

VI. CONCLUSION

The prevailing rule is that all creditors, regardless of their security interests over the assets of the debtor, must be treated on equal footing and without any distinction in order to achieve the successful implementation of the rehabilitation plan. It explains the necessity of the absence of distinction in this stage, which is to further facilitate the rehabilitation process of a corporation, which in essence, is focused on the survival of the corporation, which will redound to the benefit, not just of the corporation and its stockholders, but also of its creditors. This is different from bankruptcy proceedings which are focused only on the payment of debts owing to the creditors. However, secured creditors are entitled to adequate protection during the implementation of the plan to the extent of the value of their collateral, without which, they may ask to lift the stay order. Secured creditors may invoke preference of credits by enforcing their security arrangement once the stay order is lifted, or when the rehabilitation plan fails, or when the suspension of payments or rehabilitation proceedings are terminated.

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

*Amparita S. Sta. Maria**

In June 2004, the National Commission on the Role of Filipino Women (NCRFW) submitted the Combined Fifth and Sixth Philippine Progress Report on the Implementation of the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).¹ Under the CEDAW, the Philippines is obliged to submit a report (Country Report) to a Committee of Experts (Committee) which serves as the treaty's monitoring body. Among others, a Country Report should contain information on the initiatives, changes and measures, both in policy and law, which the State has made in order to comply with its treaty obligations. It should also point out obstacles and difficulties encountered in its efforts to comply with said obligations. After submission, the Committee reviews it and thereafter, issues its observations expressing concerns, suggestions and other recommendations on what the country report should have further included.² Ideally, a Country Report should be submitted every four years. In the case of the Philippines, however, its fifth periodic report was due last 4 September 1998.³ The NCRFW, which is the agency charged with making the report, was only able to complete its data this year, and thus decided to consolidate the fifth and sixth Country Reports⁴ into one.

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1. [hereinafter Country Report].
2. AMPARITA STA. MARIA, INTRODUCTION IN HUMAN RIGHTS TREATISE ON MAKING COUNTRY REPORTS UNDER HUMAN RIGHTS CONVENTIONS, Ateneo Human Rights Center (2003) at 1.
3. See <http://www.hri.ca/fortherecord2000/vol3/philippinesrr.htm> (last accessed Sept. 1, 2004).
4. [hereinafter Philippine CEDAW Report].

As far as legislation and policies addressing violence against women are concerned, the country report took note of the following developments:

Legislation and policies addressing violence against women

205. In response to General Recommendation No. 19, the Philippines enacted two laws to address Violence Against Women (VAW), specifically, the twin laws on rape: RA8353 (Anti-Rape Law) and RA8505 (Rape-Victim Assistance and Protection Act). The Implementing Rules and Regulations (IRR) of RA 8505 has already been adopted. A study of these two laws by the Philippine Legislators' Committee on Population and Development Foundation found that lack of familial, institutional or societal support for the rape victim is a major drawback for the reporting of rape (Santos, Llarinas-Angeles and Ador 2001). It asserts that early gains could be lost if existing judicial doctrines are allowed to apply and if court procedures that force rape victims to re-live the crime when giving testimony are not changed.

206. On March 8, 2004, during the annual celebration of the International Women's Day, the President signed into law Republic Act 9262 or the Anti-Violence Against Women and Their Children Act (AVAWCA). This law aims to stem the high incidence of violence against women and criminalize perpetrators. It protects women and their children from physical, psychological and economic abuses in the context of marital, dating or common law relationship. The law also recognizes the 'battered woman syndrome' (BWS) as a legal defense for women who suffered cumulative abuse and have been driven to defend themselves. The law provides for issuance of 'protection orders' to stop violence and prevent recurrence of future violence.

207. Pursuant to RA 8505, the Department of Justice Memorandum No.9 series of 1998 on the Guidelines on the Handling of Rape Cases Involving Adult Victims was adopted. The policy ensures, among others, the fair and respectful treatment of the adult rape victim, assignment of a woman investigator during preliminary inquest, prevention of admission of evidence of the victim's past sexual conduct or reputation unless such evidence is material and relevant to the case, banning of the public during the conduct of the preliminary investigation, among others.

