funding, but also technical support, assistance and guidance and creating/providing platforms for conversations/discussions.

We want to see how mechanisms work at the moment there are still difficulties in access. It's still a work in progress as there are a lot of different challenges including the scale of the issue/problem, how many team members and how many people are equipped to handle these cases. And the continuing cultural/mindset that IPV is a private affair. There are also the feelings of women themselves and how they would translate their idea and intention of seeking justice vs how they can just simply put a stop to the abuse. Sometimes they do but then retract their claim for different reasons. There are so many limitations, many are about being able to survive and support family, especially their children without the support of the partner.

Do you work with state and non-state partners?

Yes, we collaborate with civil society and government organisations such as the Commission on Human Rights (CHR), Social welfare department (SWD), the Philippine Commission on Women (PCW) and the Philippine National Police (PNP). We especially work with the VAW desks and try to sensitise their staff on how to handle issues with care.

You mentioned piloting programs- what programs do you run?

Supporting agencies, understanding what they have and what they still need and understanding what they need. Running sessions on how they can support each other. That is where we try and get an expert to run a session on counselling, peer support groups etc.

What are the main sources of support for women other than barangay and police?

The department of Social Welfare and development DSWD is the main agency. It's them and the PCW as they have the mandate to provide social services and protection to everyone. At national level the DSWD have policies and mandate for support and shelter organisations. At regional level they are devolved, they should have shelter and services that are needed, but it is something that needs monitoring to see if they are allocated properly and if it's enough. We are trying to ascertain how the social welfare department is monitoring, we need to follow up where they post info about these things.

Outside the barangay and local government organisations, the DSWD provide shelter and some level of financial support. CHR would have a certain level of help- they have a mandate as the Gender Ombud by virtue of the Magna Carta of Women law and should be monitoring the commitments and whether those are being addressed by responsible government agencies.

How easy is it for women who experience IPV to access support in practise?

There are many barriers for women to get to a situation where they feel confident to access support, there are so many steps before they can report and ask for help. Even if we are recording a high number of VAWC cases there is still under-reporting due to reconciliation and other issues on the ground which we may not be very much aware about.

Help would usually be sought from those they know- very few would reach out to organisations they don't know. Although we are seeing more people seeking help via social media- people have been asking where they can access help. The easy access to justice is through social media reporting and trying to create a story. It's not just about accessibility it's about the confidence of the survivor and knowing how they can access and knowing the steps they need to go through.

We think that that is one of the reasons for cases failing, despite reporting and despite filing, even in the middle of the case the victim would / could retract. This is because she does not have enough money/resources for court or to meet lawyers, or even for photocopying of their files. Even if there is a full set of mechanisms in place, what we are hearing through focus groups with different law enforcement officials, is that they can have very strong cases, yet the victim retracts. This is because there is not enough money/resources to live on or sustain the case.

What impacts their decision to report a case?

Most often, if their children involved already and are being abused as well, that is when they try to have the courage to file for help.

What are the main reasons for not reporting?

A combination of cultural attitudes and being judged as someone who would shame

the family. There is so much burden on the victim, and not the same for the perpetrator. The practicalities of pursuing a case and the financial burden impact on the decision to pursue.

Is there any financial aid available and is it accessible?

Yes, but not much and not everyone knows about it. It would usually come from DSWD- a mobilisation fund that they could access but its 5,000 PHP (roughly \$100 one off) and that is the maximum and it's not enough to cover cost of transport, filing the case in terms of copying papers etc and to feed the family, that would not go very far.

Do any civil society organisations provide aid?

A mix of both but with the current situation where funds and donations are shrinking, a lot of organisations are shrinking their operations, that is the sad reality we are facing. The women's organisations providing counselling and shelter haven't received the level of financial support to fulfil mandates on protection. They would not have a lot of resource to provide any financial support to victims.

What is the effectiveness of the barangays in dealing with VAWC?

