



Republic of the Philippines
INTER-AGENCY COUNCIL ON VIOLENCE AGAINST WOMEN
AND THEIR CHILDREN (IACVAWC)

RESOLUTION NO. 06
Series of 2018

**RESOLUTION URGING THE SUPREME COURT TO ASSIGN ALL
GENDER-BASED VIOLENCE CASES TO FAMILY COURTS**

WHEREAS, the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), which has been ratified by 189 States including the Philippines, declares that equality of men and women entails the abolition of the unequal structures and practices that perpetuate discrimination and inequality and mandates States Parties to, among others, establish tribunals and other public institutions to ensure the effective protection of women against such discrimination and inequality;

WHEREAS, the CEDAW Committee recognizes that the unhindered right of access to justice for women is essential to the realization of all rights under the Convention;

WHEREAS, the obligation to guarantee the right of access of women to justice systems in a non-discriminatory manner requires the State to institute capacity building programs for all State actors involved in the administration and delivery of justice;

WHEREAS, Republic Act No. 9710 requires government agencies to prioritize the defense and protection of women against gender-based offenses and help women attain justice and healing and to address the particular needs of women from a gender perspective to ensure their full protection from sexual exploitation and other gender-based violence committed against them;

WHEREAS, the Philippine Development Plan for 2017-2022 includes the enhancement and expansion of family courts and the provision of specialized training programs to judges, court personnel, law enforcement agencies, social welfare personnel, and other stakeholders, up to the barangay level;

WHEREAS, laws and judicial decisions, as elements of culture, are powerful forces in either perpetuating age-old gender stereotypes that hamper women from exercising their inherent agency or creating new mindsets that enable girls and women to fully realize their potentials as productive individuals and as members of communities;

WHEREAS, there are echoes of gender stereotypes in judicial decisions that are blatant affronts on the dignity of women and children and which promote discrimination and prejudice against women that may result in marginalization manifested in denial of access to justice, social services and opportunities, among others;

WHEREAS, an increasing number of gender-based violence cases are not being prosecuted to their judicious end due to the desistance of victim-survivors which is owed,

in part, to the lack of sensitivity of courts to their traumatic experiences, which often leaves victims feeling re-victimized by their encounters with the criminal justice process and hampers their ability to attain the empowerment needed to fully claim their rights and receive redress, justice, healing, and recovery;

WHEREAS, under Republic Act 8369, there shall be established a Family Court in every province, city, and selected municipalities with the highest population in cases where the city is the capital of the province in the country whose judges shall undergo training and must have the experience and demonstrated ability in dealing with child and family cases and who shall have jurisdiction over criminal cases involving children and minors, and domestic violence of women and children;

WHEREAS, Republic Act 8369 further provides that in areas where there are no Family Courts, the cases under the jurisdiction of the Family Court shall be adjudicated by the Regional Trial Court and that additional cases may be assigned to the Family Courts when their dockets permit;


WHEREAS, to guarantee, regardless of the party favored, that judicial decisions on gender-based violence cases, are not anchored on adherence to the patrilineal- virilocal complex which sponsors belief in the inferiority or the superiority of either of the sexes and on stereotyped roles for men and women, it is imperative that gender-based violence cases must be heard and tried by judges who are gender-sensitive, thus mindful of myths and misconceptions about gender-based violence;


THEREFORE, on motion duly seconded, be it:



RESOLVED, as it is hereby resolved, that the Inter-Agency Council on Violence Against Women appeal to the Supreme Court to designate Family Courts and the Regional Trial Courts acting as Family Courts to hear other gender-based violence cases falling within the jurisdiction of the Regional Trial Court;

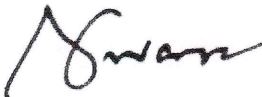
RESOLVED, further and finally, to forward this Resolution to the Supreme Court through the Office of the Chairperson of the Management Committee of the Judicial Reforms Support Project.

ADOPTED, this _____ of _____, 2018, in Manila, Philippines.


VIRGINIA N. OROGO
IACVAWC Chair
Acting Secretary
Department of Social Welfare
and Development


EDUARDO M. AÑO
IACVAWC Co-Chair
Officer-in-Charge
Department of the Interior and Local
Government

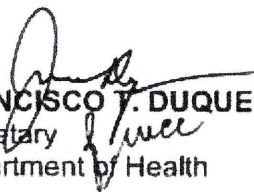


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MENARDO I. GUEVARRA
Secretary *cliff*
Department of Justice

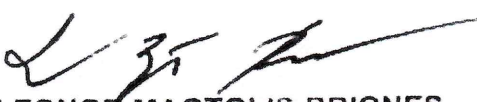

JOSE LUIS MARTIN C. GASCON
Chairperson
Commission on Human Rights

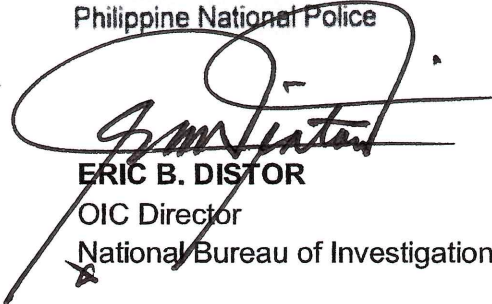

ALICIA DELA ROSA-BALA
Chairperson
Civil Service Commission

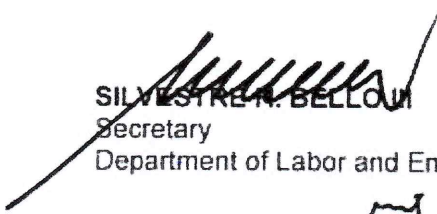

RHODORA M. BUCOY
Chairperson *m*
Philippine Commission on Women



FRANCISCO T. DUQUE III
Secretary *fr*
Department of Health


OSCAR D. ALBAYALDE
Director-General
Philippine National Police


LEONOR MAGTOLIS-BRIONES
Secretary
Department of Education


ERIC B. DISTOR
OIC Director
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SILVESTRE A. BELLOU
Secretary
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MARY MITZI L. CAJAYON-UY
Executive Director
Council for the Welfare of Children