

The Experience of the Philippine Judiciary in the Generation and Gathering of Sex-Disaggregated Data*

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I. INTRODUCTION

Data-gathering for statistical purposes is not a new activity for the Philippine Judiciary. After the 1973 Constitution had transferred the administrative supervision of courts from the Department of Justice to the Supreme Court, the Office of the Court Administrator (OCA) was created by Presidential Decree No. 828.¹ Thereafter, the Supreme Court formally organized the OCA Statistics Division, with transferee-personnel from the Department of Justice manning it.

Since then, the Statistics Division has been gathering data principally out of the monthly reports and certificates of service submitted by judges of the first level courts or the Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts, and the Shari'a Circuit Courts; and the second level courts or the Regional Trial Courts and the Shari'a District

* This speech was delivered to the National Statistics Office on the latest aggregate data for 2006 from the Supreme Court Committee on Gender Responsiveness in the Judiciary at the 10th National Convention on Statistics held at the EDSA Shangri-La, Mandaluyong City on October 2, 2007. The information contained herein is true as of the time of the delivery of the speech.

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Cite as 52 ATENEO L.J. 954 (2008).

1. Creating the Office of the Court Administrator in the Supreme Court and Providing Funds Therefor and for Other Purposes, Presidential Decree No. 828 (1975).

Courts. Other sources of statistical data are the reports of judicial supervisors who audit case flow in courts.

The data gathered serve as tools to monitor the performance of judges and as guides in the planning and the filling up of vacancies in judicial positions and court personnel. Recommendations to Congress on the creation of new courts are also based on such data. Statistically translated, the data thus help the Supreme Court formulate solutions to administrative problems, promulgate rules of procedure, and issue administrative circulars and orders, including those that have a direct bearing in the speedy administration of justice.

However, it was only a year ago that the Supreme Court embarked on the gathering of “sex-disaggregated data.” The activity is pursuant to the constitutional policy to promote the role of women in nation-building and ensure the fundamental equality before the law of women and men.² That policy would perhaps be no more than a platitude had not Congress enacted into law Republic Act No. 7192 or the *Women in Development and Nation-building Act*.³

To implement the constitutional policy, section 2 of the law provides that “[a] substantial portion of official development assistance funds received from foreign governments and multilateral agencies and organizations shall be set aside and utilized by the agencies concerned to support programs and activities for women.”⁴ Section 2 also exhorts government agencies to ensure that “women benefit equally and participate directly” in development programs and projects.⁵

In accordance with the declared objective that government agencies “review and revise all their regulations, circulars, issuances and procedures to remove gender bias,” section 4 of Republic Act No. 7192 vests in the National Economic Development Authority (NEDA) the responsibility of seeing to it that government agencies engage in activities that ensure the participation of women in national development.⁶ The NEDA shoulders that

2. PHIL. CONST. art II, § 14.

3. An Act Promoting the Integration of Women as Full and Equal Partners of Men in Development and Nation Building and for Other Purposes [Women in Development and Nation-building Act], Republic Act No. 7192 (1992).

4. *Id.* § 2.

5. *Id.*

6. *Id.* § 4.

responsibility with the assistance of the National Commission on the Role of Filipino Women (NCRFW).

An activity prescribed by section 4 of Republic Act No. 7192 is the collection of “sex-disaggregated data” for inclusion in the program or project paper, proposal or strategy of each government agency.⁷ However, the implementation of this activity requires supporting funds.

On the heels of Republic Act No. 7192, Congress included in the General Provisions of the General Appropriations Act of 1995 a provision allotting five percent of the total budgetary appropriation of a government agency for the formulation of a Gender and Development (GAD) Plan. This appropriation has served as a catalyst and lifeblood that propel the implementation of the GAD Plan in government agencies, including the Judiciary.

On 27 March 2003, Chief Justice Hilario G. Davide, Jr. and the Chairpersons then of the Second and Third Divisions of the Supreme Court, Justices Josue N. Bellosillo and Reynato S. Puno, issued Administrative Circular No. 22-2003⁸ creating the Committee on Gender Responsiveness in the Judiciary (CGRJ).

The CGRJ is tasked with the preparation of a comprehensive GAD Plan, with a corresponding program of action to “mainstream gender” in the Judiciary programs and structures particularly by “undertaking, coordinating, and monitoring judicial activities that promote gender responsiveness.”⁹ That task includes the review of the gender responsiveness aspect of the Action Program for Judicial Reform (APJR).