They are the very first refuge of women, especially if they are familiar with what they need to do. We've seen some very successful local government units campaigning about VAWC. They could be a source of protection for the victim to warn/threaten/scare the perpetrator to stop the violence but that does not give you assurance it would not happen again. A lot of women go there initially, with our conversations with barangay captains and local officials, women come in very angry and want to file a case but then when they calm down, they often just want someone they can air their grievances to. The barangays can play a role and if they had the resources, equipment, and facilities, they could also offer counselling. There are different partnerships between LGUs and organisations to deploy volunteers to listen to the women when they report violence. If they see the woman is ready to file the case, then they can support. That is one of the most effective and easy ways of tackling IPV, at the community level. It's that area they live in and need to feel secure.

What is the effectiveness of the BPO?

The BPO could be a deterrent if they have that piece of paper. To what extent that could be executable would depend (esp. if the perpetrator is powerful or friends with the barangay captain or other officials/influential people). In those cases, there needs to be another way of protection.

I have seen barangay desks who have piles of BPOs, but we are not sure how they are monitored and how protection is provided.

Often, the perpetrator would move out of the barangay after the fight into another barangay. The BPO only has jurisdiction where it is issued. That needs looking at.

If a victim had an issue that the barangay had not dealt with the case appropriately, are there avenues of redress?

That's where the CHR should come in. They should be able to check the different agencies responsible and that applies to when victims feel that anyone involved hasn't acted properly (barangay, PNP, justice). They could file a case at the CHR-

it's an independent body checking on different government bodies. They also become a place for victims to seek redress- they have even helped craft cases and documents for survivors so they would have a strong case.

How effective are the VAW desks?

Our women's desk have very clear processes and guidelines on what should be done and what should be in a testimony so the victim would have a strong case. It's just that there are so many other issues in terms of resources that would stop them delivering on that mandate. For example, very seldom would you see a computer in a police station, a lot of documentation is handwritten, and documents pile up and they need to submit documents to different areas, they would be more effective if they had necessary equipment and resources.

Capacity wise the government, the PNP and the PCW has built capacity for those who are supposed to be working on the women's desks. There is gender sensitivity training, learning about the law and how to implement it. It's a balancing act between the intention to help and carry out the mandate and the decision of survivor to pursue their case.

Plus, there are the external factors, especially if the perpetrator is powerful. We see this. We see women who do not feel they have any recourse other than media attention and they see that as the only way to get justice.

If a women wanted to internally relocate, could she move to another city or island?

In relation to safety, there is that provision in the law. But I don't think many victims would be aware they could ask for that. If they have stayed in a shelter, and then move elsewhere. Again, it's the co-ordination of the system and the capacity of the LGUs to support the women. There is also the capacity, for those with resources and work they could, if they have families in other places, they could seek refuge there. Not many families would be able to keep and sustain the support needed for the women survivors, if the women have skills, then that shouldn't be a problem but for those who are lowed skilled it can be hard.

Are there shelters available?

There are different levels of shelter, DSWD operate shelters at the national level. Local levels are expected to also set up shelters, with recognition that they need to pull shelters/crisis centres together. We need to update our information on how many shelters are operational and how many are holistic enough to provide the necessary assistance. There are DSWD shelters, and we have heard that local government units are also setting up their own and then working with the DWSD to understand what is needed and to ensure they are up to the required standards. However, we are still not clear on the numbers.

Are shelters permanent?

Most are temporary, most only work with women for a max of 6 months, depending on cases, although it would depend on how many are seeking refuge. The turnover will depend on numbers. Capacity wise I have not heard of any shelters going over 100 people per centre.

Do shelters accept children?

There were moves to have women and children centres, a lot are now moving towards being children's centres, maybe they think women can find ways to support themselves on their own and children cannot access this. There needs to be a specific capacity for women and children. It's easier to get people to support children's shelters.

Would a woman be separated from her child?