208. The Supreme Court promulgated The Rule on Juveniles in Conflict With the Law. It took effect on 15 April 2002. It incorporated provisions found in the Convention on the Rights of the Child (CRC), the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) and other related UN Standards, such as releases on recognizance, diversion proceedings, and the right to privacy of the juvenile to be protected including exclusion of media. The Supreme Court Rules prohibit branding or labeling of the juvenile as a young criminal, juvenile delinquent, prostitute, vagrant or any derogatory name. The Supreme Court also issued Administrative Order No. 04-2002 dated 15 February 2002, directing trial judges to hold regular dialogues with

appropriate government officials and to visit jails to check the welfare of prisoners, especially minor detainees.

209. The Family Courts Act of 1997 (RA 8369) established family courts in major cities all over the country to foster a more pro-active approach to protecting the rights of women and children against domestic violence and incest. Among the cases that fall under its jurisdiction are violations of RA7610 and domestic violence committed against women and children. The law defines domestic violence against women as '*acts of gender-based violence that result, or are likely to result in physical, sexual or psychological harm or suffering to women and other forms of physical abuse such as battering or threats and coercion which violate a woman's personhood, integrity and freedom of movement.*' On the other hand, domestic violence against children refers to *commission of all forms of abuse, neglect, cruelty, exploitation, violence and discrimination and all other conditions prejudicial to their development.* These acts constitute criminal offense, and are assigned corresponding penalties.

210. Pursuant to RA 8369, the Supreme Court promulgated the Rule on Examination of a Child Witness, which took effect on 15 December 2000. The Rule aims to create an environment that will allow children to give reliable and complete evidence, minimize their trauma and promote maximum accommodation of child witnesses. It also authorizes the judge to appoint a guardian *ad litem*, an interpreter, a facilitator and support person for the child during trial. Likewise, it makes use of live-linked television testimony or the use of screens, devices and one-way mirrors if there is a likelihood that the child will suffer trauma from testifying in the presence of the accused. Awareness-raising seminars are being conducted by the Ateneo Human Rights Center, with the assistance of UNICEF and Assisi Development Foundation, on Court-Appointed Special Advocates/Guardian Ad Litem (CASAGAL) in the various judicial regions.

211. At the local level, the Cebu City and provincial governments have shown that local legislative bodies could use its power of legislation to address domestic violence, if officials choose to do so. The Cebu City Council, as well as the Provincial Board, passed ordinances penalizing domestic violence and providing protective measures for women and child victims of abuse. Among the more notable features of the provincial ordinance is the 'barangay protection order' which may be issued by the barangay chair upon petition of the victim. The protection order makes it possible for local officials to 'remove and exclude (the abuser) from the residence of the abused person temporarily for the purpose of protecting the victim regardless of the ownership of the residence.' The order is deemed necessary because it is usually the wife and children who are compelled to leave the family home to escape the abusive husband (Jimenez-David 2002).⁵

5. Combined Fifth and Sixth Philippine Progress Report on the Implementation of the UN Convention on the Elimination of all Forms of Discrimination Against Women, June 2004 at 49-50.

It is worth noting that while the Supreme Court has promulgated Rules on Children in Conflict with the 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. Indeed, it cannot be asserted that this new law should necessarily be followed by the promulgation of new rules for its effective implementation. Primarily, R.A. 8353's⁶ amendment to the crime of rape is marked by its reclassification to a crime against person from that of chastity. The law also created the offense of sexual assault which may be committed against both men and women. Lastly, whatever doubt there was prior to this law on whether a husband can be guilty of rape against his wife was certainly clarified – even a husband could not force his sexual desires against his wife.

How then can the judiciary effectively protect and uphold the rights of women against violence and abuse under R.A. 8353⁷ other than decide cases filed under this law much in the same way as it has decided them under the old law? The country report made mention that the gains earned by women in their fight against violence could be lost “if existing judicial doctrines are allowed to apply and if court procedures that force rape victims to re-live the crime when giving testimony are not changed.” How much of these two factors can be attributed to the judicial system?

Admittedly, the process that a woman goes through from the filing of a complaint up to the taking of her actual testimony is not a welcome experience, to say the least. In fact, the Supreme Court, itself, has taken cognizance of a woman's ordeal in rape cases. In *People v. Manayan*,⁸ the court acknowledged that

[n]o woman would be willing to undergo a public trial and put up with the shame, the humiliation and the dishonor of exposing her own degradation were it not to condemn an injustice and to have the offender apprehended and punished. The embarrassment and stigma she suffered in allowing an examination of her private parts and testifying in open court on the painfully intimate details of her ravishment effectively rule out the possibility of a false accusation of rape.⁹

Also, in an earlier case¹⁰, the court elaborated on the reasons why rape cases remain unreported:

6. An Act expanding the definition of rape, reclassifying the same as a crime against persons, amending for the purpose Act No. 3815 as amended, Republic Act No. 8353 (1997), [Anti Rape Law].