Under its first co-chairs, Justices Ma. Alicia Austria-Martinez¹⁰ and Adolfo S. Azcuna, the CGRJ¹¹ crafted seven core strategies. These are: 1)

7. *Id.*

8. Supreme Court, Administrative Circular No. 22-2003, Creating a Committee on Gender Responsiveness (Mar. 27, 2003).

9. *Id.* 4th Whereas Clause.

10. The present Co-Chair of Justice Azcuna is Justice Conchita Carpio Morales.

11. The first CGRJ members are: Deputy Clerk of Court and Chief Administrative Officer Eden T. Candelaria, Deputy Clerk of Court and Chief Attorney Edna E. Diño, CHR Chairperson Purificacion V. Quisumbing as representative of the Philippine Judicial Academy, Fiscal Management and Budget Office Chief Corazon M. Ordoñez, then Program Director now Judicial Reform Program

transform paradigm and enhance commitment of the judicial system to gender equality through training and capability-building; 2) review or conduct gender audit of policies, programs and practices to make these more gender-responsive; 3) establish a gender-responsive database in the Judicial System; 4) promote the use of gender-fair language, core messages and rituals for higher gender awareness; 5) enhance partnership and networking with other GAD advocates; 6) regularize family courts throughout the country; and 7) create a Committee on Decorum and Investigation (CODI) in each court station and train CODI members.

Each core strategy is the responsibility of a sub-committee. It is the Subcommittee on Gender-Responsiveness Data headed by Justice Azcuna that gathers and generates sex-disaggregated data with the assistance of the Management Information System Office (MISO), the Program Management Office (PMO), and the Court Management Office under the OCA (OCA-CMO). However, the Subcommittee soon realized it needed the assistance of other Offices of the Supreme Court in the comprehensive collection of sex-disaggregated data.

On 19 September 2006, Chief Justice Artemio V. Panganiban issued Administrative Circular No. 81-2006.¹² It provides that the generation of sex-disaggregated data “will determine the representation of women and men in the Philippine Judiciary which will be the basis for the conduct of gender-related interventions.”¹³ The data gathered would be uploaded in the Online Gender Corner that the Public Information Office of the Court prepares.

Specifically, Administrative Circular No. 81-2006 taps the Offices of the Supreme Court to

- (a) gather sex-disaggregated data for the Year 2004-2005 to be submitted to the Committee on Gender Responsiveness in October 2006; and (b) gather and generate sex-disaggregated data on a yearly basis and to submit these data on the Second Week of January of the following year to the Committee on Gender Responsiveness in the Judiciary which is the repository of sex-disaggregated data in the Judiciary.¹⁴

The Offices of the Supreme Court and their responsibilities under said issuance are:

Administrator Evelyn T. Dumdum, and Philippine Judges’ Association President Marino M. de la Cruz, Jr.

12. Supreme Court, Administrative Circular No. 81-2006 (Sep. 19, 2006).

13. *Id.*

14. *Id.*

- (1) the Philippine Judicial Academy (PHILJA) shall be responsible for the number of female and male judges and lawyers trained;
- (2) the Judicial and Bar Council (JBC) for the female and male applicants to the Bench and the number of appointed female and male justices and judges;
- (3) the Office of Administrative Services (OAS) for the number of female and male employees be they regular, casual, co-terminus or contractual;
- (4) the Office of the Court Administrator Office of Administrative Services (OCA-OAS) for the number of judges and court personnel in lower courts; and
- (5) the Office of the Court Administrator Court Management Office (OCA-CMO) through the Court Administration Management Information System (CAMIS) for the: (a) number of female and male judges that are assigned cases involving violence against women, child abuse, drug users (minors), rape with minor victims, rape with minor victim and accused, rape under Republic Act No. 8353,¹⁵ violation of the Sexual Harassment Act and all other child and family criminal cases; and (b) number of case inflow and case outflow in designated family courts.¹⁶

As far as the PHILJA, the JBC, the SC-OAS, and the OCA-OAS are concerned, data gathering is relatively easy. The PHILJA keeps a record of judges they train with basic personal information for each judge duly inputted. Applicants to judicial positions must necessarily provide relevant personal information to the JBC for purposes of background investigation and determination of qualification for a particular judicial position. Similarly,

15. An Act Expanding the Definition of the Crime of Rape, Reclassifying the Same as a Crime Against Persons, Amending for the Purpose Act No. 3815, As Amended, Otherwise Known as the Revised Penal Code, and for Other Purposes [The Anti-Rape Law of 1997], Republic Act No. 8353 (2007).

