

## A Judicial Paradigm Shift: Towards a Gendered Implementation of the Anti-Rape Law

Amparita S. Sta. Maria

49 ATENEO L.J. 47 (2004)

*SUBJECT(S):* CRIMINAL LAW, PERSONS AND FAMILY RELATIONS,  
GENDER LAW

*KEYWORD(S):* GENDER AND EQUALITY, ANTI-RAPE LAW

The Article takes note of the fact that while the Supreme Court has promulgated Rules on Children in Conflict with then Law and Rules on the Examination of Child Witnesses, there are no new rules regarding the treatment of women in court, notwithstanding the enactment of the Anti-Rape Law. The observations of the Article are from country reports cited therein. The observation is also based on the fact that the process a woman goes through in the prosecution rape cases is not a welcome experience. The Article suggests that there has been a shift in paradigm in the manner of assessing the credibility of the woman and girl-child. It is also argued that, as can be seen from jurisprudence, courts continue to decide rape cases based on jurisprudence that heavily relied on the woman's chastity or honor, where her credibility was at stake. The Author stresses the fact argument that courts have the responsibility of reflecting the changes in the law in their decisions. Thus, it was apropos the Supreme Court approved en banc the Strategic Gender and Development Mainstreaming Plan for the Philippine Judicial System which was prepared by the Committee on Gender Responsiveness in the Judiciary. The crux of the plan is to adopt a core plan that would transform paradigm and enhance the commitment of the judicial system to gender equality through training and capability-building.