

Women's Rights and Rights-Seeking Behavior during the First Year of the COVID-19 Pandemic through the *Tisya Hustisya* Chatbot in the Philippines

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ABSTRACT: The *Tisya Hustisya* (Tisya for Justice), an online pro bono legal services initiative by Initiatives for Dialogue and Empowerment through Alternative Legal Services (IDEALS), recorded 26,763 sessions from 17,102 clients, 13,319 of which were legal queries, during its first year of operations. Flaunting a mascot of a fierce female lawyer, *Tisya Hustisya* has gained traction among Filipino women — roughly 75 to 80 percent of the platform's clientele are female, mostly residing in urban areas. This quantitative study seeks to examine the legal rights concerns triggering Filipino women and the corresponding socio-political barriers affecting the realisation of gender justice in the Philippines based on the data amassed during *Tisya Hustisya*'s first year of operations. To analyze trends in legal-seeking behavior among Filipino women, IDEALS lawyers and paralegals processed and examined data collected from its chatbot's Queuing Management System from June 2020 to June 2021. The majority of female clients sought legal advice on domestic violence, child support and custody, infidelity of spouses and romantic partners, piling debts, and economic downturn in the era of COVID-19. While grappling with the health and economic risks, Filipino women still face already-inherent social barriers because of gender-based violence, social stigma, and inability to seek marital redress because of unaffordable annulment fees and the absence of divorce in the country.

KEYWORDS: Tisya Hustisya, women's rights, COVID-19 pandemic, Philippines, chatbot.



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I. INTRODUCTION

The Philippines had one of the longest and strictest Coronavirus Disease 2019 (COVID-19) lockdowns and has one of the highest rates of COVID-19 infections in the world.¹ To curb the spread of COVID-19 in the Philippines, then-President Rodrigo Duterte (Duterte) imposed an “Enhanced Community Quarantine” last March 16, 2020 in the entire island of Luzon and has since extended into other areas in the Philippine archipelago.

The former President’s initial reluctance to fully suspend flights to China in January 2020 resulted in the first cases of COVID-19, including a 38-year-old woman from Wuhan, China.² Prior to the lengthy lockdown, the country’s House of Representatives called for a plenary session to examine the preparedness of the government, particularly the Department of Health, to prevent the spread of COVID-19.³ On March 7, 2020, the Department of Health confirmed the first case of local transmission.

The Duterte regime’s complacency and excessive reliance on non-pharmaceutical interventions, such as case management and social distancing, aimed to curb COVID-19 transmission.⁴ Processing of COVID-19 tests last up to a week because of backlogs due to inadequate test kits, laboratories, and specialists. Local government units (LGU)

¹ Aie Balagtas, “Inside One of the World’s Longest COVID-19 Lockdowns” (15 March 2021), online: *TIME* <<https://time.com/5945616/covid-philippines-pandemic-lockdown/>>.

² Krissy Aguilar, “Duterte ‘not yet’ banning PH-China flights amid coronavirus scare” (29 January 2020), online: <<https://newsinfo.inquirer.net/1221418/duterte-not-yet-banning-ph-china-flights-amid-coronavirus-scare>>.

³ ABS-CBN Investigative and Research Group et al, “TIMELINE: The coronavirus disease crisis in the Philippines | ABS-CBN News” (11 March 2024), online: *ABS-CBN* <<https://www.abs-cbn.com/news/2024/3/11/timeline-the-coronavirus-disease-crisis-in-the-philippines-1450>>.

⁴ Maria Catherine B Otero et al, “COVID-19 Control in Highly Urbanized Philippine Cities: Leveraging Public Health Open-Source Government Data for Epidemic Preparedness and Response” (2025) 5:3 COVID 42 at 9.

in the Philippines were dependent on vaccine distribution from the national government, later allocating funds for procurement of COVID-19 vaccines later on.⁵

This measure banned individuals from undertaking non-essential travel and were urged to stay indoors and duly comply with health protocols. Establishments, aside from groceries, hospitals, and government offices, were shut down, leaving millions of formal and informal workers jobless and in dire need of relief packs and cash assistance from the Department of Social Welfare and Development and respective LGUs. In a study by Angeles-Agdeppa et. al (2022), over 62 percent of households faced moderate to severe food insecurity, with the level reaching its pinnacle between April and May 2020 during the ECQ period.

In addition, Duterte formed the Inter-Agency Task Force on Emerging Infectious Diseases (IATF) populated mostly by cabinet heads who happened to be retired male military generals. Arguably, the IATF's perennial failure in handling the COVID-19 pandemic and the country's inoculation drive appears to be the result of the lack of gender inclusivity, as well as the non-participation of independent health experts and the private sector. Likewise, the Duterte regime passed the *Bayanihan* to Heal as One Act (Republic Act No. 11469) which bestowed the President special powers to handle the COVID-19 pandemic for three months.⁶

His stratocratic approach to combating an “unforeseen enemy” has since resulted in documented and undocumented human rights violations. Some of these

⁵ Rappler, “LIST: Local governments’ plans, deals, and budget for COVID-19 vaccines” (4 January 2021), online: *Rappler* <<https://www.rappler.com/philippines/list-local-government-units-rolling-out-plans-free-covid-19-vaccines/>>.

⁶ Ruth Abbey Gita-Carlos, “Bayanihan law effective until June 25: Palace” (6 June 2020), online: <<https://www.pna.gov.ph/articles/1105145>>.

violations appear to include inhumane punishment to quarantine violators, warrantless arrests, hindered access to hospitals and healthcare, anomalies in relief distribution, and even hasty termination of job contracts. The government's stringent COVID-19 guidelines have taken its toll on hapless and struggling Filipinos.

Above all, marginalized and vulnerable groups' access to human rights and reparations were hindered during the pandemic. For instance, Filipino women who sought help in *Tisya Hustisya's* platform were seen to be situated in vulnerable situations because of the prevailing patriarchal system and the existence of gender stereotypes. Mothers and wives were victimized because of philandering partners, lack of child support, and costly annulment fees because of the absence of divorce. Even before the pandemic, Filipino women were subjugated to harmful stereotypes and prejudices, which resulted in their hindered access to educational and employment opportunities. Housewives then become economically dependent on their spouses and are susceptible to domestic violence, marital rape, and other forms of violence against women and girls. Women from the urban poor and marginalised groups are unable to seek redress towards breaking away from their abusive spouses, such as affordable annulment and social protection. Duterte himself has repeatedly disparaged women's capabilities by proclaiming that women were ineligible to become president and cracking distasteful rape jokes in public.⁷

These harsh realities were reflected in the data collected by *Tisya Hustisya* (Tisya for Justice), an online pro bono legal

⁷ Pia Ranada, "Sexist Duterte says Philippine presidency not a job for women" (14 January 2021), online: *RAPPLER* <<https://www.rappler.com/philippines/sexist-duterte-says-philippine-presidency-not-a-job-for-women/>>.

services platform led by the Initiatives for Dialogue and Empowerment through Alternative Legal Services (IDEALS), a non-profit organization based in the Philippines. A year after its launch, the *Tisya Hustisya* chatbot has received 26,763 sessions from 17,102 clients, around 13,319 of which were legal consultations while the rest of the sessions were either FAQ sessions or “left convo” sessions of clients who departed the session on or before the demographics collection stage. According to data collated by IDEALS, exactly 7,626 of *Tisya Hustisya*’s clients were female, 1,888 were male, 242 were from the LGBTQI+ community, 11 identified themselves with other genders, while 39 did not disclose their gender. A total of 6,475 female clients have lodged a legal query at least once with *Tisya Hustisya*.

Within one year since IDEALS launched this platform, the team keenly observed that more than 75 percent of its clientele were women. This number has steadily increased over the course of months, but the top legal concerns raised by Filipino mothers, wives, and daughters have remained consistent and vehement. After *Tisya Hustisya* celebrated its first anniversary, IDEALS attempts to delve into the legal concerns of its female clientele and examine the root causes of their concerns.⁸

⁸ Note that the female client population is not necessarily limited to heteronormative cisgender women but may also refer to Trans Women if they chose “Female” in answering the *Tisya Hustisya* chatbot question on sex/gender.

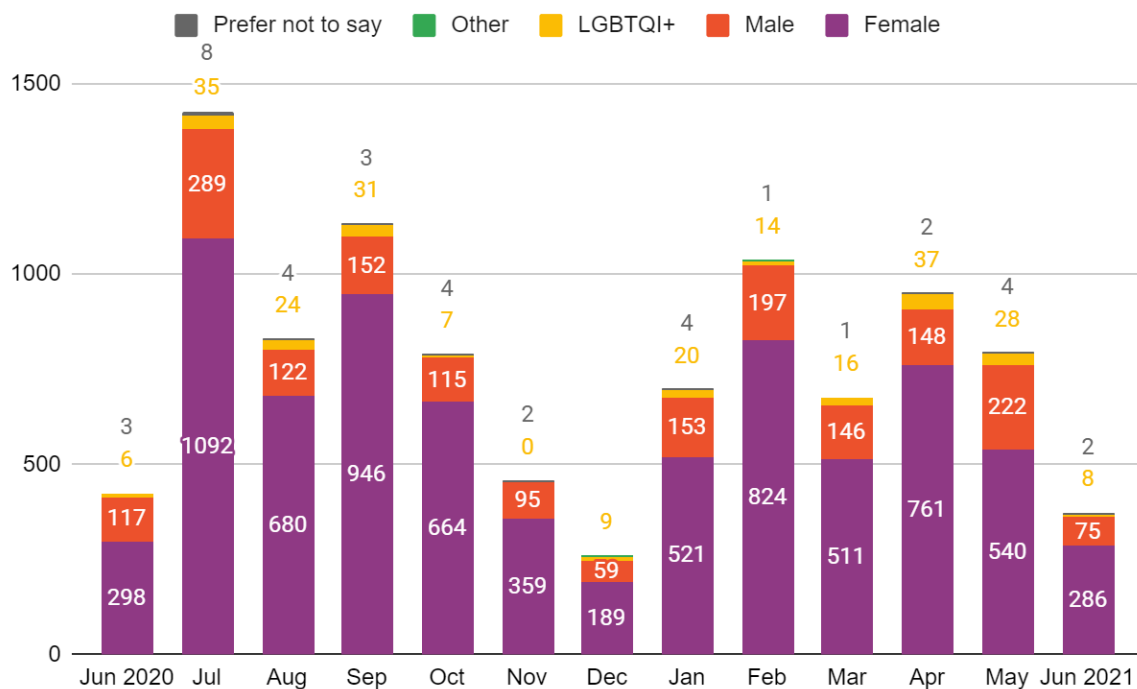


Figure 1: Breakdown of Tisya Hustisya Clients Per Gender (June 15, 2020 to June 15, 2021)

This study aims to examine the most pressing human rights issues faced by Filipino women based on data amassed by the *Tisya Hustisya* platform from June 2020 to June 2021. Several years since the fatal pandemic, the findings of this study are still pertinent in the Philippine social fabric—absence of divorce, inadequate enforcement of child-support obligations, gender pay gaps, lack of social protection, and even drug-related killings—beset Filipino women despite enforcement of laws and policies uplifting their plight.⁹

Using the United Nations Entity for Gender Equality and the Empowerment of Women's (UN Women) "Substantive Model of Equality," also known as "corrective approach" as

⁹ DAHAS, a project spearheaded by the University of the Philippines, documents cases of drug-war killings under the Marcos regime. As of 23 May 2026, there are 1251 reported drug-related casualties captured by their research.

a benchmark of analysis, this research will also examine whether Philippine laws on women's rights have resonated with the Substantive Model of Equality and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

II. METHODS

This quantitative study delved deeper into the characteristics and overarching themes from the legal queries of 7,626 *Tisya Hustisya* clients from June 2020 to June 2021. The data was collected firsthand by IDEALS lawyers and paralegals from simultaneous chatbot prompts and query logs with IDEALS lawyers during the first year of chatbot operations.

Big data from *Tisya Hustisya*'s legal consultation queries from the Philippines, with a small percentage of whom were from female Filipino migrant workers, were analyzed to determine trends in issues lodged by female clients as well as characteristics of the female client population. Demographics of *Tisya Hustisya* clients were automatically collected by the chatbot prior to each legal consultation. Clients were requested to provide their name and click the corresponding menu options of their respective age brackets, civil status, gender and sexual orientation, and whether they were inquiring on behalf of others or for themselves. The QMS demographics did not include class but has included several sectors for clients to choose from.¹⁰ They were requested to provide the city or municipality they were residing at before their queries will be placed under "Queued" status. These data were stored in the

¹⁰ QMS sectors are "*Kababaihan*" (Women), "*Kabataan*" (Youth), "*Manggagawa*" (Labourers), "*Magsasaka*" (Farmers), "*Mangingisda*" (Fishermen), "*Maralita*" (Low Income), and "*Katutubo*" (Indigenous Peoples).