16. An Act Establishing Family Courts, Granting Them Exclusive Original Jurisdiction Over Child and Family Cases, Amending Batas Pambansa Bilang 129, as Amended, Otherwise Known as Act of 1980, Appropriating Funds Therefor and for Other Purposes [Family Courts Act of 1997], Republic Act No. 8369 (1997). On Feb. 1, 2000, the Court issued a Resolution in A.M. No. 99-11-07-SC designating certain branches of the Regional Trial Courts as Family Courts.

the SC-OAS and the OCA-OAS have records of applicants to vacant positions, and of applicants appointed to vacant positions.

Hence, as far as collection of sex-disaggregated data from the PHILJA is concerned, the data gatherer simply examines the records to count how many females or how many males are trained in any particular seminar. These data are now encoded in computers for easy retrieval. Notably, by virtue of Administrative Circular No. 81-2006, it is mandatory for each office to have a data-gatherer.

However, the responsibility of the OCA-CMO that takes charge of the Court Administration Management Information System (CAMIS) is more complicated; in fact, it needs fine-tuning. Sex-disaggregated data gathered from courts all over the country are examined and encoded in the database of the CMO before transmittal to the Management Information Systems Office (MISO) for final input. The system would be easier if all courts are hooked on-line with the MISO. So far, only three areas report directly to the MISO: Calamba, Laguna, and the Cities of Makati and Manila.

We now present to you the sex-disaggregated data that the Offices of the Supreme Court have gathered until year 2006.

II. DATA FROM THE OCA-CMO

The OCA-Court Management Office is responsible for the Court Administration and Management Information Office (CAMIS). It has data on the inflow of cases on violations of Republic Act No. 9262 (Anti-Violence Against Women and Their Children Act of 2004),¹⁷ Republic Act No. 8353 (Anti-Rape Law of 1997),¹⁸ and Republic Act No. 7877 (Anti-Sexual Harassment Act of 1995).¹⁹

From 2004 to 2005, the highest number of cases involving gender-based violence filed in courts is rape under Republic Act No. 8353. This law has changed the category of rape from a crime against chastity to a crime against

17. An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefore, and for Other Purposes, Republic Act No. 9262 (2002).

18. An Act Expanding the Definition of the Crime of Rape, Reclassifying the Same as a Crime Against Persons, Amending for the Purpose Act No. 3815, As Amended, Otherwise Known as the Revised Penal Code, and for Other Purposes, Republic Act No. 8353 (1997).

19. An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, and for Other Purposes, Republic Act No. 7877 (1985).

persons. It should be noted that cases charging violation of offenses under Republic Act No. 9282 have increased by 36% from 912 in 2004 to 2,533 in 2006. On the other hand, cases of violation of the law against sexual harassment had declined by 32% from 245 cases to 79 in 2006.²⁰

The data on the outflow of cases of gender-based violence show how many of those cases have either been decided, resolved, dismissed or archived. It should be noted that the outflow of VAWC (violence against women and their children) cases has increased from 611 in 2004 to 1,554 in 2006 or a registered increase of 39%. However, of the three gender-based crimes of violence, the highest number of case outflow is that of rape.²¹

Please note, however, that the data on case inflow is not the same as those for case outflow. This may be explained by various factors, including the peculiarity of each case as far as observance of procedural rules are concerned, and the need to fine-tune and enhance the system of case flow management and the CAMIS.

Data on cases involving the youth are also provided by the CAMIS. Please observe that the highest number of cases filed in court is rape involving a minor victim. It is followed by cases on child abuse, rape of a minor by another minor, and rape committed by a minor.²²

The CAMIS has also generated data on the gender of the judge handling gender-related violence cases. The data gathered show that more male than female judges handle those cases. Apparently, this is due to the fact that at

20. See, Graph on Case Inflow of Gender-Based Violence. This graph shows that from 2004 to 2005, the highest number of cases involving gender-based violence filed in courts is rape under Republic Act No. 8353 with 3,556 cases in 2004 and 3,569 cases in 2005, while that with the lowest number of cases is rape under Republic Act No. 7877 with 245 cases in 2004, 172 cases in 2005, and 79 cases in 2006.

