

MESSAGE

Myrna Feliciano*

As stated in the book's introduction, this study was undertaken as the initial phase of what was envisioned to be a comprehensive empirical research on gender bias in the Philippine court system. As such, the research mainly involved the identification and analysis of the forms, manifestations and extent of gender bias in all phases of judicial action. It has forcefully shown that gender bias indeed permeates the entire fabric of the court systems in many countries, including the Philippines. Gender bias is embedded in the judicial culture—in stereotype beliefs about femininity and masculinity and in attitudes about male and female roles, abilities, and entitlements.

The following are the recommendations of the research team as well as the discussants and participants of the May 23, 2002 advocacy forum:

- Proceed with the second phase of the study to include an interdisciplinary survey of gender-related attitudes, beliefs and behaviors of court officials and personnel, comprehensive gender assessment of court transcripts, rules and procedures;
- Revise laws that have strong sexist language and contents; pass new laws that can enhance women's welfare and rights;

*Executive Director of the Mandatory Continuing Legal Education Committee and Consultant at the UP Law Center.

- Review and revise policies which address the difficulties that female complainants face in obtaining prosecution;
- Use gender neutral and women-friendly court language;
- Conduct gender sensitivity training for judges and other court personnel.
- Strengthen the policies on oversight as well as the accountability of law enforcers, court personnel, lawyers, and judges.
- Strengthen the ethical guidelines for the practice of law and the law enforcement professions;
- Creation of enabling mechanisms to facilitate the passage and implementation of gender-responsive measures. Such mechanisms must include the: (a) creation of a special body either within or separate from the National Commission on the Role of Filipino Women to monitor actions on herein recommendations; (b) establishment of a Court Watch Program that can evaluate the conduct of trial judges, prosecutors and lawyers on a well-defined criteria of gender fairness; (c) integration of the gender and development (GAD) principles into office policies, programs and structures; and, (d) allocation of 5 percent of the judiciary budget for gender programs.
- There is a need to take note of the inconsistencies in Supreme Court decisions, particularly in rape cases. Such inconsistencies must be clarified and resolved. Some examples of decisions that have to be reviewed are:
 - The character of the complainant (i.e. chastity, virginity, morality, among others), should be considered as a factor in determining the guilt of the accused;

- The delay in filing a case is an indicator that the rape charge is fabricated;
 - The conduct of both parties after the alleged rape or even during the trial should be used to determine guilt of the defendant; and
 - Conduct inconsistent with the “typical Filipina” is an indication that the rape charge is fabricated.
- Reexamine the implications of the decisions in *People v. Genosa* (G.R. No. 135981, September 29, 2000) insofar as it suggests that battered wife syndrome is synonymous with insanity.