Queuing Management System,^{11 12} a software where *Tisya Hustisya* staff get to view and categorize queries lodged on the chatbot. *Tisya Hustisya*'s developers regularly updated the chatbot spiels and functions using Botpress. Despite the superb features of the chatbot system, lawyers responded to these questions through live chat while paralegals manually summarized, tagged, categorized, and reviewed the client's data listed in each query in the QMS.

The lawyer assigned or responsible for answering a certain query will first tag or classify the query, whether it should be under Child Support and Custody, VAWG, or Loan and Mortgage. IDEALS staff and paralegals also conduct regular data cleaning of clients' demographics, sometimes even following-up with clients regarding their missing data during the legal consultation phase, to ensure quality control of data collection from the chatbot. Finally, data collected by IDEALS from June 2020 to June 2021 was downloaded into a condensed and filterable data set for analysis.

Collecting data from clients, especially clients who were unfamiliar with the chatbot technology, has proven to be challenging for the *Tisya Hustisya* team. There were several clients who typed their real age but clicked the "18 to 24" age bracket because they failed to click their correct age bracket. There have been documented cases of female clients whose queries fell under Legal Separation and Annulment and Child Support and Custody who declared that they were either single or cohabiting with a life partner but were still

¹¹ The Queuing Management System collates data coming from the Facebook Messenger conversations of the clients with the chatbot and the lawyers. These then are updated, categorized and tagged by the end-users for reporting. The system consists of the following Modules: Queuing Module, Client Module, Reports Module, Configuration, and User Management.

¹² <https://qms.tisyahustisya.org/login>

legally married. To minimize these mishaps, the *Tisya Hustisya* Team reviews the clients' information and seeks clarification as to any dubious information from the client. To assist clients who have difficulty in following instructions as provided in the chatbot spiels, lawyers intervene and send specific instructions so that the client would be able to proceed with the chatbot. Another challenge faced by the *Tisya Hustisya* team is technical glitches on the Botpress and the QMS servers. Nevertheless, these glitches have been mitigated because of constant attention by IDEALS and ACC Technology's technical personnel.

Second, this study acknowledges that due to inherent barriers in internet access, chiefly during the onslaught of the COVID-19 pandemic, the findings may neither be representative of Filipino women as a whole, as most of the chatbot's clients reside in densely-populated urban areas in Metro Manila, Region IV-A, and Region III, coincidentally Tagalog-speaking regions. Probably factors supporting this trend are the high number of Filipino women migrating to these areas for employment opportunities, higher levels of digital literacy, and increased access to internet connectivity.

This study is not the first of its kind. Similar studies have been conducted linking generative Artificial Intelligence (AI) applications in providing pro bono legal services and the ethical and legal implications of legal chatbots. The development and deployment of legal chatbots have been under scholarly purview, such as China's adoption of "robo-lawyers," development of a legal chatbot combating sexual violence in Thailand, and even the development of a

chatbot to examine information related to the Law on Information and Electronic Transactions in Indonesia.¹³

The importance and benefits of chatbots have been thoroughly researched over the past few years. One notable paper with similar elements to this research was a recent study on the development of an AI-enabled legal chatbot designed to support women in navigating inheritance law in Tanzania.¹⁴ Amidst the vast plethora of access to justice and AI-related research, this research is distinctly profound for highlighting women's rights and gender equality during the onset of the COVID-19 pandemic.

Through its complex methodology, this study provided first-hand data on the different legal and socio-political problems encumbering Filipino women since the dawn of COVID-19 restrictions. This research not only focused on Violence Against Women and Girls (VAWG) concerns but also highlighted other non-human-rights and human rights-related concerns submitted through the *Tisya Hustisya* platform.

III. THE PHILIPPINES' INTERNATIONAL OBLIGATIONS TO WOMEN'S RIGHTS

The United Nations Entity for Gender Equality and the Empowerment of Women, formerly the United Nations Development Fund for Women, has enumerated three

¹³ Xin Dai, "Who Wants a Robo-Lawyer Now?: On AI Chatbots in China's Public Legal Services Sector" (2024) 26:3 SSRN Electronic Journal 527–559 at 527; Vorada Socratyanurak et al, "LAW-U: Legal Guidance Through Artificial Intelligence Chatbot for Sexual Violence Victims and Survivors" (2021) 9 IEEE Access 131440–131461 at 131440; V A H Firdaus, P Y Saputra & D Suprianto, "Intelligence chatbot for Indonesian law on electronic information and transaction" (2020) 830:2 IOP Conference Series: Materials Science and Engineering 022089 at 1.

¹⁴ Sarah Stephens, "The Development and Evaluation of a Legal Chatbot for Women in Tanzania" (1 April 2025) Rochester, NY, online: <<https://papers.ssrn.com/abstract=5251610>>.

existing models of gender equality in scrutinizing women's access to fundamental freedoms. First, the Formal Model of Equality stresses that women should be equal based on patriarchal social standards. This results in "equal treatment" rather than "equality of outcomes."¹⁵ Second, the Protectionist Model of Equality envisions to protect women from practices and employment which were seen as "harmful" to them, viewing women as "weak and subordinate" compared to men.

Compared to the two models, the Substantive Model of Equality is not simply concerned with equal treatment in law, but rather, with equality in terms of the actual impact of the law and how to ensure "equality in outcomes."¹⁶ States must probe into the differential treatment of each gender and develop policies and special measures to address this gap.

To aid in the execution of the Constitutional provisions, integration of CEDAW, and to condemn discrimination against women in all forms, as well as delineating women's inherent and human rights, Republic Act No. 9710 or the "Magna Carta for Women," was enacted in 2009.¹⁷ The Magna Carta for Women serves as the local translation of CEDAW in the Philippines which seeks to eliminate discrimination through the recognition, protection, fulfilment, and promotion of the rights of Filipino women,

¹⁵ *Advancing Gender Equality Using CEDAW and UN Security Council Resolution 1325: Training Module for Gender Equality Advocates*, by United Nations Development Fund for Women (United Nations Development Fund for Women Regional Project: Women for Conflict Prevention and Peace-Building in the Southern Caucasus, 2021) at 31 online: <<https://documentation.lastradainternational.org/lisidocs/389%20AdvancingGenderEquality.pdf>>.

¹⁶ *CEDAW: Restoring Rights to Women*, by Partners for Law in Development (New Delhi: Social Science Research Network, 2004) online: <<http://dx.doi.org/10.2139/ssrn.2660724>>.

¹⁷ *Magna Carta for Women*, Republic Act No 9710 2009, s 2.

especially those belonging in the marginalised sectors of society.¹⁸

The Philippines became a state party to the International Bill of Rights for Women, also known as the Convention on the Elimination of All Forms of Discrimination Against Women in 1980 and acceded to its Optional Protocol in 2003.¹⁹ Past and present Philippine government passed monumental legal measures to better mainstream gender equality and women's rights in line with CEDAW, including increasing the age of statutory rape from 12 to 16 years old (Republic Act No. 11648), prohibition of child marriage (Republic Act No. 11596), Expanded Anti-Trafficking in Persons Act of 2022 (Republic Act No. 11862), Expanded Solo Parents Welfare Act of 2022 (Republic Act No. 11861), and Expanded Maternity Leave Law of 2019 (Republic Act No. 11210), and the Safe Spaces Act (locally known as the *Bawal Bastos Law*) (Republic Act No. 11313), among other laws.

However, the Philippines lags when it comes to implementing Sustainable Development Goal (SDG) 5 despite adopting a whole-of-government and whole-of-society approach in attaining its targets and indicators.²⁰ Citing the Philippine Statistics Authority's SDG Tracker, SDG 5 consists of several indicators which were monitored by the Philippine government.²¹ This is accompanied by the localization efforts of the Philippines which comprise of the

¹⁸ Philippine Commission on Women, "Gender Equality and the Sustainable Development Goals", online: <<https://pcw.gov.ph/gender-equality-and-the-sustainable-development-goals/>>.

¹⁹ OHCHR, "Human Rights Indicators", online: <<https://indicators.ohchr.org/>>.

²⁰ United Nations, "Philippines SDG Member State", online: <<https://sustainabledevelopment.un.org/memberstates/philippines>>.

²¹ Philippine Statistics Authority, "Gender Equality and the Sustainable Development Goals", online: <<https://psa.gov.ph/sdg/Philippines/baselinedata/5%20Gender%20Equality>>.

18-Day Campaign to End VAW mapping of VAW services, programs, and facilities; ensuring functionality of VAW Desks; strengthening monitoring and evaluation of the implementation of Gender and Women Empowerment Plan 2019-2025; and the conduct of conferences, fora, or consultation workshops relative to SDG 5 implementation.²²

In its Volunteer National Review (VNR) presented back in July 2019, the Philippine government cited its efforts in mainstreaming the SDGs and the 2030 Sustainable Development Agenda in the Philippines' mid-term national development strategy through the *AmBisyon Natin 2040*.²³ However, the report lacked substantive information on the country's progress in relation to SDG 5 (Gender Equality) and its 15 indicators. The report cited improvements towards promoting female labor force participation in line with SDG 8.5 through the inclusion of expanded maternity leave and policies prohibiting gender-based discrimination in the workplace.²⁴

Meanwhile, the 2022 VNR reported a sharp decline of reported cases of gender-based violence in the Philippines, from 60,755 cases in 2016 to 25,654 cases in 2021, the second year of the COVID-19 pandemic.²⁵ These numbers do not resonate with the findings of this study, which will be discussed in the latter part of this paper.

In the Philippines' third cycle of the Universal Periodic Review (UPR) in 2017, several countries penned recommendations to the Philippines on ensuring the rights

²² Philippine Commission on Women, *supra* note 19.

²³ "By 2040, the Philippines will have been a prosperous, predominantly middle-class society where no one is poor, our people live long and healthy lives, are smart and innovative, and live in a high trust society

²⁴ *Voluntary National Review 2019: Philippines*, by Government of the Philippines (Government of the Philippines, 2019) at 22.

²⁵ *2022 Voluntary National Review of the Philippines*, by Government of the Philippines (High-Level Political Forum on Sustainable Development, 2022) at 53.

of women. These include legislating an anti-discrimination law protecting women and LGBTQI+, improving the investigation process of sexual offenders, permitting abortion for victims of rape, fetal impairment, and incest, derogating patriarchal articles in the Family Code, and amending the age of sexual consent from 12 to 16 years old.²⁶

While the Philippines raised the age of statutory rape in 2022, some recommendations from the previous UPR cycle resurfaced in the fourth UPR cycle. Sexual exploitation and trafficking of women and girls, improving sexual and reproductive health, strengthening measures against gender-based violence, and unhindered access to basic education, reign as the top concerns of UN member states related to women's rights.

For instance, the ninth CEDAW periodic report of the Philippines in 2023 spotlighted some of the decades-long issues faced by women aggravated by the COVID-19 pandemic. Women from marginalised and vulnerable sectors, including indigenous women, migrant workers, and LGBTQI+ persons, and Muslim women, are still underrepresented and disadvantaged in decision-making levels, policy spaces, education, and employment. Filipino women are at the losing end in accessing antenatal and postnatal healthcare services as well as breastfeeding centers, as one UN member state pointed out in the UPR and was also highlighted in the periodic report.²⁷

²⁶ OHCHR, "Universal Periodic Review - Philippines", online: *OHCHR* <<https://www.ohchr.org/en/hr-bodies/upr/ph-index>>.

²⁷ *CEDAW/C/PHL/CO/9: Concluding observations on the Ninth Periodic Report of the Philippines*, by Committee on the Elimination of Discrimination against Women (Office of the United Nations High Commissioner for Human Rights (OHCHR), 14 November 2023) at 14 online: <<https://www.ohchr.org/en/documents/concluding-observations/cedawcphlco9-concluding-observations-ninth-periodic-report>>; *A/HRC/52/13*, by Human Rights Council (United Nations Human Rights Council, 2023) at para 145.