7. *Id.*

8. *People v. Manayan*, 368 SCRA 300 (2001) (emphasis supplied).

9. *Id.*

10. *People v. Melivo*, 253 SCRA 347 (1996) (emphasis supplied).

[W]ith all the attendant social consequences such a classification brings, many rape cases go naturally unreported, and those which manage to reach the authorities are routinely treated in a manner so demeaning to the victim's dignity and the psychological ordeal and injury is repeated again and again in the hands of inexperienced, untrained and oftentimes callous investigators and courtroom participants. . . .¹¹

Verily, it can be seen from these pronouncements that there is a serious problem in litigating rape cases that make women think twice or thrice before deciding to file a complaint. Thus, it is obvious that whether with the new law or old one, improvements should be made by way of the rules of procedure issued by the Supreme Court.

The other concern is the application of “existing judicial doctrines” to the new law. While there was an apprehension when the law was not totally amended, it is but logical to expect that long established doctrines on rape that do not contradict the provisions of the new rape law would still apply.

That the crime of rape has been re-classified as an offense against persons is not an insignificant development. Although on its surface the change seems to be focused more on broadening the scope of persons who can file rape charges against the offender, the importance of this reclassification goes well beyond this amendment.

In criminal cases such as rape, one is fully aware that the defense need not establish the accused's innocence. It only needs to create doubt against the prosecution's case, albeit a reasonable one. Hence, whenever there is an opportunity to cast such doubt, one finds the defense capitalizing on this vulnerable area.

A review of jurisprudence on rape cases under the old law shows that when the credibility of the offended party – the woman (or girl-child) is under attack, the courts, in deciding whether her testimony is credible or not, invariably probed on her character and reputation. The decisions of the courts have been fraught with the assumed inevitable link between the woman's good or bad reputation and her credibility. It is to be noted that the reputation of the woman whose credibility is put into scrutiny refers not to her penchant for telling the untruths but to her character, on whether she has led a “licentious” or “chaste” life. There was also often the stereotyping of what kind of woman would likely tell the truth; and more alarmingly, who would likely be unable to cope with the trauma caused by rape so that these “types” of women were expected to react differently than those who were more “empowered” such that the former were given wide latitude for unexpected reactions like the delay in filing rape charges.

11. *Id.*

In a 1983 case,¹² the Supreme Court, in order to emphasize the fact that the victim has doubtful credibility held that –

The contention that the complainant was only 14 years old at the time of commission of the offense (December 12, 1980) and therefore, not capable of making false statements against her abuser would have been true two generations ago but not anymore these days when teenagers are sex conscious, outgoing, frank and aggressive.¹³

Subsequently, in the case of *People v. Estebal*,¹⁴ although the trial court convicted the accused and accorded credibility on the child-victim, it did so at the expense of street children, suggesting that a “prostituted” or “corrupted child,” on her own, would desire sexual intercourse.¹⁵

It will be inconsistent with human experience that a woman who is thirteen (13) years old and a virgin would initiate a desire for sex (sic) intercourse, since she is without experience and an innocent neophyte, unless she is a child prostitute or a corrupted child.

As late as 2001, four years after the rape law has been reclassified as a crime against persons, there were still cases which emphasized the immaturity and youth of the offended party – which all alluded to her chastity – in order to justify her vacillation in filing a case.

Thus, in *People of the Philippines v. Ludovico Blazo y Meras*,¹⁶ the Supreme Court reiterated earlier cases stating that “[a] young girl, such as the victim in this case, cannot be expected to have the courage and intelligence of a mature woman to immediately report her defilement, especially when accompanied by a death threat.¹⁷ Similarly, in *People v. Lor*,¹⁸ the Court held:

Accused-appellant argued that there can be no rape committed considering that the complainant offered no resistance or vocal protestation against the sexual assault on her dignity. The evidence shows that accused-appellant had to pull and drag Daisy, which are indication of her resistance under the

circumstances. As correctly pointed out by the Solicitor General, Daisy is a thirteen-year old sexually inexperienced provincial lass, not a sophisticated grown woman whose inaction may properly be interpreted as consent.

