

Implementation of the Law on Anti-Violence against Women and their Children in Malabon City: An Assessment

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ABSTRACT---*The State values the role of women and children in nation building. As vulnerable sectors of the society, the State recognizes the need to protect women and children from any forms of violence as well as threats to their personal safety and security. Despite the enactment of certain international conventions and laws for women and children, evidence of abuse is still recorded. Studies suggested the government to implement laws that promote women's and children's welfare where violence happens – in the barangay as the political unit which can provide the most immediate assistance. With the use of descriptive method, the study aimed to assess the level of implementation of the Republic Act 9262 Anti-Violence against Women and Children Act in the barangays of the City of Malabon from 2004-2010. The study involved victim-survivors, the City Social Welfare and Development officers, and social workers, police-women at the Women and Children Protection Desk, and Barangay officials. The findings of this study show that RA 9262 was implemented. Nevertheless, victim-survivors, find the law partially implemented. Problems on the insufficient budget, facilities, trainings, cooperation from the complainants, and inconsistencies in the implementation of other related laws were also identified. The respondents recommended the: (1) awareness activities for the barangay officials and the public as well; (2) consistent budget allocation; and (5) creation of gender sensitive jurisdiction.*

Keywords---- Women, Children, Victim-Survivor, Barangay, RA 9262.

1. INTRODUCTION

The government is the agency over which the will of the people is expressed, formulated and carried out. The government was tasked to provide services and promote the general welfare especially for women and children who were considered weaker sex because that is what their family and society has created of them. Women problem was voiced out with the emergence of feminism aiming for the equality with men, which resulted to won their suffrage, education, and recognition of their role in the society. Children's voice asking for help was often disregarded because the abuses and violence against them are disguised as discipline. Certain international conventions and various laws for women and children protection have been enacted.

However, despite such developments, there were alarming statistics worldwide, like in America, Canada, Israel and South Africa where 40-70% women were a result of intimate partner violence (61st Session of the UN General Assembly in 2006). While the UN Study on Violence against Children in 2006 has recorded that 80–98% suffers physical punishment in their homes. In the Philippines, according to the Philippine National Police (March 2004), Violence against Women (VAW) cases in the Philippines had reached from 5, 819 reported cases to 7, 204 in 2003. As for children in 2004, it reported that there were 7, 303 cases of Violence against Children (VAC) in the previous year. Studies also suggested to penetrate strategy at its very roots, and where the problem occurs, calling upon the government to implement laws that promotes women and children's welfare where most violence happens – the Barangay.

The barangay is the first level of the government, within the jurisdiction of every municipality or city, like Malabon City which is located in the Metropolitan Manila area. Although not Violence against Women and Children (VAWC) prone area, one barangay had initially recorded 89 VAWC related cases from January to February of 2009. This could mean VAWC happened in every ordinary community, and the Barangay being the closest unit of the government to the venue of VAWC, is the most appropriate to provide immediate assistance.

As mandated in the 1987 Philippine Constitution, the State shall exert efforts to address violence against women and children in keeping with the fundamental freedoms guaranteed under the Constitution and the provisions of the Universal Declaration of Human Rights (UDHR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC) and other human rights instruments to which the Philippines is a signatory (IRR - RA 9262.)

The Philippines had modified national policy to eliminate Violence against Women and Children (VAWC) by mandating its governmental branches to intensify collaboration to holistically address it. Philippine Congress had enacted laws such as Anti-Rape Law (RA 8353), Anti Trafficking Law (RA 9208), Anti Sexual Harassment Law (RA 7877), Magna Carta for Women (RA 9710) and most importantly, the RA 9262 or the Anti-Violence against Women and their Children Act of 2004. RA 9262 aimed to further protect women and children from violence and to penalize violations thereto. It covered acts of physical, sexual, psychological, and economic abuses.