IV. TISYA HUSTISYA 'HERSTORY'

In March 2020, IDEALS set up its hotline legal consultation services to respond to the public's doubt and confusions about COVID-19 era government protocols, relief operations, social welfare concerns, and legal rights education.²⁸ Discerning the need to branch out its services on social media platforms, IDEALS, in partnership with The Asia Foundation and ACC Technology Incorporated, developed a chatbot system that will efficiently collate legal consultation queries from social media users. The consortium took inspiration from successful chatbots such as *Yani the EndCovBot*, a chatbot developed by the University of the Philippines Resilience Institute which provides information on the government's COVID-19 policies²⁹ and *Gabbie*, a chatbot that caters to cases of sexual harassment and assault developed by Philippine women's group Gabriela.³⁰

²⁸ Franco Luna, "NGO launches hotline for legal advice, consultation during quarantine", online: *Philstar.com* <<https://www.philstar.com/headlines/2020/04/05/2005642/ngo-launches-hotline-legal-advice-consultation-during-quarantine>>.

²⁹ Ian Biong, "UP launches COVID-19 'Endcovbot' Yani" (8 April 2020), online: *INQUIRER.net* <<https://newsinfo.inquirer.net/1255667/up-launches-covid-19-endcovbot-yani>>.

³⁰ Business Standard, "Philippine chatbot 'Gabbie' is helping victims of sexual harassment" (15 October 2018), online: <https://www.business-standard.com/article/international/philippine-chatbot-gabbie-is-helping-victims-of-sexual-harassment-118101500077_1.html>.

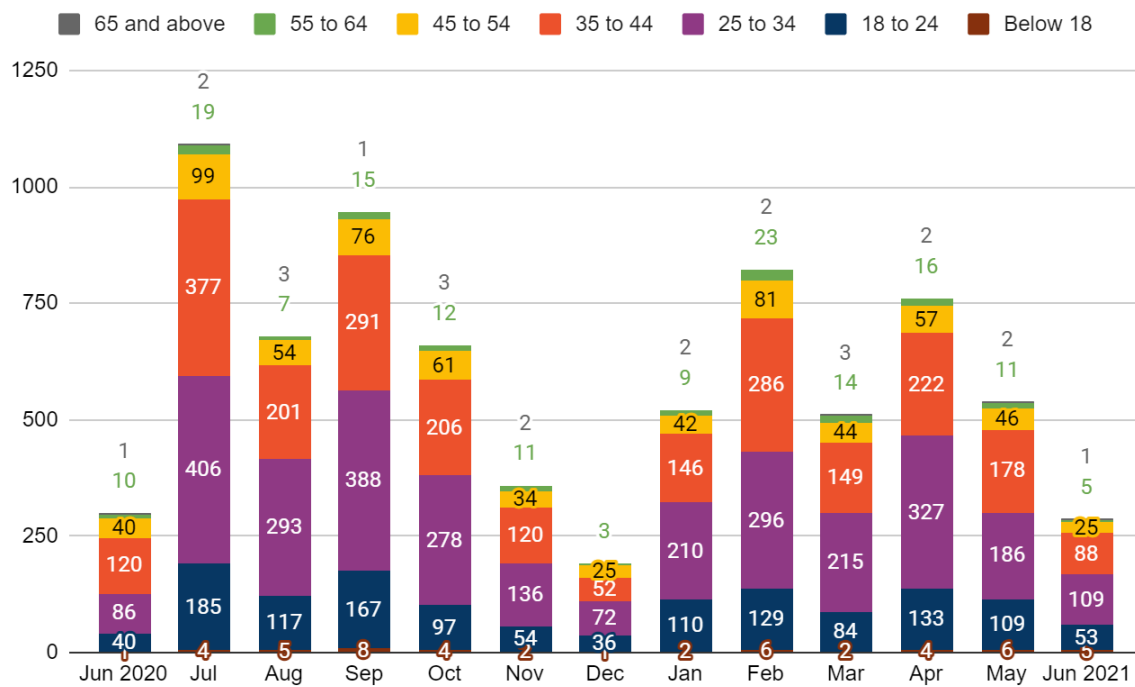


Figure 2: Age Brackets of Tisya Hustisya Female Clients (June 15, 2020 to June 15, 2021)

Resembling *Tisya Hustisya*'s mascot, most of *Tisya Hustisya*'s female clientele were young women between 25 to 34 years old and 35 to 44 years old, cementing the platform's appeal to middle-aged Filipino women. A total of 1,300 were 18 to 24 years old; 2,971 were 25 to 34 years old; 2,437 were 35 to 44 years old; 684 were 54 to 54 years old; 152 were 55 to 64; 24 were 65 and above while exactly 50 female clients were below 18 years of age. The enormous percentage of young Filipino women gave credence to their presence and unhindered access to social media, especially their familiarity with Facebook.

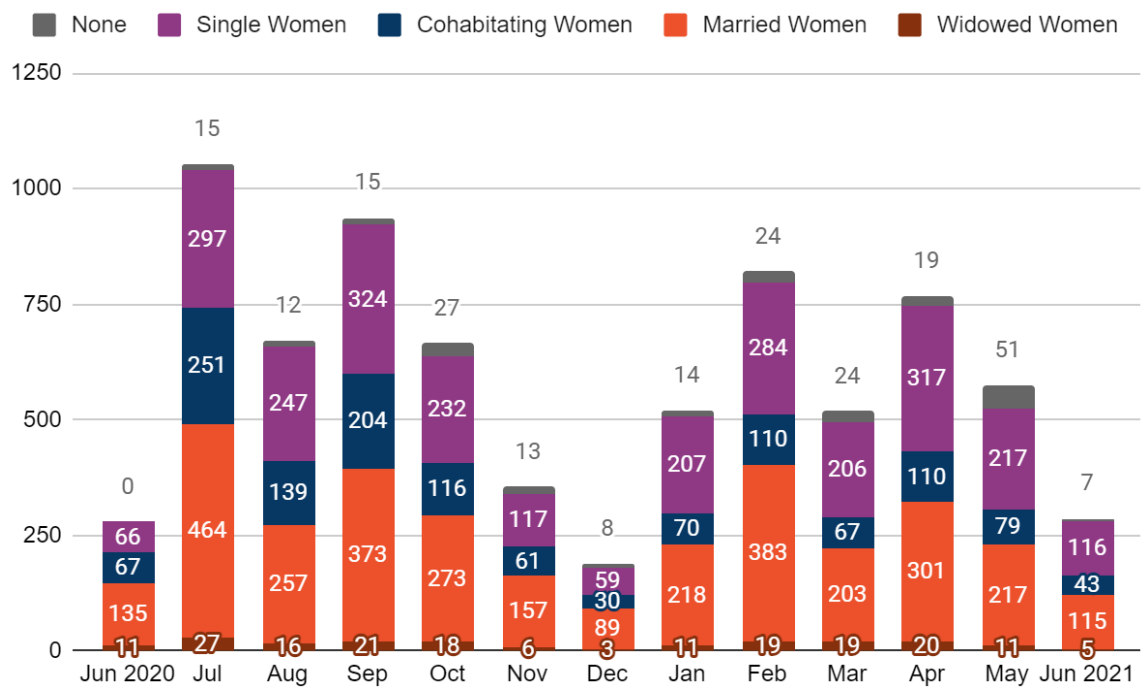


Figure 3: Tisya Hustisya Female Clients According to Civil Status (June 15, 2020 to June 15, 2021)

As seen in Figure 3, most of the women who used the platform were either single or married. The team observed a relatively stable number of female clients who were not associated with the given choices of civil statuses. In July, 464 married women inquired with *Tisya Hustisya* or 42 percent. Excluding June 2020, September 2020, and February 2021, the percentage of married women and single women were relatively similar.

There were several cases of clients who did not click the given Civil Status options and answered, “married but separated”, “single mom or mother”, and “married but cohabiting with another person.” It turns out that most of these clients lodged issues on VAWG in relation to adultery and concubinage, child support and custody, and annulment, among others.

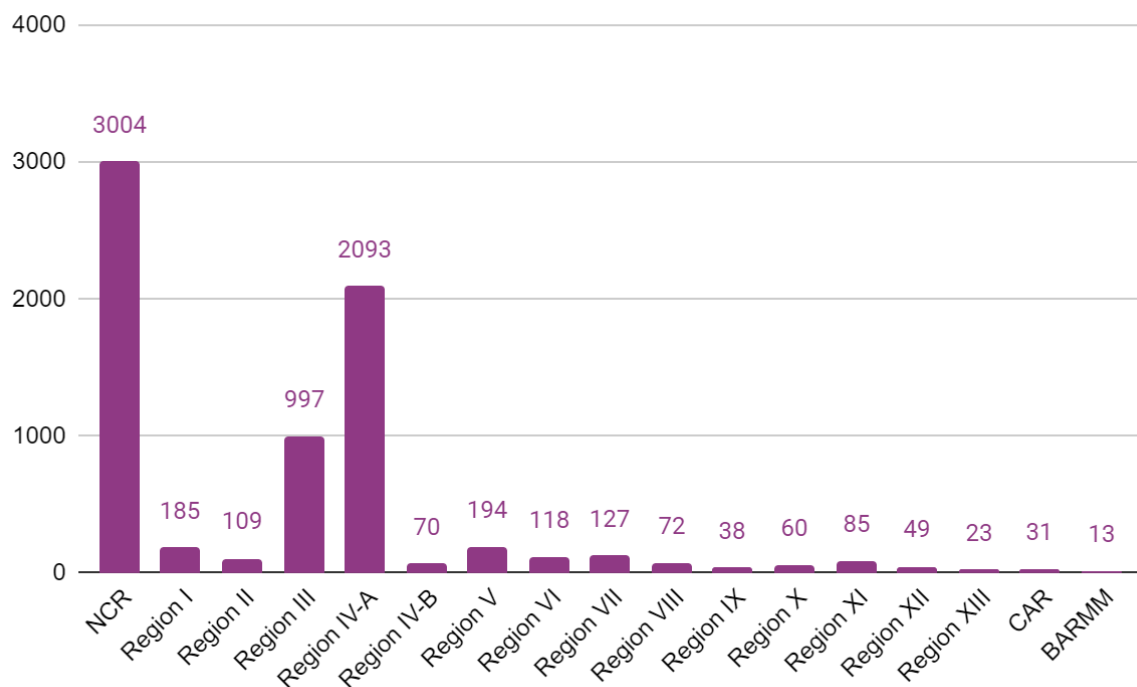


Figure 4: Tisya Hustisya Clients According to Region (June 15, 2020 to June 15, 2021)

As seen in Figure 4, around 7,268 female clients have provided their address. Most of *Tisya Hustisya*'s female clientele reside in urban areas in the National Capital Region (NCR) with 3,004 female clients followed by Region 4-A with 2,093 female clients. Region 4-A comprises Cavite, Laguna, Batangas, Rizal, and Quezon provinces. Trailing behind these two regions is Region 3, which consists of the provinces of Aurora, Bataan, Bulacan, Pampanga, Nueva Ecija, Tarlac, and Zambales, with 997 female clients. There were plausible reasons as to why these three highly urbanized and financially well-off regions performed better than the rest of the Philippine regions. Given the comparatively high levels of economic activity and employment opportunities in these regions, Filipinos from rural and less-developed provinces relocate to these provinces for employment. These regions happened to be

the most populous and urbanized regions in the country according to the 2015 Philippine Statistics Authority census³¹—the combined population of 3 regions accounted for 38 percent of the 2015 Philippine population. Interestingly, the majority of *Tisya Hustisya*'s female clients in Region 4-A reside in Cavite with 32 percent. Cavite, an industrial zone south of NCR, happens to be the most populous province in the region and in the entire Philippines. The top legal concerns in this province include VAWG and family-related concerns at 23 percent and labor rights and property rights concerns, which were both tied up at 9.5 percent, respectively.

Exactly half of Region III's female client population came from Bulacan, a province situated 35 kilometers north of Manila. Because of its proximity with the Philippine capital, Bulacan residents can commute and work in areas within NCR. VAWG and family-related concerns account for 22 percent of cases lodged by Bulacan-based female clients.

³¹ Jodesz Gavilan, "2015 Census: PH population at 100.98 million" (25 May 2016), online: *RAPPLER* <<https://www.rappler.com/philippines/134240-philippines-census-population-2015-psa/>>.