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This is especially true in the case of Daisy who obviously cannot be expected to act like an adult or a mature experienced woman who would have the courage and intelligence to disregard the threat to her life and complain immediately that she had been sexually assaulted.¹⁹

While the assumption that the younger the women, the more likely they are to be intimidated cannot be refuted, it is quite unfair to juxtapose this with the false supposition that indeed, if women were more mature and intelligent or that if adolescent girls were street children or street smart, they would vacillate less in filing rape charges and if they in fact delayed, that it could be an indicia of consent.

This could be where the apprehension of the study²⁰ mentioned by the Philippine CEDAW Report lies. Notwithstanding the reclassification of rape as a crime against persons, its deeper ramifications as discussed above could be dismissed if courts continue to decide rape cases based on jurisprudence that heavily relied on the woman’s chastity, where her credibility was at stake. As the writer has pointed out before,²¹

In the Philippines, the crime of rape has been re-classified from a crime against chastity to a crime against person. Jurisprudence, however, has yet to develop and evolve so that it would concentrate more on the offense’s nature as a violation of a person rather than as a violation of a woman’s honor. Pronouncements regarding this offense must now focus more on the vileness and depravity of the act and the perpetrators thereof, rather than its characterization as an ‘assault on ... honor and womanhood.’ There should also be less emphasis on the ‘shame,’ ‘humiliation,’ ‘dishonor,’ ‘embarrassment’ and ‘stigma’ befalling the woman.²² More importantly, jurisprudence that accords credence to the victim’s testimony principally because she is ‘inexperienced in sex’ or for being a ‘provincial lass’ and ‘not a sophisticated woman’ must be abandoned.²³

19. *Id.*

20. The study was conducted by the Philippine Legislators’ Committee on Population and Development Foundation.

21. AMPARITA S. STA. MARIA, *Images of Women in Impunity*, in HUMAN RIGHTS TREATISE ON THE LEGAL AND JUDICIAL ASPECTS OF IMPUNITY (2001).

22. See *People v. Manayan*, G.R. Nos. 142741-43 (Oct. 25, 2001) and *People v. Santos Lor*, G.R. No. 133190 (Jul. 19, 2001).

23. See *People v. Santos Lor*, G.R. No. 133190 (Jul. 19, 2001).

12. *People v. Flores*, 125 SCRA 244 (1983) (emphasis supplied).

13. *Id.* (cited in Amparita S. Sta. Maria, et. al., *The Legal Component: The Courts and the Rights of Children: A Legal Perspective*, in HUMAN RIGHTS TREATISE ON CHILDREN: PHILIPPINE JURISPRUDENCE ON CHILD SEXUAL ABUSE: AN INTERDISCIPLINARY ANALYSIS at 39).

14. *People v. Estebal*, 173 SCRA 209 (1989).

15. *Id.*

16. *People of the Philippines v. Blazo y Meras*, 352 SCRA 94 (2001).

17. *Id.* (citing *People v. Manggasin*, 308 SCRA, 228, 244 (1999) and *People v. Soan*, 243 SCRA 627 (1995)).

18. *People of the Philippines v. Santos Lor*, 361 SCRA 402 (2001).

Fortunately, in more recent decisions of the Supreme Court, not only has there been a paradigm shift in the manner of assessing the credibility of the woman and girl-child; but the Court has likewise exhibited sensitivity to their situation and has brought in the importance of social context in its decisions. Thus, this can be seen in the following decisions of the Court:

Different people react differently to a given situation or type of situation and there is no standard form of behavioral response when one is confronted with a strange or startling experience.²⁴

It is difficult to predict, in every instance, how a person, especially a child, reacts to traumatic experiences. What is within the realm of experience is that it is common for a victim of rape to hesitate, for varying periods of time, before reporting the incident. Often, it is because of a real or imagined fear for the victim's life, or the lives of others, and the natural aversion to exposing the shame that accompanies the experience.²⁵

Delay or vacillation in making a criminal accusation does not necessarily impair the credibility of a witness if such delay is satisfactorily explained. Fear of reprisal, social humiliation, familial considerations and economic reasons have been held as sufficient explanations.²⁶