Not necessarily as the intention is to keep to them together. The woman would need to decide. It might be she has to keep her children safe and that means separation. Family members may also be a temporary shelter for a victim.

Are there any skills or education programmes for victims of IPV?

They are integrated in the shelters to upskill for life after the shelter.

We have seen interventions from private sector in providing help for example manicure kits, hairdressing tools etc to allow them to earn money afterwards. There are some livelihoods in existing shelters such as bag making, but not to the scale we want to see, just at a basic level.

Day care centres are another factor, childcare is lacking for the women who want to work. We still think we need to strengthen that

[Back to Contents](#)

Philippine Commission on Women 11 November 2022

Interview conducted in San Miguel, Metro Manila

Date: 11 November 2022

Meeting with: Atty Kristine Rosary E. Yuzon-Chaves and representatives from the Philippine Commission on Women

Present in the meeting: 3 representatives from UK Home Office and 2 officials from the British Embassy

How do you contribute to the prevention of VAWC?

There is an Interagency Council on Violence Against Women and Their Children (IACVAWC) which was created under the Anti-VAWC Act of 2004 to ensure the effective implementation of the law. It serves as the overall coordinating and monitoring body on VAWC initiatives in the country and is composed of it is composed of twelve government agencies with the Department of Social Welfare and Development (DSWD) as Chairperson and co-chaired by the Department of the Interior and Local Government (DILG). The Philippine Commission on Women (PCW) is a member of the IACVAWC and also serves as the Council Secretariat.

[This additional information was provided after the meeting Please note IACVAWC was technically established for RA 9262 only. We may need to clarify their definition of VAWC as defined in RA 9262 and as normally used to mean all forms of violence against women and children not limited to intimate relationships.]

Aside from this function, PCW also provides referral assistance to VAW victim-

survivors who reach out to the agency for assistance. This is not part of the regular services being provided by PCW as the policy-making body on gender equality and women's empowerment but it does receive a lot of inquiries and reports about violence against women and children. The requests for assistance quadrupled during community lockdowns brought by the COVID-19 pandemic as face-to-face and other physical reporting channels also became limited.

In addition, the PCW is active in advocating for the passage of and/or amendment of existing discriminatory laws. We conduct consultations nationwide to identify emerging issues that might require specific legislation or policy to address them.

In general, PCW is also in charge of the overall gender mainstreaming efforts in the entire bureaucracy. It provides technical assistance related to gender and development for all government agencies. This includes advocacy initiatives on ending VAWC. I would like to share that for this year, there were 3 laws that specifically addressed different forms of violence against women and children. Most notable is Republic Act 11596 or the Act prohibiting the practice of child marriage which is still a widespread practice in the country, particularly in Muslim and indigenous communities.

We were also successful in lobbying for the amendment of the Anti-Rape Law to increase the age of consent from 12 to 16 years old. Prior to that, PHL had the lowest age for consent in Southeast Asia.

We were also successful in repealing a provision in the penal code which holds victims criminally liable for prostitution. Now, the law penalizes the people who use prostitutes or facilitate prostitution.

Another new law that was passed in 2019 is the Safe Spaces Act or Republic Act 11313. The Safe Spaces Act is the first law that defines gender-based violence. There is no law on sexual orientation and gender identity and expression (SOGIE) yet, but this is the first law that protects against discrimination on the basis of gender. We are popularizing this law by integrating it into most of our activities. PCW also chairs the Inter-Agency Oversight Committee on the Safe Spaces Act (IAOCSSA). We have had several Committee meetings to discuss how to support other agencies in implementing this law.

How do you monitor implementation of polices and laws?

In the implementation of Republic Act 9262 (Anti-VAWC Act), all member agencies are expected to monitor the law based on their specific mandates and functions. As a policy-making body and as Council Secretariat, PCW does some kind of monitoring, but it is not systematic yet.