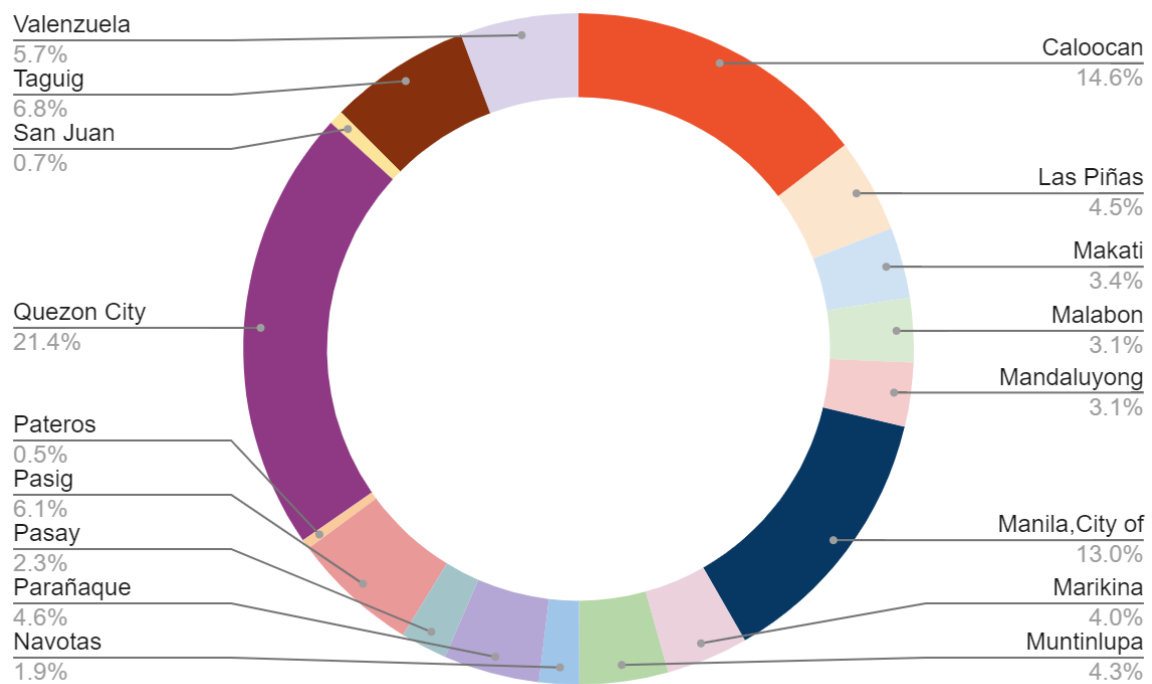


Figure 4.1: Tisya Hustisya Female Clients in the National Capital Region (NCR)

In the NCR, Quezon City recorded the highest number of female clients among the 17 cities and municipalities. Next to Quezon City were Caloocan and Manila with 14 and 13 percent, respectively. The total number of these clients amounts to almost half (48 percent) of *Tisya Hustisya*'s NCR clientele. On the other hand, the regions with the least concentration of female clients were the Bangsamoro Autonomous Region of Muslim Mindanao with 13 clients, Cordillera Administrative Region with 31 clients, and Region 13 with 23 female clients.

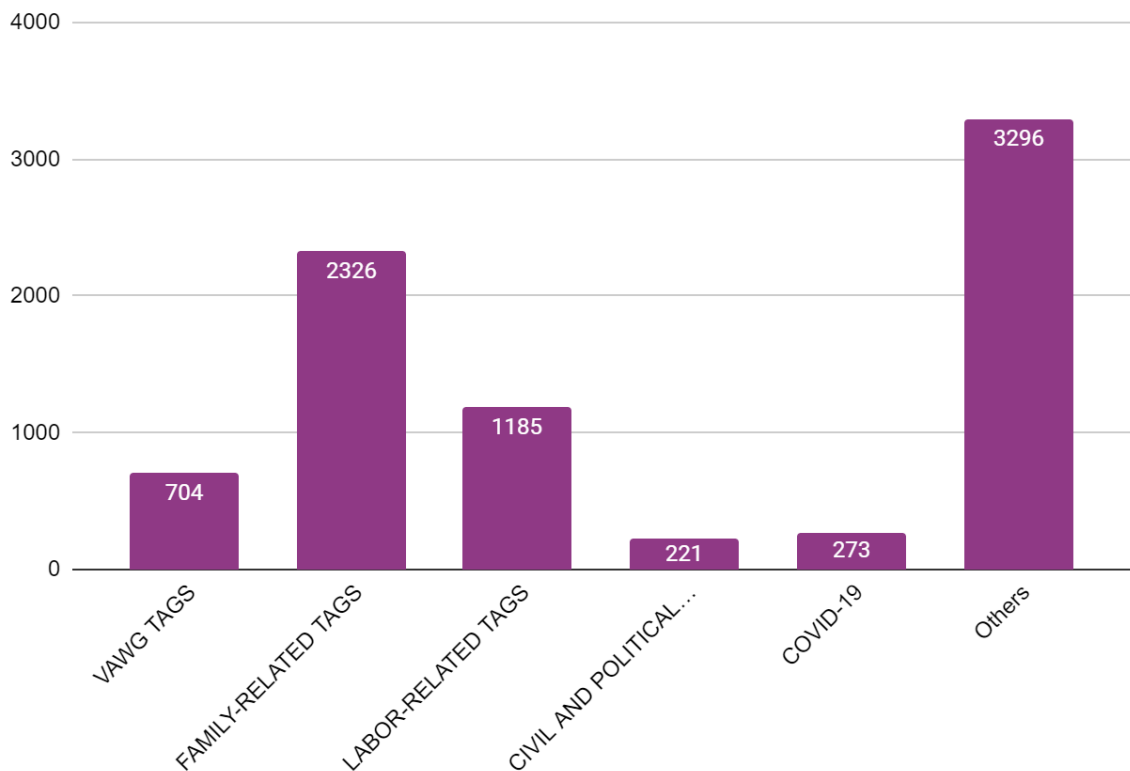


Figure 5: Issues Lodged by Tisya Hustisya Female Clients ³²

Given the data on the number of female clients inquiring from June 15, 2020 to June 15, 2021, majority of legal consultation queries were classified as VAWG-Related, Family-Related, Labor-Related, Civil and Political Rights, and Others.³³ Issues considered under Civil and Political Rights were Inaction by Authorities, Warrantless Search and Arrest, Arbitrary Arrest and Detention, War on Drugs, Abuse of Power, Torture and Ill-treatment, Extortion and Bribery, Graft and Corrupt Practices, Human Trafficking,

³² This paper will only focus on four areas: Violence Against Women and Girls (VAWG) and Family Relations, Labor Rights Violations, and Violations of Civil and Political Rights.

³³ The QMS tags for VAWG are Violence Against Women and Children, Rape, Acts of Lasciviousness, and Anti Voyeurism while Family-Related Concerns are Child Support and Custody, Annulment of Marriage, Legal Separation, Adultery and Concubinage, and Bigamy.

and Red Tagging. Others include issues such as Civil Registration, Loan and Mortgage, Property Rights, Threats and Harassment, and Libel and Slander. For this study, only chatbot data from female clients whose queries fall under the three most crucial categories—VAWG and family concerns, labor concerns, and violations of civil and political rights—will be extracted and analyzed.

V. THE MOST CRITICAL ISSUES FACED BY FEMALE CLIENTS

As a developing country, the Philippines does not shy away from promoting women's rights and providing policies to address the population's pressing and future concerns. Current socio-political developments in addition to constant demands by women activists and organizations geared towards gender equality and against gender-based violence have proven beneficial in terms of the policy-making process of the country, as can be gleaned from various laws already implemented to act as a guard against abuses historically experienced by women in the past years.

The 1987 Philippine Constitution is at the forefront of this recognition by including in its mandate the protection of working women by providing safe and healthful working conditions and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation. As a matter of State policy, the State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.³⁴

The Family Code of the Philippines provides equal opportunities for both men and women as regards

³⁴ Republic of the Philippines, *1987 Philippine Constitution*, Constitution of the Republic of the Philippines 1987, Article II, Section 14.

marriage, property, and family life, including in its provisions the right of both men and women to marry, enter property relations or marriage settlements, if applicable, and the right to take parental custody over her legitimate or illegitimate children, as the case may be.³⁵

The enactment of the MCW is likewise significant in three aspects. First is the delineation of basic human rights and the promotion of gender equality in most aspects of society. The law also grants a “gynecological leave benefit”, which provides for a special leave benefit of two months with full pay in favor of the female employee undergoing surgery caused by gynecological disorders.³⁶ Lastly, the law strengthened the Philippine Commission on Women, formerly known as the National Commission on the Role of Filipino Women, which became the policy-making and coordinating body of women and gender equality concerns under the Office of the President.³⁷

Questions concerning criminal offenses, labor and employment violations, and civil rights were also given emphasis in the Philippines’ current legislative climate, with laws governing and expanding Maternity Leaves and Benefits, the Anti-Sexual Harassment Act of 1995 (Republic Act No. 7877), the Anti-Rape Law of 1997, the Revised Penal Code of the Philippines, Safe Spaces Act of 2018 (Republic Act No. 11313) for gender-based harassment, and laws

³⁵ Republic of the Philippines, *Executive Order No. 209: The Family Code of the Philippines*, Executive Order No 209 1987 tit IV Family Code of the Philippines; *ibid* tit I; *ibid* ch I; *ibid* art I; *ibid* tit VI.

³⁶ *Magna Carta for Women*, *supra* note 18.. Special Leave Benefits for Women. - A woman employee having rendered continuous aggregate employment service of at least six (6) months for the last twelve (12) months shall be entitled to a special leave benefit of two (2) months with full pay based on her gross monthly compensation following surgery caused by gynecological disorders.

³⁷ *Ibid*, s 28.

relating to correction of entries in the country's civil registry, among others.

The Philippines' odyssey as a "beacon of light" of gender equality is blemished by the country's absence of an absolute divorce law and provision for abortion. This is evident by the breadth and severity of violence against women and girls (VAWG) cases documented with the *Tisya Hustisya* platform; from battered wives seeking to remarry their common-law partners to reverting back to their maiden names and even seeking regular child support from their estranged and philandering husbands.

Meanwhile, abortion is strictly prohibited under Article II, Section 2, of the 1987 Philippine Constitution, the Revised Penal Code, and is frowned upon by the Catholic Church, whose influence has challenged the enforcement of sexual and reproductive health initiatives. They have also been candid about their defiance to divorce because of their teachings on the "unity and indissolubility of marriage."³⁸ In 2014, the Philippine Supreme Court even issued a temporary restraining order temporarily halting the distribution of certain contraceptive implants.³⁹ Because of stigma and lack of access to contraceptives, Filipino women are forced to seek unsafe pathways to abortion online.⁴⁰

A. Violence Against Women and Girls and Family-Related Concerns

³⁸ Jose Mario C Francisco, "People of God, People of the Nation Official Catholic Discourse on Nation and Nationalism" (2014) 62:3/4 *Philippine Studies: Historical & Ethnographic Viewpoints* 341–375 at 359 and 365.

³⁹ wideeye, "Philippine Supreme Court Upholds Historic Reproductive Health Law" (8 April 2014), online: *Center for Reproductive Rights* <<https://reproductiverights.org/news/philippine-supreme-court-upholds-historic-reproductive-health-law/>>.

⁴⁰ Juan Raphael M Perez et al, "The spectre of unsafe abortions in the Philippines" (2022) 32 *Lancet Reg Health West Pac* 100655 at 1.

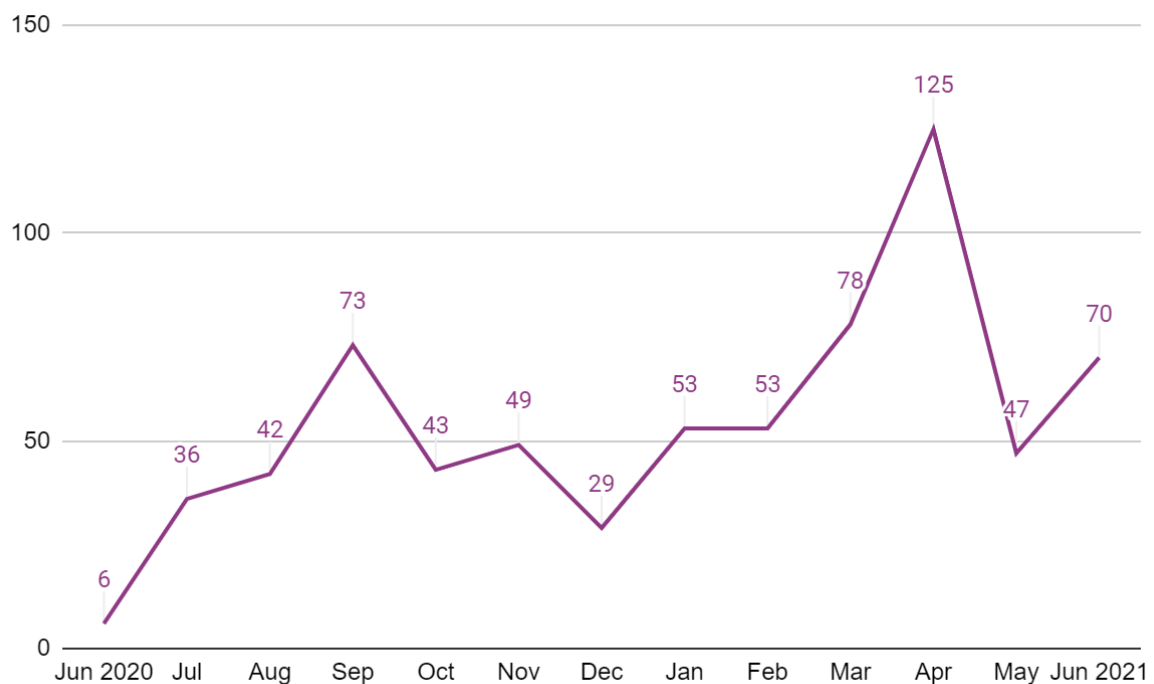


Figure 6: Monthly Trends of VAWG Tags in the Queuing Management System (June 15, 2020 to June 15, 2021)

The total number of VAWG tags is 704 (7 percent) of the 10,511 chatbot sessions with female clients. VAWG concerns consist of Violence Against Women and their Children, Rape, Acts of Lasciviousness, and Anti Voyeurism. Figure 6.1 below shows a total of 595 cases of Violence Against Women and Children (VAWC) which constitutes 84 percent of the total VAWG tags. This is followed by 76 (11 percent) cases of Rape, 19 (3 percent) cases of Anti-Voyeurism, and 13 (2 percent) cases of Acts of Lasciviousness.