RA 9262 and its Implementing Rules and Regulations (IRR, Sections 12, 14, 27, and 47) mandate the duties of the Barangay to address Violence against Women and Children (VAWC) cases, to wit:

1. Accept complaint, and an application for Barangay Protection Order (BPO);
2. Undertake education and related programs on RA 9262;
3. Have an Anti- VAWC desk, develop a system in documenting, and prescribe guidelines for the implementation of RA 9262; and
4. Strictly observe the steps in handling VAWC cases at the Barangay level:
 - a. Verify and record the information on a separate VAWC cases logbook;
 - b. Arrest perpetrator;
 - c. Transport or escort victims to the nearest hospital for medico-legal examination and treatment, and transfer them into safe place;
 - d. Report incidents to Philippine National Police – Women and Children Protection Desk (PNP-WCPD), and Local Government Unit (LGU), and forward records to them; and
 - e. Monitor compliance to Barangay Protection Order (BPO), and do not attempt to influence the victim/applicant to mediate or conciliate or abandon the relief sought for.

Barangay's strategic location expects its immediate implementation of the law. However, with the difference in certain legal procedures especially the mediation/conciliation encouraged under the Katarungang Pambarangay Law, which on the other hand was strictly prohibited by RA 9262, confusion as regards which assistance is to be made might be detrimental for the victim. Likewise, the Philippine Commission on Human Rights reported in the 11th Annual Meeting of the Asia Pacific Forum (2006) acknowledged that the real impediment to gender equality was not the lack of laws, but rather their insufficient implementation.

Thus, the Barangay, as well as the City's compliance with the law is worthy to be given attention for the realization of the law for the protection of women and children against violence. The main objective of this study was to assess the level of implementation of RA 9262 or the Anti-Violence against Women and Children Act of 2004 by the Barangays in Malabon City from 2004 to March 2010. Particularly, the study attempted to answer the following specific questions:

1. What is the extent of implementation of RA 9262 as assessed by three groups/sectors of respondents?
2. Are there differences in the procedures of administering disputes/cases of violence against Women and Children (VAWC) before and after RA 9262 took effect?
3. What are the problems encountered by the barangay officials in implementing RA 9262?
4. What are the possible solutions that the implementors have in mind to solve the problems to facilitate or improve the implementation of RA 9262?
5. Based on the findings, what is the action plan proposed to improve the implementation of RA 9262?

This study intended to give benefits to: (1) the field of Public Administration in evaluating the implementation of the law and establish a gender-responsive governance; (2) the members of the community who deserved a peaceful and gender-sensitive environment; (3) the victim-survivors, for an improved assistance from the barangay; (4) the agencies implementing the law, for the realization of the State policy as regards the rights of women and children; and (5) the State, in the fulfillment of its role as parent of its citizen and as an efficient State Party to international treaties.

2. METHODOLOGY

This study utilized the descriptive method of research, conducted through distribution of questionnaire based on the provisions of RA 9262 and its IRR and interviews. There were three groups of respondents who personally handled Violence against Women and Children (VAWC) records and cases; they were from all 21 Barangays of Malabon City, 3 Social Workers from the City Social Welfare, and 4 Police Women from the Women and Children Protection Desk, and another group consisting of 3 victim-survivors to validate the assessment of the first three groups, hence a total of 31 respondents. The levels of implementation were measured as Fully Implemented, Implemented, Partially Implemented,

and Not Implemented. In order to determine the result of the data gathered, the Weighted Mean was applied. The coverage of compliance is from 2000 to 2010.

3. RESULTS AND DISCUSSION

Based on the problems presented, and data gathered from the questionnaire and validation of the victim-survivors through an interview, the results are:

3.1 RA 9262 was assessed by three groups of Respondents as Implemented; however, the validation of victim-survivor was Partially Implemented

The implementation of RA 9262 was measured through eight areas of assessment:

- a. Policy/ Principles/ Programs, although in survey it was implemented, during the interview none of the Barangays proved the existence of such policies/programs;
- b. Handling of Violence against Women and Children (VAWC) cases is fully implemented, but had a difficulty in the record keeping and identification of a complaint into that of a VAWC case from ordinary disputes;
- c. Application for Barangay Protection Order (BPO) was implemented however, most barangays do not conduct ex parte hearing to verify the application;
- d. Issuance and Serving of Barangay Protection Order (BPO) was partially implemented because of the application of mediation proceedings resulted to the abandonment of the reliefs for the victim like BPO, hence BPO is no longer issued or /served;
- e. Services for/Assistance to Victim-Survivor was implemented through livelihood programs and psychological treatment of the victims and perpetrator;
- f. Facilities and Resources, only few Barangay had separate logbook for VAWC cases, had 1 shelter in the city, and had no/insufficient budget allocation.
- g. Personnel/ VAWC Service Providers, Barangay officials were gender sensitive, and had attended the required trainings for the effective implementation of RA 9262. However, interview and open ended questions revealed their lack/insufficiency in trainings; and
- h. Referral of Victim-survivor / Data to Appropriate Agencies was implemented because Barangays immediately referred the victims to the City Social Welfare or Police, but as regards the transmittal of records, there was partial implementation.

3.2 There are differences in the procedures of administering violence against Women and Children (VAWC) disputes/cases before and after RA 9262 took effect

The provisions of Local Government Code on Katarungang Pambarangay and RA 9262 revealed that there were differences in the procedures of handling disputes/VAWC cases. The salient distinctions included: (1) as to the nature of the crime, from being private offense before, which is now a public crime; (2) as to the requirement of attendance of both parties, before it was mandatory, but not in RA 9262; (3) as to recording and investigation, before only in a common logbook and open to the public, whereas in RA 9262, it must be in a separate logbook and is confidential; (4) as to the relief, Barangay aimed to reunite disputants, whereas in RA 9262 there was Barangay Protection Order (BPO) which prevents victim to be reunited with her offender to avoid the possibility of revenge; (4) as regards the conduct of mediation/conciliation, it was encouraged before, but is prohibited in RA 9262; and (5) as to the transferring of jurisdiction to the court, a certification of a failed settlement was required before to bring the matter in court, but in RA 9262, victims may go directly to the court for a Temporary or Permanent Protection Orders.

3.3 The problems encountered by the barangay officials in implementing RA 9262

The respondents mentioned the following problems: (1) lack or insufficiency of budget/resources (2) lack or insufficiency of trainings, lack/insufficiency of facilities; (3) lack of cooperation or interest from the victims/relatives to pursue the case; (4) adverse implication of related laws; and (5) lack/insufficiency of livelihood programs. The victim-survivors mentioned inefficient assistance and the lack of initiative to provide help from the Barangay.

3.4 The solutions to facilitate or improve in the implementation of RA 9262

The conduct of trainings or seminars, provision of facilities and funds, coordination and assistance from other agencies, re-study of related laws' effects to the implementation of RA 9262, improve implementation of RA 9262 by the officials themselves, re-activate Barangay Council for the Protection of Children (BCPC), and unity of the people to maintain peace and order were suggested by the respondents.

3.5 The Proposed Action Plan

The proposed action plan aimed to augment the capability of Barangay to administer the law and provide assistance to the victim. It focused on the Provision of Budget, Facilities, Awareness Drive; Creation of Committees specialized in providing anti-Violence against Women and Children (VAWC) service, and enactment of Ordinances to facilitate implementation. It would create gender-responsive governance through the cooperation of the public and implementers for the duration of 2011 to 2015 using the Gender and Development (GAD) budget and Internal Revenue Allotment (IRA). Table 2 presented the proposed Action Plan.

Table 1: Proposed Plan for the Enhanced Implementation of RA 9262 in the Barangays of Malabon City