21. See, Graph on Case Outflow of Gender-Based Violence. This graph shows that from 2004 to 2006, the case outflow of gender-based violence is highest for Republic Act No. 8353 with 3,371 cases for 2004, 4,869 cases for 2005, and 1,978 cases for 2006. while the lowest is for Republic Act No. 7877 with 215 cases for 2004, 254 cases for 2005, and 112 cases for 2006.

22. See, Graph on Case Inflow of Cases involving Children. This graph shows that from 2004 to 2006, the highest case inflow of cases involving children is rape with a minor victim followed by child abuse and drug use of a minor.

present, there are more male judges than female judges.²³ With respect to cases involving children, the data gathered again show that more male judges handle those cases.²⁴

III. DATA FROM THE OFFICE OF THE BAR CONFIDANT

The Office of the Bar Confidant (OBC), which administers the yearly bar examinations, has provided sex-disaggregated data on applicants to the 2004 to 2006 bar examinations.²⁵

It should be observed that, on the average, males applying for admission to the bar examinations are nine percent higher than females. However, the graph also shows that the number of female applicants to the bar examinations has increased by one percent a year.

The data on the number of successful bar examinees from 2001 to 2004 (with the exception of 2002) will show that the number of females has consistently increased from 40% to 48%.²⁶

Moreover, the percentage of successful male and female applicants relative to the number of applicants for each gender in 2004 is 31%. In 2005, the female applicants who passed the bar examinations exceeded the male

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23. See, Graph on Case Inflow Segregated by Sex of the Judge Handling the Cases. This graph shows that there are more male judges handling rape cases under Republic Act No. 8353 (1488 male judges) as opposed to VAWC cases (1488 male judges) and cases under Republic Act No. 7877 (46 male judges). As to the female judges, there are 372 female judges handling cases under Republic Act No. 8353, 1045 female judges under VAWC cases, and 35 female judges under Republic Act No. 7877 cases. See also, Graph on Case Outflow Segregated by Sex of the Judge Handling the Cases. This graph shows that as to case outflow, there are more male judges handling rape cases under Republic Act No. 8353 while there are more female judges handling VAWC cases.
24. See, Graph on Case Inflow of Cases Involving Children. This graph shows that there are more male judges handling cases on rape with minor victim, child abuse, and drug users who are minors, while there are more female judges handling cases on rape with minor accused.
25. See, Graph on Percentage of Bar Applicants by Sex. This graph shows that male Bar applicants are higher by 8% than the female Bar applicants in 2004, by 10% in 2005, by 6% in 2006, and by 4% in 2007.
26. See, Graph on Percentage of Bar Passers by Sex. This graph shows that from 2001 to 2006, the male Bar passers are constantly decreasing with 60% in 2001, 61% in 2002, 56% in 2003, 52% in 2004, 2005, and 2006. The female Bar passers, on the other hand, are constantly increasing with 40% in 2001, 39% in 2002, 44% in 2003, 48% in 2004, 2005,

applicants by four percent. However, in 2006, more male applicants passed the bar examinations than the females.

SEX	2004	2005	2006
MALE	31%	25%	26%
FEMALE	31%	29%	25%

With respect to lawyers disciplined by the Supreme Court, the OBC data for 2006 shows that, of the 89 lawyers administratively penalized by the Supreme Court, female lawyers constitute only six and seven tenths percent thereof. Thus:

PENALTY IMPOSED	MALE	FEMALE	TOTAL
DISBARRED	2	-	2
SUSPENDED	39	5	44
SUSPENDED (NOTARIAL COMMISSION)	-	-	-
REPRIMANDED	17	-	17
ADMONISHED	4	-	4
CENSURED	1	-	1
WARNED	-	-	-
FINED	17	1	18
ORDERED ARRESTED	3	-	3
TOTAL	83	6	89

IV. DATA FROM THE JUDICIAL AND BAR COUNCIL

On the applicants to the Bench, the records of the Judicial and Bar Council (JBC) show that in 2004, 305 males vied for various judicial positions, with 46% of them duly appointed. In 2005, the number of applicants to the Bench increased by 38% compared to that in 2004. However, in 2005, the percentage of males appointed to the Bench from the pool of 422 male applicants dropped to 32%.²⁷

In 2004, the number of female applicants to the Bench was 53% less than the number of male applicants. However, out of the 161 female applicants, 47% was appointed, which percentage is higher by one percent than the number of appointed males to the Bench.