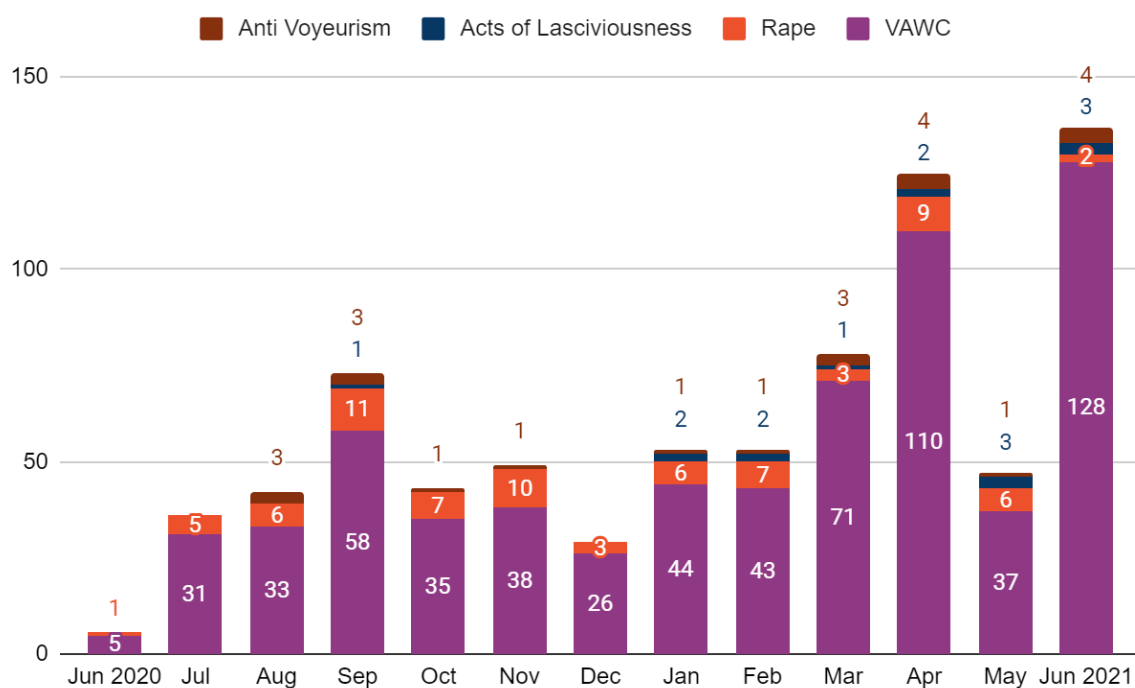


Figure 6.1: Breakdown of Violence Against Women and Girls

From 15 June 2020 to 2021, cases of VAWC reached 595. The months of March, April, and June 2021 have the highest numbers while June 2020, July, and December have the lowest (*see Figure 6.1*). April alone averaged 4 cases of VAWC per day, noting a total of 110 cases. It must be underlined that the total number of 64 VAWC cases for June only constitutes half of the month. It is expected to increase towards the end of the month and further to July. The data also shows that there is an upward trend in the cases of VAWC among female clients. Despite limiting the presented data to female clients, it is noteworthy to add that cases of violence against men and the LGBTQI+ were also present.⁴¹⁴² A total of 38 cases of the said sex and gender were seen from 15 June 2020 to 2021. *Tisya Hustisya* findings on

⁴¹ Note that “men” here refers to heteronormative cisgender men.

⁴² Refers to the community as a whole. The term LGBTQI+ will not be further disaggregated in this study.

violence against men and persons of diverse SOGIE have also called for the reconsideration of the House Bill No. 5266 and Senate Bill No. 689 or anti-discrimination against SOGIE.⁴³ The social stigma surrounding the LGBTQI+ community has not only left them vulnerable to harm or abuse but has also allowed for discrimination towards the community in the Philippine setting with the growing culture of impunity further exacerbating gender inequalities.

In relation to VAWG-related concerns, the Anti-VAWC Act of 2004 is one of the most celebrated pieces of legislation in the Philippines – an offshoot to the ongoing gender advocacies directed to address its objectives. The law penalizes basically most forms of violence, including domestic, sexual, psychological, and economic abuse, against women and their children,⁴⁴ whether the child is legitimate or illegitimate, committed by a person with whom the woman-victim has or had a sexual or dating relationship with, or with whom the woman-victim has a common child.⁴⁵ The offender in the eyes of said law connotes gender-neutrality, as the use of the word “person” implies non-exclusivity on the women-victim’s male counterparts (such as a husband or child’s father) as the only possible violators. If one cannot succinctly prove the fact of relationship, there were counterpart, and earlier enacted Philippines laws that may cover domestic violence such as the Revised Penal Code for physical injuries and acts of

⁴³ For the Senate version, refer to: <https://legacy.senate.gov.ph/lisdata/3106627964!.pdf>

⁴⁴ Note that “women” as stated in the VAWC Act may be classified as a “gray area” since there is no definite classification under the law as to who a “woman” is for purposes of the law’s coverage. However, it may be construed that a “woman” here refers to a person whose assigned sex at birth is that of a female, regardless of the woman’s sexual orientation or gender identity.

⁴⁵ Philippines, *Anti-Violence Against Women and Their Children Act of 2004*, Republic Act No 9262 2004, s 3(a).

lasciviousness, Republic Act No. 8353 for rape, and Republic Act Nos. 7610 and 9775 penalizing child abuse and child pornography.

Also included in the Anti-VAWC Act is the criminal prosecution of individuals for failing to provide financial support for the woman-victim and her child, or the deprivation or threat of deprivation of financial resources, as a form of economic abuse.⁴⁶ Recent Philippine jurisprudence likewise recognized marital infidelity as a possible manifestation of psychological violence against the wife if such illicit relationship is proven to have caused mental or emotional suffering on the victim.⁴⁷ The law also outlines the procedure in preventing, reporting, and forestalling the commission of abuse against women with the aid of *barangay* protection orders, court personnel, and health and social workers.

To provide a short context regarding the Anti-VAWC Act, the principal sponsor of the then Anti-VAWC Bill proposed during its legislative deliberations to include all members of the family, not only women, in the protection of the law considering that there were also new cases of men who suffer from domestic violence.⁴⁸ However, an amendment was made to limit the Bill to only the women and their children, and not their husbands, resulting in the Philippines' Anti-VAWC law as we know today. This amendment was made because broadening the scope of the Bill would not achieve its goal of equalizing the already difficult situation for women in this admittedly unequal world where, no matter how empowered women are, they

⁴⁶ *Ibid*, s 3(a)(D).

⁴⁷ *AAA v BBB*, 2018 Supreme Court of the Philippines.

⁴⁸ *Garcia v Drilon*, 2013 Supreme Court of the Philippines.

are still not given equal opportunities, especially in the domestic environment.

The Anti-VAWC Act's constitutionality was also upheld when the Supreme Court declared that it rests on substantial distinctions, considering the women's unequal power relationship with men, the historical fact that women are more likely than men to be victims of violence, and the widespread gender bias and prejudice against women. The classification the law creates is also germane to its purpose of addressing violence in all its forms to preserve the dignity of women and children. Moreover, it applies equally to all members of the society and is not limited to existing conditions of the Filipino woman only.⁴⁹

Tisya Hustisya data showed that the COVID-19 pandemic has limited the means of transportation of many individuals thereby limiting the ability of women to report cases of violence at the domestic level. Women and LGBTIQ people from poor communities disproportionately affected by the pandemic face "compounded discrimination," increased risk of VAWG, and heightened fear of apprehension by their families and authorities.⁵⁰

Strict restrictions on mobility brought about by the Enhanced Community Quarantine has left Filipino women increasingly vulnerable as State and LGU efforts and resources were being utilized to address priority concerns such as the Social Amelioration Program and other pandemic-related concerns. *Tisya Hustisya* data from the first year justified women's rights-seeking behavior by seeking legal advice using Artificial Intelligence and chatbot systems, such as *Tisya Hustisya*, without braving through

⁴⁹*Ibid.*

⁵⁰ *Rapid Gender Analysis Philippines: Metro Manila*, by A Dizon, K Medina & A Gepte, eds (CARE Philippines, 2020) at 1.

conventional ways of seeking legal advice, such as through legal firms, private lawyers, or through government legal aid programs.

Among the reasons for the low rights-seeking behavior of women resulting in underreporting to the authorities were mobility restrictions, accessibility, economic displacement, and misconceptions on quarantine restrictions and fear of authorities, particularly fear of apprehension among poor communities.⁵¹ The growing hostile political climate of the current administration and its securitization of the COVID-19 situation may have resulted in the latter reason.⁵² Ineffective implementation of quarantine measures may also be attributed to the “misconceptions on quarantine restrictions” as the understanding of COVID-19 has significant indirect effect on perceived effectiveness of quarantine measures.⁵³ This is why *Tisya Hustisya* believes that one of the integral components of ensuring a people-centered approach to access to justice is through proactive dissemination of the law and their legal rights, especially during the pandemic.

The alleged sexist remarks made by Duterte negatively impacted the political climate of the country, affecting its capacity to promote and enforce gender-sensitive change in the cultural and socio-political aspects, which goes against

⁵¹ Dizon, Medina, & Gepte, *supra* note 51.

⁵² Hapal (2021) stated that the framing of COVID-19 as war has justified the draconian response by the government in an attempt to contain the virus. This was ‘primarily achieved by utilizing and expanding the powers of the state’s law enforcement apparatus.’ Duterte’s populist securitizing act has produced the “*pasaway*” (bull-headed subject) archetype who became the embodiment of the virus’ deadly qualities, which was consequently used to justify the intense policing and disciplining campaign against the *pasaway* (naughty or delinquent).

⁵³ Yogi Tri Prasetyo et al, “Factors affecting perceived effectiveness of COVID-19 prevention measures among Filipinos during Enhanced Community Quarantine in Luzon, Philippines: Integrating Protection Motivation Theory and extended Theory of Planned Behavior” (2020) 99 International Journal of Infectious Diseases 312–323 at 321.

the core requirements of CEDAW and Republic Act No. 9710. On several occasions, Duterte has also made inappropriate acts towards women such as the kissing of a married migrant worker and his attempt to touch a woman.⁵⁴ A statement that the presidency is not a job for women due to emotional differences was also made, and this is evident by the triumph of President Ferdinand “Bongbong” Marcos Jr. and his running mate Vice President Leni Robredo, who is the former president’s daughter.⁵⁵ These derogatory statements, while argued to be merely “jokes” or “misinterpretations” cannot be taken lightly, for it indirectly impinges on the rights of Filipino women and furthers stereotyped roles for both sexes that goes against the CEDAW provision on eliminating discrimination against women in the political and public life.

⁵⁴ Krissy Aguilar, “‘No malice’: Duterte trying to touch housemaid? He’s just being playful – Palace” (29 March 2021), online: *INQUIRER.net* <<https://newsinfo.inquirer.net/1412587/no-malice-duterte-trying-to-touch-housemaid-hes-just-being-playful-palace>>; “Philippine President Duterte condemned for kissing overseas worker” (4 June 2018), online: <<https://www.bbc.com/news/world-asia-44352569>>.