In fact, the issue of date rape had already been brought before the tribunal, and consistently, the Court has ruled that "[a] sweetheart cannot be forced to engage in sexual intercourse against her will. As a matter of fact, proof even of a prior history of a common-law marital relationship will not prevail over clear and positive evidence of copulation by the use of force or intimidation."²⁷

Needless to say, this marked change in perspective plays a most vital role in re-shaping jurisprudence on rape. It is worth noting that under Section 6 of R.A. 8505,²⁸ commonly referred to as the Rape Shield Rule, it provides that in prosecutions for rape, evidence of complainant's past sexual conduct, opinion thereof or of his/her reputation shall not be admitted unless the court finds, that such evidence is material and relevant to the case.

Further, such evidence may only be admitted to the extent that the court finds it relevant. Thus, the law leaves a wide discretion on the part of the judge to decide whether or not evidence of a woman's past behavior or sexual conduct should be admitted. Without gender-sensitive judges who could appreciate the gains made by the amendment of the law for the cause of women, it may very well be that the past behavior of the offended party will always be deemed "material and relevant to the case" because said judges would continuously adhere to the old doctrines on rape, when it was still classified as a crime against chastity. Thus, there is a very real danger that this provision would be rendered nugatory.

Furthermore, with this emerging new trend in deciding rape cases, it is within reasonable expectation that such perspective can and will impact on future decisions concerning new legislation relevant to women. In the recent case of *People v. Genosa*,²⁹ the Court set the parameters on when the Battered Woman's Syndrome (BWS) could qualify as Self-Defense, and therefore, absolve the woman from criminal liability for killing her spouse or partner. Accordingly, for BWS to qualify as self-defense, the following circumstances must be present:

- (1) Each of the phases of violence (1. tension-building phase; 2. acute battering phase and 3. tranquil, loving or non-violent phase) must be proven to have characterized at least two battering episodes between the woman and her intimate partner;
- (2) The final acute battering episode preceding the killing of the batterer must have produced in the battered person's mind an actual fear of imminent harm from her batterer and an honest belief that she needed to use force in order to save her life; and
- (3) At the time of the killing, the batterer must have posed probable, not necessarily immediate and actual, grave harm to the accused, based on the history of violence perpetuated by the former against the latter.

It is yet to be seen how the *Genosa* decision would be altered in lieu of the coming into effect of R.A. 9262,³⁰ three months after the promulgation of *Genosa*. Section 26 of the new law on Violence Against Women and their Children (VAWC) provides:

29. *People v. Genosa*, G.R. No. 135981, January 15, 2004.

30. The said Republic Act was signed into law on March 8, 2004 in celebration of the International Women's Day and took effect on March 27, 2004.

24. *People of the Philippines v. Padrigone*, 982 SCRA 74 (2002).

25. *People of the Philippines v. Manahan y Doe*, 408 SCRA 255 (2003).

26. *People v. Buates y Bitara*, 408 SCRA 278 (2003).

27. *People v. Corea* 269 SCRA 76 (1997) (citing *People v. Cabilao*, 210 SCRA 326 (1992)); *People v. Ayuda*, 412 SCRA 538 (2003); *People v. Sorongon alias "Toto"*, 397 SCRA 264 (2003); *People v. Padrigone*, 382 SCRA 74 (2002).

28. An act providing assistance and protection for rape victims, establishing for the purpose a Rape Crisis Center in every province and city, Republic Act No. 8505 (1998), [Rape victim Assistance and Protection Act].

Battered Woman Syndrome as a Defense.-

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

More importantly, there are a number of provisions in this law which arguably may be subject to misuse and abuse and it is inevitable that the courts, both at the first instance and at the last resort, would be called upon to interpret and apply them. A glimpse of Section three alone already gives one a rough idea of what the courts would be face with, given the task of developing the case law on this statute.