We get data/statistics on the prevalence of violence against women through the National Demographic and Health Survey (NDHS) conducted by the Philippine Statistics Authority (PSA). They are set to release the results of the 2022 NDHS this December which includes a Woman Safety Module.

As to collection of administrative data on VAW, the Philippine National Police (PNP) maintains a national crime reporting and analysis system (CIRAS) but it only reflects the number of reported cases to PNP. It does not automatically include cases that were only reported to other service providers (i.e. barangay, hospital, NGOs, etc.). The Department of Social Welfare Department (DSWD), Department of Justice,

Department of Health, and other member-agencies also separately monitor all cases reported to them.

Through the initiative of the IACVAWC Secretariat, PCW is undertaking the assessment of the implementation of RA 9262. This includes a review of whether the law has been effective in curbing VAWC. We have started with some of the initial activities such as the desk review but because there is sparse budget, we could only implement it by component. We will also do a focus group discussion with the regional and local committees on trafficking and VAWC. They have the function to cascade the implementation of the law down to the barangay (village) level. We will get their recommendations on how to strengthen the law's implementation including the challenges they experience.

Through the assessment, we also want to see if there are trends of case progression from filing to court resolution as we currently do not have that kind of data. There are many entry points in reporting incidents of VAWC so there is a possibility that the numbers duplicate as well. We are concerned with the accuracy of data and we want a more streamlined data collection system.

[This additional information was provided after the meeting At the national level, we have one inter-agency council on VAWC and another one on trafficking in persons (IACAT). Both Councils have joint mechanisms at the regional down to the barangay level. These mechanisms are supposed to coordinate and ensure implementation of the Anti-VAWC and Anti-TIP laws in terms of advocacy, service provision, data collection and monitoring, and other components. The question though lies in their functionality. We have tools to monitor/assess this as well. We can also provide data on the functionality of Barangay VAW Desks but the latest is from 2019.]

Are there official figures on the number of women who report violence?

We can provide you the data from PNP. But the numbers from the barangay and the police might have some duplication.

What support do women come to PCW for?

All kinds of support – but mostly for complaint filing or legal advice. We can only provide general advice and refer them to the agencies that can provide the necessary services/assistance.

How many government shelters are there?

There are 14 Centres and Residential Care Facilities (CRCF) being managed by the DSWD. We have no data yet on shelters operated and managed by local government units (LGU) as these are not supervised by DSWD due to devolution of services.

How many do they cater for?

As of now, we do not have the actual number of VAW victim-survivors and their young children in all 14 residential care facilities. The number of clients that can be accommodated in these facilities would vary depending on available space and budget.

What programmes do you have in place for raising awareness?

In 2002, we joined the global 16 Days of Activism against GBV by order of Republic Act 10398 (the Act declaring November 25 of every year as the National Consciousness Day for the Elimination of VAWC). Then in 2006, we added two more days to include December 12 in commemoration of the signing of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children in 2000. This is supported by Presidential Proclamation No. 1172. We also issue a yearly memorandum enjoining other agencies and government units to participate in the Campaign. We also celebrate National Women's Month in March, the enactment of the Magna Carta of Women in August, and other events.

We also serve as the Secretariat for M.O.V.E. – Men Opposed to Violence (against women) Everywhere. This is an organization of male advocates who lead advocacy activities for male empowerment. There are now over 70 MOVE chapters nationwide in different government agencies, LGUs, and educational institutions.

What takes place during the 18 days?

PCW organizes various activities for the 18-Day Campaign to End VAW. This includes fora, webinars/seminars, and exhibits among others. We also encourage other agencies and LGUs to come up with their own activities to synergize the campaign across the country. Funding would be sourced from their respective Gender and Development budgets. LGUs often conduct barangay-level lectures for women and men.