⁵⁵ Reuters, “Philippines’ Duterte says the presidency is no job for a woman” (15 January 2021), online: *CNN* <<https://www.cnn.com/2021/01/15/asia/duterte-woman-presidency-intl-hnk>>.

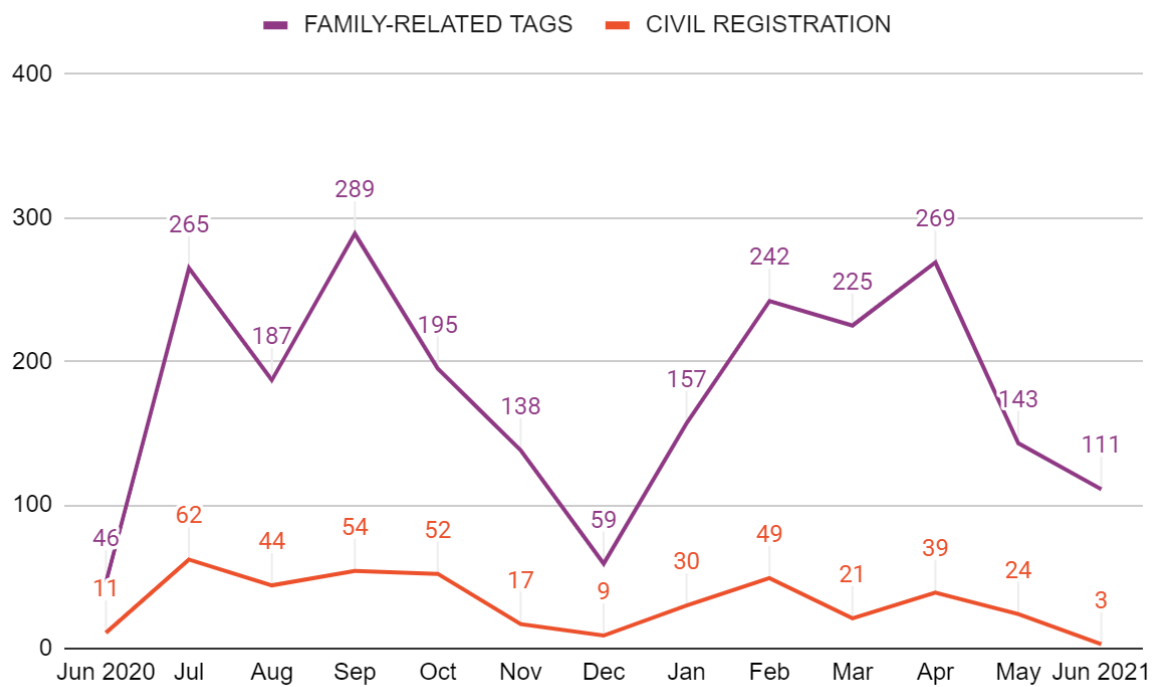


Figure 7: Monthly Trends of Family-Related Tags and Civil Registration in the Queuing Management System (June 15, 2020 to June 15, 2021)

The total number of family-related tags is 2,326 (22 percent) of the 10,511 chatbot sessions with female clients. Family-related concerns consist of Child Support and Custody, Annulment of Marriage, Legal Separation, Adultery and Concubinage, and Bigamy.

The total number of Civil Registration cases lodged by female clients is 415, which is four percent of the total chatbot sessions. The months of July, September, and October recorded the highest number of cases with the month of July averaging two cases per day.

In the Philippines, divorce is not yet recognized,⁵⁶ with a Divorce Bill currently pending in Congress.⁵⁷ Presently however, Philippine laws provide for three distinct avenues on which marriage ties may be severed: (1) Declaration of Absolute Nullity of Marriage, (2) Annulment of Marriage, and (3) Legal Separation of Marriage.⁵⁸ A declaration of nullity of marriage may be obtained only when one of the essential and/or formal requisites of marriage is absent. Marriages where one of the contracting parties was psychologically incapacitated to comply with the essential marital obligations of marriage may also be declared as void.⁵⁹ This psychological (and mental) incapacity causes a party to be truly in cognitive of the basic marital covenants of marriage and must be proven as grave, incurable, and existing at the time of the celebration of marriage.⁶⁰ Annulment of marriage takes place when the marriage is merely voidable – one that is considered valid and produces all its civil effects unless it is set aside by a final judgment in an action for annulment by virtue of its legal defects.⁶¹ Lastly, an action for legal separation concerns itself with the parting of spouses for causes existing only after the celebration of a valid marriage without severing marriage ties but only entitling the spouses to live separately, with

⁵⁶“Philippines: House Bill on Divorce Approved in Committee” (4 March 2020), online (web page): *Library of Congress, Washington, DC 20540 USA* <<https://www.loc.gov/item/global-legal-monitor/2020-03-04/philippines-house-bill-on-divorce-approved-in-committee/>>.

⁵⁷ *Committee Report No. 640*, by House of Representatives of the Philippines, 640 (House of Representatives of the Philippines) no 640 online: <https://www.congress.gov.ph/legisdocs/first_17/CR00640.pdf>.

⁵⁸ *Executive Order No. 209: The Family Code of the Philippines*, *supra* note 36.

⁵⁹ *Ibid.*

⁶⁰ *Cahapisan-Santiago v Santiago*, 2019 Supreme Court of the Philippines; *Epina-Dan v Dan*, 2018 Philippines.

⁶¹ Elmer Rabuya, *Civil Law Reviewer*, 1st edn (Manila: Rex Publishing, 2017) at 116.

their conjugal properties dissolved and custody of their minor children determined.⁶²

In terms of inquiries on Civil Registration, female clients often asked about the use of their husband or live-in partner's surname, their common child's surname, and the allowance of using their maiden name even when one is legally married. Contrary to popular belief and custom in the Philippines, a married woman is not required to obtain her husband's surname at the time of their marriage.⁶³ This is based on the fact that, when a woman marries, she does not change her name but only her civil status.⁶⁴ Thus, a married woman may use: (1) Her maiden first name and surname and add her husband's surname, or (2) Her maiden first name and her husband's surname, or (3) Her husband's full name, but prefixing a word indicating that she is his wife, such as 'Mrs'.⁶⁵ This provision dictates that the woman's use of her husband's surname is merely directory by reason of the word "may" which, in statutory construction, is generally permissive and operates to confer discretion.⁶⁶

In case of annulment of marriage or divorce, a petition for resumption of maiden name or surname is not necessary. For, the true and real name of a person is that given to her and entered in the civil register, which a woman may continue to use despite her marriage or its cessation for

⁶² *Executive Order No. 209: The Family Code of the Philippines*, *supra* note 36 art 63.

⁶³ Philippine Commission on Women, "PCW Memorandum Circular No. 2016-07: Allowing Married Women to Retain and Use their Maiden Name in lieu of their Husband's Surname in accordance to Existing Laws and Pertinent Jurisprudence" (12 October 2016), online: <<https://pcw.gov.ph/memorandum-circular-no-2016-07-allowing-married-women-to-retain-and-use-their-maiden-name/>>.

⁶⁴ *Remo v The Honorable Secretary of Foreign Affairs*, 2010 Supreme Court of the Philippines.

⁶⁵ Republic of the Philippines, *Republic Act No. 386: Civil Code of the Philippines*, 1949 New Civil Code of the Philippines.

⁶⁶ Ruben E Agpalo, *Statutory Construction*, 6th edn (Rex Publishing, 2009) at 460.

whatever cause.⁶⁷ However, once a married woman decides to use her husband's surname alone or in consonance with her maiden name, she may revert to the use of her maiden name only once an action of annulment of marriage is granted by the Philippine Courts.⁶⁸

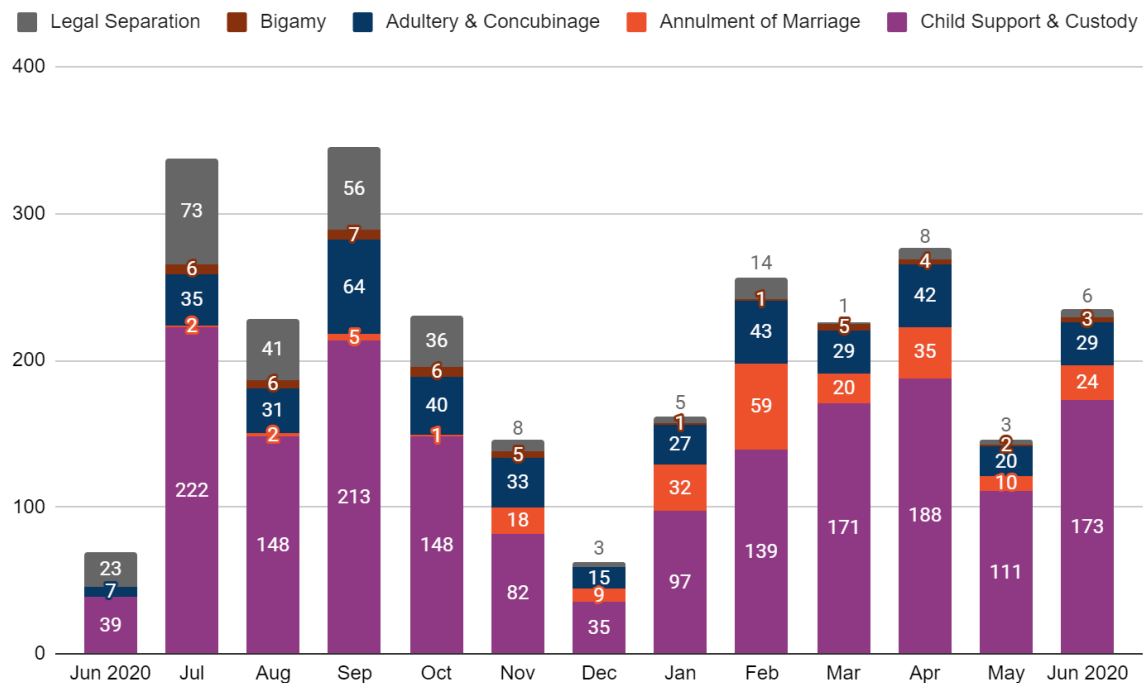


Figure 7.1: Breakdown of Family-Related Tags

A total of 1,673 cases of Child Support and Custody was seen from 15 June 2020 to 2021. Figure 7 shows that it has the highest number as it constitutes 72 percent of the total family-related concerns. Based on the presented data, July, September, and April have the highest Child Support and Custody cases. July averaged 7 Child Support and Custody cases per day, noting a total of 222 cases. Female clients also raised concerns on Adultery and Concubinage with a total

⁶⁷ Magdangal M De Leon, *Special proceedings: essentials for bench and bar*, 1st edn (Manila: Rex Book Store, 2015) at 498.

⁶⁸ *Republic Act No. 386: Civil Code of the Philippines*, *supra* note 66 art 371.

of 398 cases (17 percent), Annulment of Marriage with a total of 210 cases (9 percent), and cases of Bigamy with a total of 45 (2 percent).

Based on Philippine law, a child's financial support is the joint responsibility of the parents, regardless of the child's legitimacy and is highly dependent on the parent's occupation and directly proportional to their resources as well as their child's concomitant needs.⁶⁹ Women who are legally married may ask for support in their own and their legitimate children's favours, while women who are not legally married may also ask for support on behalf and in favour of their illegitimate children from the child's biological father.⁷⁰ In both instances, failure of either the mother or the father in providing the same shall constitute as a ground for filing a civil case to oblige the parent-at-issue to give support or for a criminal case under the Anti-VAWC Act due to economic abuse.

In the aspect of parental authority and custody, the same shall belong to the mother, if the minor child is illegitimate, and to both spouses for their common and legitimate children.⁷¹ Moreover, the law provides that no child under seven years of age shall be separated from the mother, unless the court finds compelling reasons to order otherwise.⁷²

Tisya Hustisya's female clients were also advised that a petition for the custody of minors or a petition for the issuance of a writ of habeas corpus may be filed by the parent unlawfully deprived of custody over the person of the child and in cases where the petitioner is the father, he

⁶⁹ *Executive Order No. 209: The Family Code of the Philippines*, *supra* note 36 art 70.

⁷⁰ *Ibid* art 195.

⁷¹ *Ibid* art 176; *ibid* art 211.

