

Keynote Address:
**THE INVIOABILITY AND
INALIENABILITY OF WOMEN'S RIGHTS***

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This is my first public appearance after a major surgery on my right carotid artery. I was at the expert hands of Dr. Jorge Garcia and the rest of his team, including Dr. Abela, a lady anesthesiologist, who saw to it that I shall feel no pain throughout the whole procedure. Thereafter, I was under the watchful eyes of nurses who worked on shifts to ensure that I will live to see an immediate recovery. In a sense, the efficient and patient ministrations of women who attended to my medical needs contributed to my early discharge from the hospital and made possible my presence here today. Of course, all the time with me in the hospital were two of my most favorite ladies—Our Lady of the Immaculate Conception, and Gigi—a lady whom others call Mrs. Davide. I hope I have given you the clue as to where my special bias on the issue of gender sensitivity lies.

Thank you then, Professor Feliciano, for inviting me to the launching of the book entitled *Gender Sensitivity in the Court System*. I must at once congratulate you, Dr. Carolyn Sobritchea, Atty. Dante Gatmaytan and Atty. Flordeliza Vargas for authoring the book. Congratulations too to the researchers—Diane Desierto, Benjie Bicaldo, Delia Bataclan, and Minerva Quintela, who spent countless hours gathering and shifting through the array of material used in this study. For you there was

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no night. . . no rest. If these hardships were imposed on you by others, your human rights would have been violated. But you voluntarily imposed and inflicted these on yourselves. Thus, on the contrary, you enhanced human rights.

I also congratulate the administrative staff, the UP Law Center, the UP Center for Women's Studies, Commission on the Role of Filipino Women, the United Nations Development Programme (UNDP) and the Ford Foundation for their unstinted support in ensuring that the book project would not fail.

The introduction to this study on *Gender Sensitivity in the Court System* reminds us that women's rights are inviolable and inalienable rights, because they are human rights. As I was reading the manuscript, I started to seriously wonder about why we have to be constantly reminded of such rights in legal documents and international agreements. Unlike people of a different race or religion, all women and men, within each race or religion, have lived amongst each other since the beginning of time. Empires have risen and fallen, science continuously reaches new frontiers, and philosophers prove the existence of angels. For all our mental calisthenics, the fact that men have to be reminded, (so late in the game, so to speak), in the 20th Century A.D., that both women and men are human beings, should be a millennia's worth of embarrassment. History tells us that men have misunderstood and underestimated women. This could either be out of conviction or, perhaps, fear. Therefore, to men who boldly claim to "know women," there is evidence to the contrary.

The charter of the United Nations was written to help build an international law that was based on the pursuit of peace. Here was a milestone in the international effort to protect the inalienable rights of all humans, which are recognized as inherent rights, rights that transcend race, creed, and, that for which we are here today, *gender*.

In our Constitution, We, the sovereign Filipino people, celebrate the “fundamental equality before the law of women and men,” and the “role of women in nation building,” I am not aware of any other Constitution in the world which makes these special pronouncements on women. These are new Constitutional provisions which strengthen and enforce in a very special way that right enshrined in the Bill of Rights that no person shall be denied the equal protection of the laws.

With this constitutional touchstone, Congress has enacted several laws to eliminate gender discrimination. However, it has been said:

“Policy assessment requires us to consider not only what a policy is *supposed to do*, but also how it will be *implemented*. . . Policy evaluation, therefore, cannot end with policy enactment, for experience tells us that even policies written to benefit women may not be beneficial when they are implemented and may sometimes be used against women.”

For all our claims of liberalism and the development of gender-neutral law to ensure gender sensitivity, the book that we launch here today tells us otherwise. We are faced with manifestations of gender discrimination that is most odious: the indifference to, and, consequently, the perpetuation of, violence against women. The study shows us, among other things, examples of judges who are suspicious of the reality of women’s suffering, who condone her loss of property rights by taking advantage of her propensity to sacrifice her wealth to gain custody of her children, and who trivialize the advocacy of women lawyers who appear before them in court. There are, also, the law enforcers who misunderstand the behavior of women in the face of a sudden or gradual assault, or a prosecutor’s denial of a women’s right to a trial. In all, we are shown the worst instances of men’s, and perhaps even women’s inability to remove women from perceptions that men have created for her.

It seems, therefore, that for all our sophisticated technology, education, and achievements in democracy, in a time of borderless transactions and movement towards globalization, we cannot, as yet, applaud ourselves for our achievements in eliminating gender discrimination.

In 1999, I delivered the opening remarks at a seminar on Gender Sensitivity for the Philippine Judiciary. I mentioned there that, as arbiters and interpreters of the law, we in the judiciary have our work cut out for us, and that gender sensitivity finds its ultimate expression in breaking down obsolescent notions about differentiation based on cultural biases. I take this opportunity to thank you, the authors of this book, for giving life to these words through this study.

Law is based on many traditions. It is supposed to be a reflection of a way of life that is fair, and that ensures that everyone take care of family, property, and society. Many of these legal traditions, however, were created by men. And, as it renders the equal protection of laws ineffective by causing gender discrimination, it must stand corrected.

A legal historian wrote: There is a human talent for “tearing oneself out of patterns and instinctive behavior. It is another thing to say, however, that there is a human talent for tearing oneself out of tradition. It didn’t happen in the enlightenment and never has, though humans have options as to the traditions they chose, and some are more flexible than others.”

Elimination of gender insensitive words in the law is a start, but it is members of the Bench and Bar who give life to the law when it is interpreted through advocacy and judgment, and who can, therefore, provide an end. It is by listening to and accepting studies such as this that we can identify and choose our traditions that can protect the inherent rights of humans, which transcends race, creed and gender.

This is difficult, but I have seen this accomplished. I see this everyday. I have the privilege of being the son, husband, and father to independent and accomplished women who continuously choose their own traditions, even if it means struggling against traditions that appear inflexible. I see this also today. I stand here before women and men who devote their passion and expertise to choosing a tradition that accommodates humanity, and to helping others do the same.

More power then to the authors of the book we launch today. Today you made history. Today you breathe life to gender sensitivity. Today you breathe life to human rights.