Sec. 3. Definition of Terms.- As used in this Act, (a) 'Violence against women and their children' refers to any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes, but is not limited to, the following acts:

A. 'Physical Violence' refers to acts that include bodily or physical harm;

B. 'Sexual violence' refers to an act which is sexual in nature, committed against a woman or her child. It includes, but is not limited to:

1. rape, sexual harassment, acts of lasciviousness, treating a woman or her child as a sex object, making demeaning and sexually suggestive remarks, physically attacking the sexual parts of the victim's body, forcing her/him to watch obscene publications and indecent shows or forcing the woman or her child to do indecent acts and/or make films thereof, forcing the wife and mistress/lover to live in the conjugal home or sleep together in the same room with the abuser;

2. acts causing or attempting to cause the victim to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion;

3. Prostituting the woman or child.

C. 'Psychological violence' refers to acts or omissions causing or likely to cause mental or emotional suffering of the victim such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse and mental infidelity. It includes causing or allowing the victim to witness the physical, sexual or psychological abuse of a member of the family to which the victim belongs, or to witness pornography in any form or to witness abusive injury to pets or to unlawful

or unwanted deprivation of the right to custody and/or visitation of common children.

D. 'Economic abuse' refers to acts that make or attempt to make a woman financially dependent which includes, but is not limited to the following:

1. Withdrawal of financial support or preventing the victim from engaging in any legitimate profession, occupation, business or activity, except in cases wherein the other spouse/partner objects on valid, serious and moral grounds as defined in Article 73 of the Family Code;

2. Deprivation or threat of deprivation of financial resources and the right to the use and enjoyment of the conjugal, community or property owned in common;

3. Destroying household property;

4. Controlling the victims' own money or properties or solely controlling the conjugal money or properties.

As this writer has stated before, "courts have the responsibility of reflecting [the changes in the law on their decisions], not only because they have the duty to interpret the law but also because those in charge of enforcing and implementing it, every so often rely on jurisprudence for guidance."³¹

It is, therefore, apropos that the Supreme Court, on 9 December 2003, approved en banc the Strategic Gender and Development (GAD) Mainstreaming Plan for the Philippine Judicial System (Plan), which was prepared by the Committee on Gender Responsiveness in the Judiciary (CGRJ). Based on this Plan, the judiciary has set its vision and mission to have:

[a] judicial system that is sensitive and responsive to gender equality and empowerment in all its policies, programs and activities, thereby providing effective, efficient, and accessible justice to all' and declares as its mission the enhancement of 'speedy and fair administration and dispensation of justice to all, regardless of age, gender, class, ethnicity, or religious or political beliefs, through an effective and efficient judicial system that works with dignity, integrity, accountability and transparency.'³²

31. AMPARITA S. STA. MARIA, *Images of Women in Impunity*, in HUMAN RIGHTS TREATISE ON THE LEGAL AND JUDICIAL ASPECTS OF IMPUNITY (2001).

32. See Supreme Court Memorandum Order No. 32-2004

Among others, the CGRJ seeks to adopt a core strategic plan that would "[t]ransform paradigm and enhance the commitment of the judicial system to gender equality through training and capability-building."³³

With this plan well ahead to being implemented, the judiciary should undoubtedly contribute significantly to the challenges our country faces in fulfilling its commitment to the Convention on the Elimination of All Forms of Discrimination Against Women to eliminate *de jure* and *de facto* discrimination through the development of a more gender-sensitive case law.

The Anti-Trafficking in Persons Act of 2003: Reflections & Challenges Ahead

Amparita S. Sta. Maria^{*}

I. INTRODUCTION: THE PROBLEM OF TRAFFICKING IN PERSONS	59
A. <i>Trafficking as a Violation of Human Rights</i>	
B. <i>International Responses</i>	
C. <i>The U.S. TVPA and the 2004 U.S. Report on Trafficking</i>	
II. NECESSITY FOR A PHILIPPINE LAW ON TRAFFICKING	66
III. R.A. NO. 9208: THE ANTI-TRAFFICKING IN PERSONS ACT OF 2003	68
A. <i>Definition of Trafficking in Persons</i>	
B. <i>A Broader Outlook on Transnational Trafficking and Trafficking in Children</i>	
C. <i>Policy Formulation and Institutional Support</i>	
IV. CHALLENGES TO R.A. NO. 9208	77
A. <i>A Challenge to Art. 202 of the Revised Penal Code</i>	
B. <i>Political and Policy Challenges</i>	
C. <i>Socio-Cultural Challenges</i>	
V. CONCLUSION	82

I. INTRODUCTION: THE PROBLEM OF TRAFFICKING IN PERSONS

As early as the pre-Hispanic times, it has been recorded that children as well as women were already used to pay the debts of the household.¹ That this practice provided an ideal milieu for the traffic of women and children for

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