⁷² *Executive Order No. 209: The Family Code of the Philippines*, *supra* note 36 art 213.

must clearly establish that the mother's moral lapses have had an adverse effect on the welfare of the child or have distracted the offending spouse from exercising proper parental care.⁷³

B. Right to Work and Labor Standards

Trailing behind VAWG tags and family-related tags were labor-related concerns, which comprised 25 percent of *Tisya Hustisya* concerns for a span of one year. The COVID-19 pandemic has surfaced the vulnerabilities of the Philippine labor market and the female workforce. As mentioned by the International Labor Organization, the hardest-hit sectors were the wholesale, retail trade and repair, and accommodation and food service activities—two of the sectors where most women work in the Philippines.⁷⁴

⁷³ *Pablo-Gualberto v Gualberto*, 2005.

⁷⁴ *COVID-19 Labor Market Impact in the Philippines: Assessment and National Policy Responses*, by International Labour Organization Country Office of the Philippines (Manila: International Labour Organization Country Office of the Philippines, 2020) at 19.

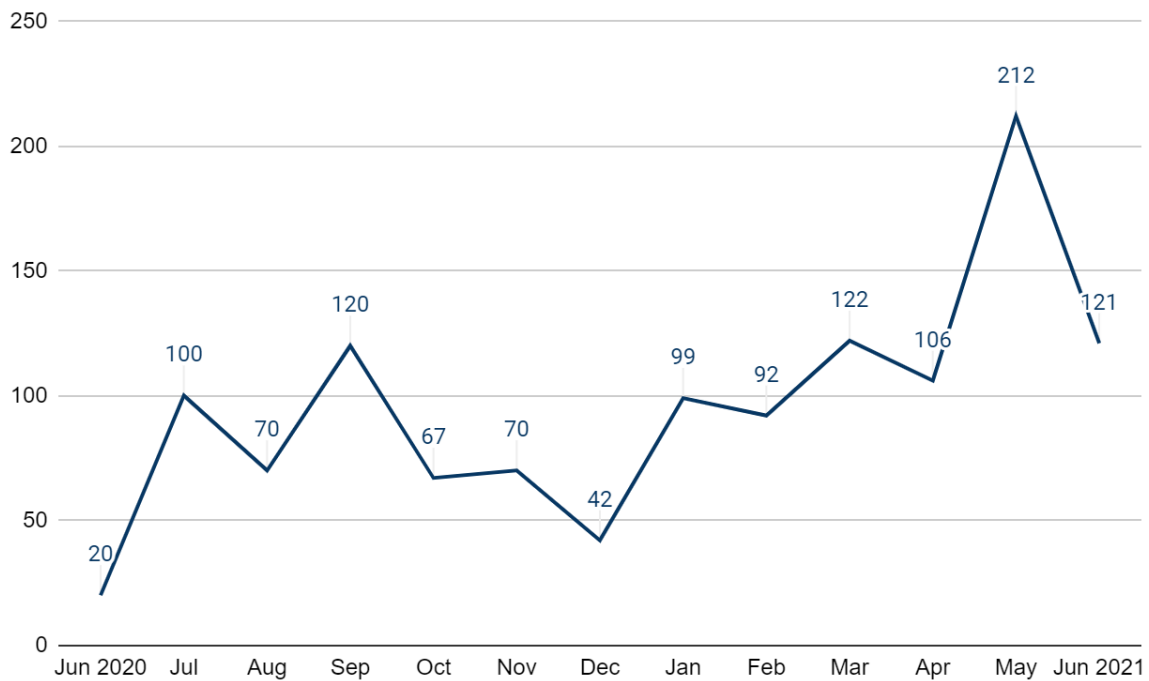


Figure 8: Monthly Trends of Labor-Related Tags in the Queuing Management System (June 15, 2020 to June 15, 2021)

Out of 10,511 chatbot sessions prompted by 7,626 women, 1,053 (10 percent) queries were labor-related.⁷⁵ Five different QMS tags were used to categorize and label labor-related queries: Labor Relations, Labor Standards, Labor Union, Termination of Employment/Illegal Dismissal, and Labor Procedure.

Based on the labor-related queries trajectory in Figure 8, over half of labor-related queries (55 percent) centered upon Labor Standards. Most of their concerns happen to be blatant violations of the right to work principle, fair and decent wages, gender equality in the workplace, and the right to social security benefits, which were all asserted in

⁷⁵ A total of 1,182 labor-related tags were used in the Queuing Management System. One session may have two or more labor-related tags and thus, a definite value cannot be calculated.

the International Covenant on Economic Social and Cultural Rights, chiefly Articles 6 to 9.

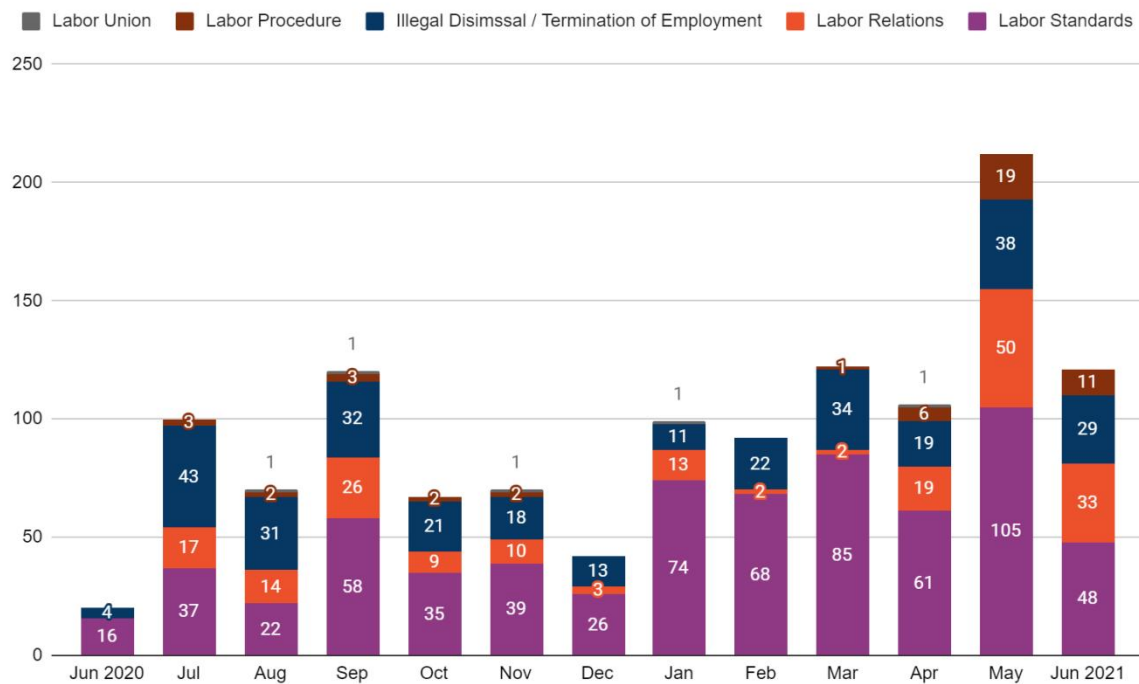


Figure 8.1: Breakdown of Labor-Related Concerns

In the Philippines, “labor standards” refers to the minimum terms and conditions of employment that employers must comply with and to which employees are entitled as a matter of legal right.⁷⁶ It prescribes the minimum requirements relating to wages, hours of work, cost of living allowance, and other monetary and welfare benefits, including occupational, safety, and health standards.⁷⁷ In contrast, “labor relations” defines the status, rights and duties, and the institutional mechanisms that govern the individual and collective interaction of employers,

⁷⁶ Cesario Alvero Azucena Jr, *The Labor Code with Comments and Cases*, 8th edn, 1 (Rex Publishing, 2013) at 8.

⁷⁷ *Maternity Children’s Hospital v Secretary of Labor*, 1989 Supreme Court of the Philippines.

employees, and their representatives.⁷⁸ These standards are without prejudice to, and may vary depending on, the type of employment. Both are governed by the Labor Code of the Philippines, including its implementing rules and regulations, aided by Philippine Supreme Court jurisprudence.

Most female clients who sought legal advice with *Tisya Hustisya* were axed from their jobs, placed on a months-long floating status, and have not received their separation and final pay. Some have been retrenched or placed on floating status since March 2020 and have not received their back wages. Nearly four to five percent of the total queries were about female clients', or perhaps their spouses, salaries which were below the minimum wage, and deprivation of employment benefits. Around eight percent of the queries detailed how the clients' employers deprived them of their overtime and holiday pay, with some recounting their harrowing experience being forced by their employers to render extra hours of unpaid work.

In addition to the supposed paid work or productive work that women were performing, they are also often burdened with reproductive work and community work. These were called the multiple burdens or 'triple' roles that women often face. With the COVID-19 pandemic, gender roles in domestic work have changed significantly. On average, women spend seven hours in housework as compared to four hours of housework prior to COVID-19, while men spend five hours as compared to 2.4 hours prior. The said change highlights the intensification of domestic work during quarantine along with women's responsibility of infection prevention and community work as volunteers.

⁷⁸ Azucena, *supra* note 77 at 8.

Women continue to take a disproportionate share of these burdens.⁷⁹

These labor-related queries infringe the Labor Code of the Philippines particularly the legal conditions of employment which provides the proper hours of work, overtime, premium and holiday payments in case of additional work, and mandatory rest periods to allow employees the right to recover from the daily rigors of work. The issues raised by *Tisya Hustisya*'s clients may also be violative of several International Labor Organization (ILO) Conventions which were applicable to the COVID-19 pandemic. As prescribed in ILO's Termination of Employment Convention 1982 (No. 158), workers whose employment was terminated due to the economic impact of COVID-19 should be entitled to severance allowance, separation benefits, or compensation for the loss of earnings. Upon the termination of employment, a worker must receive a final settlement of their wages in a reasonable time under the Protection of Wages Convention, 1949 (No. 95).⁸⁰

Some *Tisya Hustisya* clients likewise lamented about their employers' negligence in updating their monthly contributions to the Social Security System (SSS), Home Development Mutual Fund, and the Philippine Health Insurance Corporation. These mandatory benefits were given pursuant to the social legislation aspect of Philippine labor law which provide a particular kind of protection or benefit to society or segments thereof in furtherance of social justice.⁸¹ The Social Security Act of 1997, commonly known as the SSS Law, is a manifestation of such social

⁷⁹Dizon, Medina, & Gepte, *supra* note 51 at 27–28.

⁸⁰ Refer to: https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/genericdocument/wcms_739937.pdf

⁸¹ Azucena, *supra* note 77 at 9.

recognition and was developed to address its members' and their beneficiaries' financial needs against hazards of disability, ailment, maternity, death, and other contingencies resulting in loss of income or financial burden.⁸²

Under the SSS Law, an employee must be covered by SSS upon his first day of employment or first day of registration.⁸³ This means that an employer is obliged to deduct and withhold from the employee's monthly salary the employee's contribution during that month, the amount of which is shared by both the employee and employer, and is dependent on the amount of compensation the employee actually earns.⁸⁴ The same mechanism substantially holds true for contributions to the Pag-IBIG Fund and the PhilHealth.⁸⁵

In most of *Tisya Hustisya* clients' cases, employers were said to have deducted these contributions from their salaries but have failed to remit the same to the appropriate agencies. Other concerns raised by female clients include separation and final pay and benefits after resignation.

Legal queries about the process and verdict of the National Labor Relations Commission fall under Labor Relations, which constitute 17 percent of the total labor cases. Some female clients asked about their legal options and "next steps" regarding their pending labor cases, such as applying for the Single-Entry Approach to the NLRC.⁸⁶ There were

⁸² Republic of the Philippines, *Republic Act No. 8282: Social Security Act of 1997*, 1997, s 2.

⁸³ *Ibid*, s 10.

⁸⁴ *Ibid*, s 18.

⁸⁵ Republic of the Philippines, *Republic Act No. 9679*, 2009; Republic of the Philippines, *Republic Act No. 10606*, 2013.

⁸⁶ Single Entry Approach (SEnA) is an administrative approach to provide a speedy, impartial, inexpensive, and accessible settlement procedure of all labor issues or conflicts to prevent them from ripening into full-blown disputes or actual labor

also a handful of clients who just want to learn the step-by-step procedure concerning the filing of a labor case. Lastly, queries categorized under Termination of Employment or Illegal Dismissal involve imputations of forced resignation and dubious and unverified reasons for employment terminations. They account for 61 percent of all total labor-related cases.