This year we are doing a social experiment on VAWC, sexual harassment, and trafficking. These were conducted in the major island regions (Luzon, Visayas, and Mindanao) together with PETA (PH Educational Theater Association). We staged scenarios of sexual harassment and intimate partner violence in public places, schools, and transport terminals to see how the public would react to such incidents. The video will be released during the campaign, and we will also issue a press release on that. Aside from the social experiment, we also did a series of interviews with victims who shared their stories of reporting and getting justice against their abusers. The videos not only shed light on the experiences of victims, but also aim to inspire others to seek help.

[This additional information was provided after the meeting During the 18-Day Campaign to End VAW in 2018, PCW conducted the Male Advocates Assembly participated by male groups such as the Men Opposed to Violence against Women Everywhere (MOVE), KATROPA of Population Commission, Gender Watch against Violence and Exploitation (G-WAVE). The Assembly aimed to further promote the crucial role of men in eradicating violence against women and girls.]

Do women victims of violence suffer stigma?

The main reason why victims do not report abuse or pursue a case is because of their economic dependence on their partners. This is based on my conversations with lawyers in rural areas. Women become very dependent on their partners for their livelihood and/or daily sustenance. Even if they are abused and are able to report it, they eventually withdraw their complaint because it entails losing their partner's financial support.

Under the law, there is also the concept of the Battered Woman Syndrome (BWS). Studies show that this exists in a number of VAW victims who suffer repeated cycle

of abuse. They see violence as a normal part of their life. The BWS is used by lawyers to defend victims who inflict harm or cause the death of their partners due to overwhelming trauma and self-protection.

Is that something that is allowed in law?

It's used as a defence in court.

Are women able to live on their own to escape violence?

Some barangay VAW Desks tell us that the cycle of violence often occurs in relationships where the woman is largely dependent on her partner in terms of finances. On the other hand, there are difficulties for married couples since divorce is not allowed in the country, and annulment is very expensive. This is why part of our priority legislative agenda is the passage of a divorce law.

Victims of GBV can indeed move forward and live on their own, especially if they are given protection, resources, and guidance.

Is there financial assistance available to VAWC victims?

The Department of Social Welfare and Development (DSWD) provides financial assistance; however these are not sufficient to sustain the needs of VAW victim-survivors for the long haul. They have to be given skills training to prepare them for employment or venture into income generating activities that would sustain them for life. The Department of Justice (DOJ) gives 10,000 PHP to victims of violent crimes, but it can only go so far and victims also have to meet certain criteria to avail it.

Are there programmes to build skills?

We are a policy making body so we can't offer capacity-building programmes. But we work closely with DSWD, PNP, DILG, and other agencies for such activities. The Department of Trade and Industry (DTI) also offer courses on technical skills. There are a lot of programmes for VAWC victim-survivors, and even some women crisis shelters provide trainings aside from temporary accommodation, counselling, and recovery programs.

How many crisis centres are there?

There are 14 CRCFs across the country, but this is aside from rape crisis centres which the DSWD, DOH, DILG, and DOJ are mandated to establish under Republic Act 8505. However, these rape crisis centres are yet to be established in the LGUs.

We are currently mapping existing VAW services across the country but the return of responses from LGUs is disappointing and slow. We will discuss this with the regional committees to help us in this project.

Can annulment be granted after 5 years under psychological incapacity?

There are two ways you can dissolve a marriage.

1. Annulment. There are several grounds for annulment: one is if you were married below the age of consent or if you were 'defrauded' (e.g. the spouse concealed that he is an alcoholic or drug addict). You have to file a case within 5 years upon discovering the concealment or upon being married as a minor. There are also 5 grounds for this.
2. We can also declare the marriage null and void. This can be filed any time and

can also be due to a capacity issue, which means that the spouses cannot fulfil their marital obligations.

If a woman wants to file for annulment to void her marriage, she has to hire a private lawyer since there are not much pro-bono work for such cases. Being a victim of VAW is not automatically considered as being psychologically incapacitated. It is essential for a woman to establish incapacity at the time of marriage or before the psychological incapacity existed. If it is shown that it developed after marriage, then she cannot use it as grounds for annulment.