OBJECTIVES	ACTIVITIES	PERSONS/ AGENCIES INVOLVED	FUND SOURCES	TIME FRAME	SUCCESS INDICATORS
1. To augment financial resources	Provision of higher budget for RA 9262 implementation	Malabon City and Barangay Government	Gender and Development (GAD) Budget and Internal Revenue Allotment (IRA)	2011 to 2015	Improved facilities and more efficient assistance to victims
2. To provide facilities and rehabilitation programs	Establishment of Women and Children Desk; Provision of Separate logbook for VAWC cases; Conduct livelihood programs; Render Transportation, Medical, and Psychological Assistance for victims and respondents alike	Malabon City and Barangay Government, with assistance from the City Social Welfare Office	GAD Budget and IRA	2011 to 2015	Presence of Women and Children Help Desk, separate logbook, and means of transportation.
3. To raise awareness to the people & the implementers themselves.	Conduct of Information Dissemination thru Trainings and Posting.	The Barangay Officials, City Social Welfare and the Public	GAD Budget and IRA	2011 to 2015	Increase involvement or cooperation and vigilance of the public; improve assistance from the Barangay
4. To improve the assistance to victims and strengthen the workforce of implementing officers	Organize a coordinated Training with all stakeholders of RA 9262; Create necessary committee or body specialized in handling and recording VAWC cases	Social Workers, Police in Women's Desk and the Barangay	GAD Budget and IRA	2011 to 2015	Regularly available roster of personnel to assist complainants; Consistent submission of incident reports to Social Welfare and Women's Desk Offices.
5. To strengthen the basis for protecting the women and children against all forms of violence	To enact City and Barangay Ordinances providing for the guidelines in implementing RA 9262, especially in relation to other related laws also implemented by the Barangay	City Council of Malabon and Barangay Councils	GAD Budget and IRA	2011 to 2015	More organized implementation of RA 9262 that may be evaluated by the public and supervising agencies as efficient eliminators of all forms of violence against women and children.

Summary

Based on the findings, the following were the results:

1. As regards to the extent of implementation of RA 9262, the areas of assessments such as Policy/ Principles/ Programs, Handling of Violence against Women and Children (VAWC) cases, were fully implemented; Application for Barangay Protection Order (BPO), Preparation for / Accepting Application for Barangay Protection Order (BPO), Services for/Assistance to Victim-Survivor, Facilities and Resources, Personnel/ VAWC Service Provider, and Referral of Victim-survivor / Data to Appropriate Agencies were all implemented. On the other hand, Issuance and Serving of Barangay Protection Order (BPO) were partially implemented. The validations of victims have been assessed as partially implemented.
2. There were differences in the procedures of administering disputes/cases on violence against Women and Children (VAWC) before and after RA 9262 took effect. These refer to the: (1) nature of the crime; (2) ex-parte hearing; (3) confidentiality of records; (4) relief that may be availed of; (5) prohibition of amicable settlements; and (6) the transfer of jurisdiction to the court.
3. The respondents encountered the following problems during their implementation of RA 9262: lack or insufficiency of budget/resources, lack or insufficiency of trainings, lack/insufficiency of facilities, lack of cooperation or interest from the victims/relatives to pursue the case, adverse implication of related laws, and lack/insufficiency of livelihood programs.
4. The conduct of trainings or seminars, provision of facilities, coordination and assistance from other agencies, provision of funds, re-study of related laws' effects to the implementation of RA 9262, improved implementation of RA 9262 by the officials themselves, re-activation of Barangay Council for the Protection of Children (BCPC), and unity of the people to maintain peace and order were the suggested solutions by the respondents.
5. Based on the findings, there is a proposed action plan which will help improve the implementation of RA 9262. It focuses on the Provision of Budget, Facilities, Awareness; Creation of Committees specialized in providing Anti-Violence against Women and Children (VAWC) service, and ordinances for a guided implementation. Cooperation between government agencies such as the City Government, Barangay, Police, Social Workers and the public as well is encouraged. For the duration of the year 2011 to 2015, Gender and Development (GAD) and the local government budget shall subsidize for the implementation of the law.

4. RECOMMENDATIONS

From the findings and conclusions presented, the researcher humbly recommends:

1. In order to improve the level of implementation of RA 9262 in Malabon City, the Barangay Officials must have a consistent training and awareness programs. Coordination between implementers of the law must be practiced.
2. Barangay officials must be aware of the difference between an ordinary dispute and Violence against Women and Children (VAWC) cases, to determine which assistance is to be applied.
3. Conduct of trainings, provisions of facilities, and enactment of ordinances to provide additional guidelines in the implementation of RA 9262.
4. Suggestions of implementing agencies must be given attention.
5. The proposed action plan must be given consideration. Cooperative effort of the government and the public must be strengthen to provide a holistic protection and assistance for the victim-survivors. Awareness of the people is important to prevent VAWC. A committee must be created by the government that will specialize in the handling of the VAWC cases.