The 2019 VNR of the Philippines highlighted the government's compliance with labor rights and women's rights through the passage of laws on maternity leave and work-related discrimination. However, despite the Philippine government's astounding efforts to promote female labor force participation in line with SDG 8.5 and Article 11 of CEDAW, the situation of *Tisya Hustisya* female clients proved otherwise as companies have yet to revoke formal and informal policies disproportionately affecting women and ensure that their wages were equal with their male counterparts. Lawyers and paralegals have documented several cases of violations of the Act Strengthening the Prohibition on Discrimination Against Women (Republic Act No. 6725) and International Labour Organization's Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Some clients have also experienced sexual and verbal harassment in their workplace which is penalized under Republic Act No. 11313 of the Safe Spaces Act, which nuanced Republic Act No. 7877 or the Anti-Sexual Harassment Act of 1995.

Under law and established jurisprudence, sexual harassment occurs when a supervisor, or agent of an employer, or any other person who has authority over another in a work

cases. Refer to: [https://www.dole.gov.ph/sena-contents/#::~text=Single%20Entry%20Approach%20\(SEnA\)%20is,disputes%20or%20actual%20labor%20cases](https://www.dole.gov.ph/sena-contents/#::~text=Single%20Entry%20Approach%20(SEnA)%20is,disputes%20or%20actual%20labor%20cases).

environment, imposes sexual favors on another, which creates in an intimidating, hostile, or offensive environment for the latter.⁸⁷ It may also be present in an education or training environment, as long as it was committed by a person using his or her moral ascendancy over the victim to grant the sexual favour being asked. The law also imposes solidary liability for damages on the employer if it is found that despite being informed of alleged sexual harassment in the workplace, no immediate action was taken by the former.⁸⁸

As previously mentioned, some of *Tisya Hustisya*'s clients were purportedly placed on indefinite floating status during the onset of the pandemic. While Philippine labor laws recognize the validity of imposing such status, this is allowed only in case of a *bona-fide* suspension of the operation of a business or undertaking for a period not exceeding six months, or in case of the employee's fulfilment of a military or civic duty. After the said period, the employee concerned shall be reinstated without loss of seniority rights or terminated for valid cause.⁸⁹ This provision of law was utilized by many employers to justify the suspension of employees, especially at the outset of ECQ, with the Department of Labour and Employment even granting a qualified extension for another six months in case of a pandemic or national emergency.⁹⁰ Thus, it can be inferred that *Tisya Hustisya*'s female clients who were employed were either retrenched, illegally dismissed, or

⁸⁷ *LBC Express-Vis, Inc v Palco*, 2020 Philippines.

⁸⁸ Republic of the Philippines, *Republic Act No. 7887*, s 5.

⁸⁹ Refer to: Republic of the Philippines, *Labor Code of the Philippines*, 1974 art 301 (286).

⁹⁰ Refer to: Department of Labor and Employment, *Department Order No. 215, Series of 2020*, Department Order No 215 2020 Rule Amending Section 12 of Rule I, Rules Implementing Book VI of the Labor Code on Suspension of Employment Relationship.

slumped into floating status and were left in limbo and become financially-dependent.

C. *Violations of Civil and Political Rights*

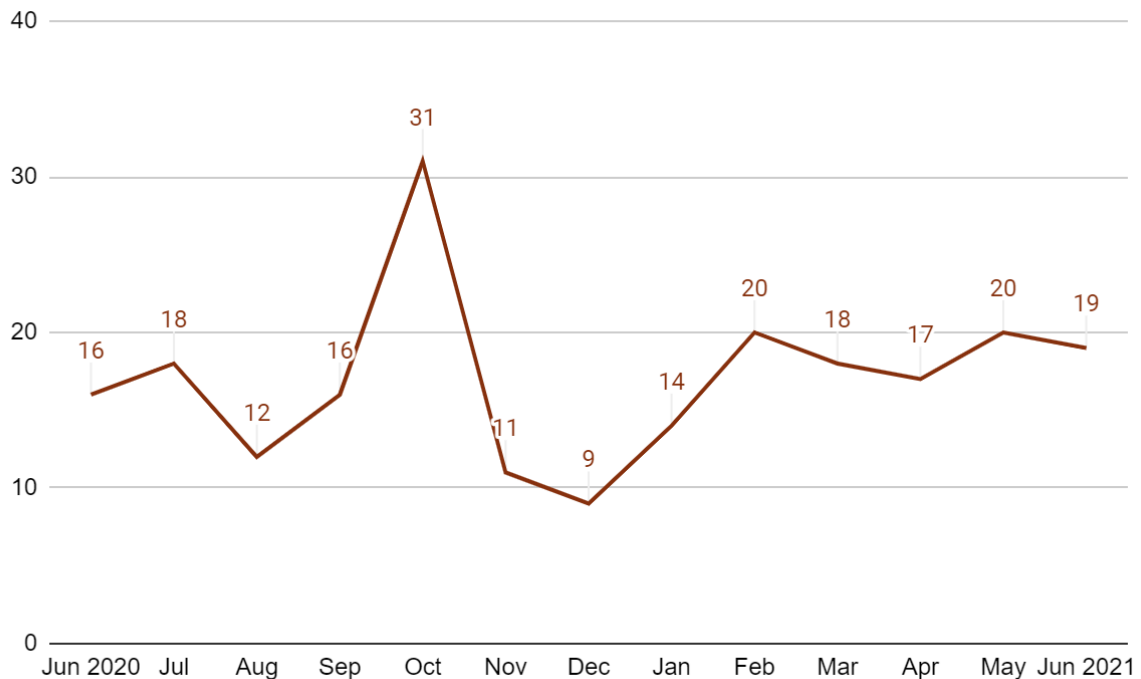


Figure 9: Monthly Trends of Civil and Political Rights Tags in the Queuing Management System (June 15, 2020 to June 15, 2021)

The COVID-19 pandemic has not daunted the police from arbitrarily arresting and detaining alleged suspects of Duterte's War on Drugs. Out of 210 queries, around 151 female clients have lodged 169 queries related to civil and political rights. Although this number is relatively lower compared to VAWG, labor, and other categories, the breadth and gravity of the client's narrations of police brutality and government fraud should not be downplayed.

A staggering 38 percent were about Duterte's War on Drugs, but unlike the two previous categories, most of the female clients reported on behalf of their husbands, sons, or brothers who were rounded up and assaulted by police and other State agents. *Tisya Hustisya's* female clients often

inquire about their male relatives being arrested without a search warrant due to an alleged buy-bust operation and were later falsely charged with violations of Section 5 (Sale) and 11 (Possession) of Republic Act No. 9165. In most of these cases, clients purportedly witnessed planting of evidence such as sachets of methamphetamine, guns, wads of cash, and other paraphernalia before accusing the alleged suspects of possessing this evidence. Clients also lamented that their relatives were made to plead guilty in exchange for a lighter sentence despite asserting their innocence.⁹¹

The corroborated narratives of female clients depict the appalling realities of the government's ambitious anti-drug campaign, which has resulted in a massive slaughter of more than 7,000 alleged suspects from 2016 until 2017.⁹² The government itself has been intercepting attempts to access documents on the victims of the anti-drug operations.⁹³

Warrantless arrests which do not follow the chain of custody rule in drug cases are violative of the Constitution's proscription against illegal searches and seizures as well as Section 21 of Republic Act No. 9165.⁹⁴ These fabricated buy-bust operations likewise go against the *in flagrante delicto* rule and cannot be used to prove the elements of illegal sale of prohibited drugs.⁹⁵

⁹¹ IDEALS Inc. has documented more than 800 human rights violations cases as of this writing, <https://sites.google.com/view/ideals2023/home>

⁹² Amnesty International, "More than 7,000 killed in the Philippines in six months, as president encourages murder" (27 March 2017), online: *Amnesty International UK* <<https://www.amnesty.org.uk/knowledge-hub/all-resources/philippines-president-duterte-war-on-drugs-thousands-killed/>>.

⁹³ Leila Salaverria & Krixia Subingsubing, "Critics Hit Duterte Order Limiting Access to PNP Drug War Documents" (2 June 2021), online: <<https://newsinfo.inquirer.net/>>.

⁹⁴ Republic of the Philippines, *1987 Philippine Constitution*, Constitution of the Republic of the Philippines 1987, Article III, Section 2,.

⁹⁵ The *in flagrante delicto* rule refers to a lawful warrantless arrest which happens when, in the presence of a peace officer or private person, the person to be arrested has committed, is actually committing, or is attempting to commit an offense. It is

VII. CONCLUSION

At the outset, the data presented significantly shows that there were in fact sufficient laws covering different aspects of a Filipino woman's life. However, it is the execution of these laws that must be revisited. As may be gleaned from the data, Filipino women remain doubly disadvantaged and one of the most vulnerable sectors in the country during the daybreak of the COVID-19 pandemic. The Philippines' patriarchal structure has led women to be left out in governance and decision-making process for decades. The pandemic surfaced the pre-existing inequalities and exacerbated inequalities for the poor and the marginalised Filipino women.

The findings of this paper resonate with patterns identified in previous studies conducted in Indonesia, a country where the authors presented this study in 2021. Cases of gender-based violence and the psychological burden of women caring for family members have been prevalent.⁹⁶ Apart from additional unpaid care work of housewives, many mothers serve as tutors to their children during online classes, which puts a strain on the physical and mental burden for women who work full-time. Despite the vast array of COVID-19 research, there are plenty of opportunities to delve deeper into the intersection of women's rights with other human rights post-COVID-19 pandemic.

necessary that the person to be arrested must execute an overt act indicating the commission of the offense and that such overt act was done in the presence or within the view of the arresting officer. *Revised Rules of Criminal Procedure of the Philippines*, Section 5, Rule 113; *People of the Philippines v Claudel*, G.R. No. 21982 Supreme Court of the Philippines.

⁹⁶ Hario Megatsari et al, "Does husband/partner matter in reduce women's risk of worries?: Study of psychosocial burden of COVID-19 in Indonesia" (2021) 15:1 Indian Journal of Forensic Medicine and Toxicology 1101–1106 at 105.

Based on this research, the first year of the COVID-19 pandemic aggravated past and present government's failure to provide efficient remedies for Filipino women facing social injustices. The laws on VAWG, while substantially sufficient, lean towards the Protectionist Model rather than Substantive Model of Equality. Despite the efforts of the Philippines in implementing VAWG laws such as Anti-VAWC, Anti-Rape, Anti-Sexual Harassment, including marriage laws on Declaration of Absolute Nullity of Marriage, Annulment of Marriage and Legal Separation of Marriage, and others, it has yet to move towards a Substantive Model of Equality or the "equality of results".

The lack of awareness among Filipino women regarding the different forms of nullifying a marriage calls for the reinforcement of knowledge on the laws to remove the notion that "annulment" is a catch-all provision. Likewise, legal education programs that inform women of their rights and obligations are needed to close the gap on Filipino women's lack of awareness on laws enacted for their welfare and its legal implications including their rights against abuses. The conservative streak of the country in terms of its marriage laws has taken a toll on Filipino women who are stuck in abusive marriages. The costly fees and rigorous process of annulment have again raised the need for the recognition of divorce in the Philippines or other equally effective legal remedy.

Moreover, while the country has substantially fair labor laws covering inherent differences such as maternity leaves, gynecological issues, and others, these do not necessarily translate to the "equality of results" enshrined in CEDAW. The COVID-19 pandemic has aggravated the already-dismal working conditions of *Tisya Hustisya* female clients. Several female minimum-wage earners were

trapped in a “no-work, no pay” scheme and even render overtime hours without any overtime pay or hazard pay. This is also coupled with the intensification of domestic work and community work as part of the multiple burdens faced by Filipino women.

The Philippine government has yet to ensure that women, especially those from middle-income and lower-income families, benefit from the laws aimed at empowering them. This can be realized through supporting digital platforms like Tisya Hustisya, removing structural barriers to accessing formal justice systems, and strengthening evidence-based gender justice responses for increased access to justice. CEDAW directs states to enact laws that address gender imbalances through provisions of compensatory or corrective measures.⁹⁷

Even after the COVID-19 pandemic affected the country in ways that place women at higher risk, it is important for women to be put in positions of power, particularly in decision-making; and ensure that women in such positions not only represent the interests of Filipino women and the marginalized but continue to advance the gender agenda in the country to attain gender justice.⁹⁸ Despite having substantially fair laws in terms of VAWG and Labor, the Philippines has yet to overcome obstacles relating to its implementation and much effort in the said aspect needs to be made on its journey towards a Substantive Model of Equality.

ACKNOWLEDGMENTS

⁹⁷ Madhu Mehra & Amita Punj, *CEDAW: Restoring Rights to Women* (New Delhi: Partners for Law in Development) at 32.

⁹⁸ *Philippine NGO Beijing+25 Report*, by Rosalinda Pineda Ofreneo & Jean Frances Illo (Philippines: University of the Philippines Center for Women's and Gender Studies, 2020) at 20.

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