[Back to Contents](#)

The Supreme Court of the Philippines 11 November 2022

Interview conducted in Ermita, Metro Manila

Date: 11 November 2022

Meeting with: Maria Filomena D. Singh Associate Justice, The Supreme Court of the Philippines

Present in the meeting: 3 representatives from UK Home Office, 3 officials from the British Embassy

How are VAW cases received into the court process?

There are two ways. It could be a civil case, between people engaged in a relationship like married individuals. It could be a legal separation case where Intimate Partner Violence (IPV) can be a reason for legal separation. In legal separation, the spouses remain married but live separately.

We do not have divorce, but we have the nullity of marriage, which may be based on psychological incapacity. Nullity is permanent, and you become a single woman again. To gain a degree of nullity, the violence has to be shown as a reason behind the psychological incapacity of the man.

Most of the time, it goes through the criminal route. A woman reports her violence to the police or the barangay and report it, and that will start the criminal justice process. There will be an investigation and a criminal case shall be filed in court.

[This additional information was provided after the meeting] When a criminal action is instituted, the civil action for the recovery of civil liability is impliedly instituted therein. Hence, if the victim chooses not to file a civil a case and instead file a criminal case, the Court may still award civil indemnity to the victim. Under Republic Act No. 9262, otherwise known as the Anti-Violence Against Women and Their Children Act of 2004 (the Anti-VAWC Law), any victim of domestic violence is entitled to actual, compensatory, moral and exemplary damages. The Anti-VAWC law also provides for provisional remedies such as protection orders to prevent further acts of violence against a woman or her child and to grant other necessary relief. The relief granted under a protection order serves the purpose of safeguarding the victim from further harm, minimizing any disruption in the victim's daily life, and facilitating the opportunity and ability of the victim to independently regain control over her life. The protection orders under the Anti-VAWC Law are as follows:

1. **Barangay Protection Orders (BPO)** refer to the protection order issued by the Punong Barangay and shall be effective for 15 days.

2. **Temporary Protection Orders (TPO)** refers to the protection order issued by the court on the date of the filing of the application after ex parte determination that such order should be issued. The court may grant in a TPO any, some or all of the reliefs mentioned in R.A. 9262 and shall be effective for thirty (30) days. The court shall order the immediate personal service of the TPO on the respondent by the court sheriff who may obtain the assistance of law enforcement agents for the service.

3. **Permanent Protection Order (PPO)** refers to the protection order issued by the court after notice and hearing. The court shall not deny the issuance of protection order on the basis of the lapse of time between the act of violence and the filing of the application. PPO shall be effective until revoked by the court upon application of the person in whose favour it was issued.]

How many cases reported at the barangay end up in court?

[This additional information was provided after the meeting Based on the data provided by the Department of Justice (DOJ), there a total of 7,213 Informations¹ filed in Court in 2021 involving violation of the Anti-VAWC Law.

As of December 31, 2021, the are 10,883 cases pending in the courts.^{2]}

When we speak of domestic violence, our culture is different. There is a tendency to hide it, because even police officers, and sometimes court officials, look upon it as a domestic issue, family issue, and it shouldn't be brought out in public. The mere fact of going to a barangay or the police, that is a big step for a woman, and can be seen as turning your back on family. When barangay say you need to bring this to court, they stop. They think, at least I have been to a barangay, and they don't want to go further.

What information needs to be provided for a TPO?