5. CONCLUSION

This study assessed the level of implementation of RA 9262 or the Anti-Violence against Women and Children Act of 2004 by the Barangays in Malabon City. As regards to the extent of implementation of RA 9262, the areas of assessments such as Policy/ Principles/ Programs, Handling of Violence against Women and Children (VAWC) cases, were fully implemented; Application for Barangay Protection Order (BPO), Preparation for / Accepting Application for Barangay Protection Order (BPO), Services for/Assistance to Victim-Survivor, Facilities and Resources, Personnel/ VAWC Service Provider, and Referral of Victim-survivor / Data to Appropriate Agencies were all implemented. On the

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The respondents encountered the following problems during their implementation of RA 9262: lack or insufficiency of budget/resources, lack or insufficiency of trainings, lack/insufficiency of facilities, lack of cooperation or interest from the victims/relatives to pursue the case, adverse implication of related laws, and lack/insufficiency of livelihood programs.

Consequently, the conduct of trainings or seminars, provision of facilities, coordination and assistance from other agencies, provision of funds, re-study of related laws' effects to the implementation of RA 9262, improved implementation of RA 9262 by the officials themselves, re-activation of Barangay Council for the Protection of Children (BCPC), and unity of the people to maintain peace and order were the suggested solutions by the respondents.

Based on the findings, there is a proposed action plan which will help improve the implementation of RA 9262. It focuses on the Provision of Budget, Facilities, Awareness; Creation of Committees specialized in providing Anti-Violence against Women and Children (VAWC) service, and ordinances for a guided implementation. Cooperation between government agencies such as the City Government, Barangay, Police, Social Workers and the public as well is encouraged. For the duration of the year 2011 to 2015, Gender and Development (GAD) and the local government budget shall subsidize for the implementation of the law.

Finally, this paper explored the situation on the implementation of RA9262 in Malabon City. This study must further be developed and include the analyses of cases on violence against women and children into the context of Filipino culture and the response of the community, in order to make the study more comprehensive.

6. REFERENCES

- [1] Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), September 3, 1981.
- [2] Convention on the Rights of the Child. September 2, 1990.
- [3] Philippine Constitution, 1987
- [4] Report of the Commission on Human Rights of the Philippines to the 11th Annual Meeting of the Asia Pacific Forum 30 July 2006 to 3 August 2006 Suva, Fiji. <http://www.asiapacificforum.net/about/annual-meetings/11th-fiji-islands2006/downloads/apf-members/philippines.pdf>. - December 8, 2008
- [5] Republic Acts
Republic Act 7160 Local Government Code of 1991.
Republic Act No. 7877 Anti-Sexual Harassment Law, February 14, 1995.
Republic Act 8353 Anti-Rape Law of 1997.
Republic Act 9208, Anti- Trafficking of Persons Act, 2003.
Republic Act 9710 Magna Carta for Women, August 2009.
- [6] Republic Act 9262 Anti Violence Against Women and their Children. March 8, 2004; Implementing Rules and Regulation, 2004.
- [7] Statistics on Filipino Women and Children
GAD Kit, NCRFW 2009.
“PNP – Women and Children Protection Center – 2008 reports covering 1999 – 1st quarter of 2008 on reported VAW cases.” March 2004.
<http://www.ncrfw.gov.ph/index.php/statistics-on-filipino-women/14-factsheets>. Retrieved June 1, 2009.
http://www.nscb.gov.ph/headlines/StatsSpeak/2010/030810_rav_vaw.asp, Retrieved March 2 2011.
- [8] The United Nations General Assembly, 61st Session, 2006.
- [9] The United Nations Secretary General's Study on Violence Against Children.
<http://www.violencestudy.org/r25> - 2005. Retrieved December 8, 2008
- [10] Universal Declaration on Human Rights. December 10, 1948.