27. See, Graph on Percentage of Applicants to the Bench by Sex. This graph shows that there are consistently more male applicants to the Bench as compared to female applicants.

In 2005, the number of female applicants to the Bench rose to 30% from that of 2004. Out of the 206 female applicants, 35% was appointed. It should be noted, however, that in 2005, there was a 12% decrease in the number of appointed female applicants as compared to the number of applicants in 2004. While the male appointees to the Bench outnumber female appointees, the overall view is that more females are appointed from among the total number of female applicants.²⁸

In 2001, out of 79 filled-up positions in the Supreme Court and the appellate courts, 61 positions were held by males while 18 were occupied by females. From 2001 to 2006, the percentage of female Justices in the appellate courts has increased by five percent.²⁹

The figures below show that the Philippine trial courts are composed mainly of male judges. From 2001 to 2006, the average increase of female trial judges is nine percent. The percentage of female judges rose by three percent — from 28% in 2005 to 31% in 2006.³⁰

V. DATA FROM THE PHILIPPINE JUDICIAL ACADEMY

In 2004, the Philippine Judicial Academy (PHILJA) trained over 70% of the male judges but in 2005–2006, the number of trained female judges steadily increased while the number of trained male judges decreased.³¹

28. *See*, Graph on Percentage of Appointees to the Bench by Sex. This graph shows that from 2004 to 2006, there are consistently more male appointees to the Bench as compared to female appointees. However, there is a slight decrease in percentage of male appointees to the Bench while there is a slight increase in percentage of female appointees to the Bench from 2005 to 2006.

29. *See*, Graph on Percentage of Male and Female Justices. This graph shows that from 2001 to 2006, there are consistently more male justices (an average of 75%) to the Bench as compared to female justices (an average of 25%).

30. *See*, Graph on Percentage of Male and Female Judges in the Trial Courts. This graph shows that though there are more male judges in the trial courts as compared to female judges, the percentage of male judges is slowly decreasing with 81% in 2001, 76% in 2002, 75% in 2003, 74% in 2004 and 2005, and 69% in 2006. On the other hand, the percentage of female judges in the trial courts is slowly increasing with 19% in 2001, 24% in 2002, 25% in 2003, 26% in 2004, 28% in 2005, and 31% in 2006.

31. *See*, Graph on Percentage of Judges Trained by Sex. This graph shows that from 2004 to 2006, the percentage of trained male judges decreased from 70% in 2004 to 57% in 2006, while the percentage of trained female judges increased from 30% in 2004 to 43% in 2006.

For the lawyer positions of Clerks of Court, Court Attorneys, and Branch Clerk of Courts, more female lawyers were trained as shown by the graph showing decrease in the percentage of trained male judges but an increase in that of trained female judges.³²

VI. DATA FROM THE SC OFFICE OF ADMINISTRATIVE SERVICES

Data gathered from the SC Office of Administrative Services (SC-OAS) show that from 2004 to 2005, female employees outnumbered males in the Supreme Court. However, in 2006, the percentages of male employees and female employees in the Supreme Court almost leveled off.³³

As we said earlier, the experience of the Philippine Judiciary in the generation and gathering of sex-disaggregated data is still in its incipient stage. A one-year old baby is expected to walk wobbly. However, with constant and devoted mothering, the baby will steadily grow to master human movements.

Like the baby, the Philippine Judiciary still needs to improve its data generation and gathering activities and processes to address substantive issues on gender mainstreaming. The data gathered should eventually translate to concrete actions, such as the promulgation of gender-sensitive rules of court. The same data may in fact eventually serve as the foundation for the passage of laws by Congress to implement the specific State policy expressed in section 14 of article XII of the Constitution — to “protect working women by providing safe and healthful conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation.”³⁴

32. *Id.*

33. *See*, Graph on Percentage of Supreme Court Employees by Sex. This graph shows that the percentage of male Supreme Court employees is decreasing from 52% in 2004 to 50% in 2006, while the percentage of female Supreme Court employees is increasing from 48% in 2004 to 50% in 2006.

34. PHIL. CONST. art XII, § 14.