[This additional information was provided after the meeting Under Section 11 of the Anti-VAWC Law, the application for a protection order must be writing, signed and verified under oath by the applicant. A standard protection order application form, written in English with translation to the major languages shall contain the following information:

- Names and addresses of the petitioner and the respondent • Description of relationships between the petitioner and respondent
- Statement of the circumstances of abuse • Description of the reliefs requested by the petitioner
- Request for counsel and reasons for such • Request for waiver of application fees until hearing
- An attestation that there is no pending application for a protection order in another court]

Based on the forgoing, the applicant has to allege, among others, that there is

¹ An information is an accusation in writing charging a person with a public offence, presented and signed by the promoter fiscal or his deputy and filed with the clerk of court.

² [2021 Judiciary Annual Report](#), p. 47.

violence or threat of violence, that this causes harm to you, that it is something that is impending or already done. You just have to provide your information, your relationship to the offender and where the violence was committed- at your place of work, school. All those things need to be alleged in the petition, so that when the barangay or the court issues the order, it will be comprehensive and cover all factors.

Once the application for the TPO is lodged, what is the process after that?

The TPO is a provisional relief. It is urgent and should be acted upon within 48 hours. **[This additional information was provided after the meeting** Further; it shall be effective for 30 days. Within these 30 days, a hearing to determine the propriety of issuing a PPO must be conducted. The TPO shall include notice of the date of the hearing on the merits of the issuance of a PPO. Following the conduct of a hearing, a PPO may be issued and shall be effective until revoked by a court upon application of the person in whose favour the order was issued.]

At that hearing for the PPO, what happens then?

Basically, it is an exchange of evidence between two parties. Because of high sensitivity the woman might not want to confront defendant, in that case we have provisions for video conferencing, we would not force the woman to face the offender because the presence alone could cause trauma. The judge will allow both parties to have their day in court and present their evidence, and then the judge will decide.

[This additional information was provided after the meeting The relief granted under a protection order serve the purpose of safeguarding the victim from further harm, minimizing any disruption in the victim's daily life, and facilitating the opportunity and ability of the victim to independently regain control over her life.]

In how many cases is the PO is granted, and not granted?

[This additional information was provided after the meeting Based on the 2021 Judiciary Annual Report, there are a total of 229 cases involving petitions for protection order filed in 2021.³]

My personal experience, I sat for a year as a family court judge, every time I issued a TPO, I issued a PPO. The judges must carefully and thoroughly study the allegations. It is an intimate relationship; we are very careful not to intrude into that relationship and I'm sure my experience is the same as other judges.

When a PPO is issued, what is the length of it, and what jurisdiction does it cover?

It's permanent, until revoked. Anytime an offender violates the PPO, the victim can go to court and ask for remedial measures and if we see he has violated, we can send him to prison. It's a direct court order. We can also fine him or require to stay away from the offended party or her family members, within a distance of 100 metres, for example. Other than foreign and overseas obviously.

If a PPO is imposed on the perpetrator, can they appeal?

Yes, there is an appeals process, from the second level courts, they handle these cases, regional courts, they go to family courts. From there, they can appeal to the court of appeals and there is a last resort to the supreme court.

³ [2021 Judiciary Annual Report](#), p. 52.

Throughout the process, is the victim entitled to legal support?

Yes. One of the things I believe is a big factor in women not coming forward is that they do not have monetary means or resources. Most women will be those taking care of the home, they are not financially dependent. If they pursue a case against the husband, who is usually the breadwinner, they won't have money.

What we do have is the Public Attorney's Office (PAO), which is an attached agency of the DOJ and provides free legal assistance to indigent litigants. VAWC cases need handholding and require lawyers to be present 24/7. Unfortunately, the PAO is overwhelmed with cases. The ratio is about 4,000 cases per public attorney. As you can imagine as much as they want to do more for the clients, they can't. I think that is why there aren't more legal cases for VAW.

[This additional information was provided after the meeting Based on the 2021 PAO Annual Accomplishment Report, the PAO handled a total of 4,083 cases involving gender-based violence under the Anti-VAWC Law in 2021.⁴ Out of which, the PAO terminated/resolved a total of 2,041 cases.⁵

Further, victims of gender-based violence are entitled to claim compensation from the Victim's Compensation Fund (VCF) pursuant to Republic Act No. 7309, entitled 4 2021 PAO Annual Accomplishment Report, pp. 22-23. 5 Id. at 23. "An Act Creating a Board of Claims under the Department of Justice for Victims of Unjust Imprisonment or Detention and Victims of Violent Crimes and for Other Purposes." The said law seeks to provide financial or monetary compensation for victims of violent or personal crime and unjust imprisonment or detention. The VCF is currently administered by the DOJ.

The claim is subject to the following limitations:

1. The maximum amount which may be claimed shall not exceed PHP 10,000.00 or the amount necessary to reimburse the claimant the expenses incurred for hospitalization, medical treatment, loss of wage, loss of support or other expenses directly related to injury, whichever is lower.
2. The claim for compensation must be filed within six (6) months from the date the victim suffered damage or injury, otherwise, she is deemed to have waived the same.]

To file a TPO, is that free?

The BPO is free, but if you go to court there are certain types of legal fee. If you are for example asking for custody, you may not think it is important to get a nullity, but you want to file a case, you ask for a TPO at the same time, and there are fees that you may need to pay.

[This additional information was provided after the meeting Indigent litigants are exempt from payment of legal fees. Indigent litigants are those (a) whose gross income and that of their immediate family do not exceed four thousand (PHP 4,000.00) pesos a month if residing in Metro Manila, and three thousand (PHP 3,000.00) pesos a month if residing outside Metro Manila, and (b) who do not own real property with an assessed value of more than fifty thousand (PHP 50,000.00)

⁴ [2021 PAO Annual Accomplishment Report](#), pp. 22-23.

⁵ Id. at 23.

pesos shall be exempt from the payment of legal fees.]

Can you outline the adultery laws in the Philippines?

We have very outdated notions about adultery. We have a law that criminalises concubinage. We go back to the early 1600s the scarlet woman, because that is basically what you will be. You would be ostracized in society, looked at as a loose woman, and this all adds to the criminal aspect of it. We still have that law, unfortunately they are lumped together in other gender offences in the statistics.

[This additional information was provided after the meeting Based on the 2021 Annual Judicial Report, there are 529 newly filed cases in 2021 involving adultery and concubinage. As of December 31, 2021, the number of cases pending in court is 920.]

Adultery v concubinage. Adultery is committed by a married woman, while concubinage is committed by a married man.

We get a lot of those cases still. It is very discriminatory because in our culture, if a man who is a married man has a relationship with another woman, society does not care, it's just being a man. But when they see a married woman who has been separated for a long time but never formalised the separation, if she is seen with another man, that woman is a pariah in society. It is very cultural; we are a patriarchal society and that is how things are.

Would the community report a women for her behaviour, or would an offence of adultery have to be reported by husband?

Yes, it is personal- the only person who can bring the charge is the husband. - The involved parties.

In your experience, do you see cases where a woman has left her partner due to IPV, and has ended up with an adultery case?

Yes, I have had cases like that myself, where you find out it was the husband that started it by having a mistress, and when the wife leaves him and has her own relationship, the husband sues her for adultery.

What is sentencing like for adultery?

There is not much discretion for the judge because we have a fixed schedule of penalties. Even mitigating and aggravating circumstances are fixed by the law.

Do women go to prison for adultery?

Yes, women who are convicted for adultery may be imprisoned.

We can provide the data for you.

Also, there has been a post-covid spike in numbers of VAWC, so the Supreme Court has urged judges to prioritise VAWC cases in court

[Back to Contents](#)

Version control

Clearance

Below is information on when this note was cleared:

- version **1.0**
- valid from **7 February 2023**

Official – sensitive: Start of section

The information in this section has been removed as it is restricted for internal Home Office use.

Official – sensitive: End of section

Changes from last version of this note

First publication of notes from the Philippine FFM

[Back to Contents](#)