

Trends and Gaps in Gender-Based Violence Prosecution in the Philippines: A Review of Legal Frameworks, Policy Implementation, and Prosecutorial Challenges

Edna Pitao-Honor

Office of the Provincial Prosecutor of Biliran, Philippines

ABSTRACT: This article presents a doctrinal and policy review of the Philippine framework governing the prosecution of gender-based violence, with emphasis on violence against women and their children in intimate or former intimate relationships, gender-based sexual harassment, and selected child sexual abuse reforms. Publicly available statutes, court rules, jurisprudence, executive issuances, institutional reports, and peer-reviewed studies issued from 2004 to early 2026 were examined and synthesized across five operational domains: substantive legal coverage, protection and referral mechanisms, evidentiary issues, survivor support and attrition, and case monitoring. The review indicates that the Philippine legal architecture is now comparatively robust. Republic Act No. 9262, the Rule on Violence Against Women and Their Children, the Magna Carta of Women, the Safe Spaces Act, Republic Act No. 11648, referral and emergency response issuances, the Department of Justice reporting template for child-related offenses and gender-based violence cases, and the judiciary's gender-fair language guidelines collectively establish a broad normative basis for investigation, protection, and prosecution. The main gaps appear at the level of implementation. Across the reviewed materials, recurrent pressure points include weak first-contact documentation, discontinuities in referral and medico-legal support, evidentiary difficulty in psychological and technology-facilitated abuse, survivor attrition, and inconsistent case tracking. Recent jurisprudence has clarified constitutionality, the evidentiary character of psychological violence, the availability of protective remedies for child victims, the application of Republic Act No. 9262 to lesbian relationships, and the limits of support-based prosecutions, which require willful coercive or anguish-causing denial rather than mere inability to pay. The paper argues that the next reform phase should prioritize prosecution-centered operational discipline through standardized evidence checklists, early case conferences, digital evidence preservation rules, survivor follow-through protocols, and simple local monitoring dashboards. In this way, prosecution is framed not only as a charging function but also as a coordination function within a survivor-centered justice response.

KEYWORDS: gender-based violence, prosecution, Philippines, violence against women, legal framework, jurisprudence, policy implementation

I. INTRODUCTION

Violence against women remains a major human rights, public health, and justice concern. The World Health Organization's latest global prevalence publication continues to show that nearly one in three women worldwide have experienced physical and or sexual violence in their lifetime [1]. Philippine data likewise show the continuing scale of the problem. According to the 2022 National Demographic and Health Survey, 17.5% of Filipino women aged 15 to 49 have experienced physical, sexual, and emotional violence from an intimate partner [2]. For prosecutors, these figures matter not only because of incidence but because case attrition often begins long before trial, at complaint intake, safety planning, investigation, evidence preservation, and witness support.

The Philippine response has expanded substantially over the last two decades. Republic Act No. 9262 created a specialized statutory framework for violence against women and their children in intimate or former intimate relationships [3]. The Rule on Violence Against Women and Their Children supplied procedures for protection orders and related judicial relief [4]. The Magna Carta of Women embedded violence issues within a broader equality and state accountability framework [5]. Later developments broadened the landscape through the Safe Spaces Act [6], local referral system guidelines [7], the constitutional defense of Republic Act No. 9262 in *Garcia v. Drilon* [8], emergency response guidelines for 911-reported cases [9], Republic Act No. 11648 on statutory rape and related sexual abuse protections [10], the Department of Justice reporting template for child-related offenses and gender-based violence cases [11], and the judiciary's guidelines on gender-fair language and courtroom etiquette [12]. Official Philippine materials also show that the national policy agenda has recently shifted toward a renewed action plan focused on prevention, response systems, and cross-cutting institutional structures [13], [14].

Trends and Gaps in Gender-Based Violence Prosecution in the Philippines: A Review of Legal Frameworks, Policy Implementation, and Prosecutorial Challenges

Yet the existence of a strong legal framework does not automatically produce strong prosecutorial outcomes. Institutional mapping, practitioner writing, and empirical studies repeatedly point to familiar implementation problems: weak first-contact documentation, inconsistent referral quality, uneven local frontline capacity, limited formal help-seeking, pressure on complainants to disengage, and poor handling of psychological or digital forms of abuse [15]-[22]. These difficulties are especially important in a Philippine setting where many cases depend on interagency coordination across barangay officials, police investigators, social workers, medico-legal providers, hospitals, and prosecution offices.

This paper reviews how these legal and policy layers interact with prosecution practice in the Philippines. For analytic clarity, the article uses gender-based violence as an umbrella term, but it concentrates on legal regimes most relevant to prosecutors: relationship-based violence under Republic Act No. 9262, gender-based sexual harassment under Republic Act No. 11313, and sexual offenses against children affected by Republic Act No. 11648. The paper asks three questions: first, how has the Philippine legal and policy framework evolved; second, what doctrinal developments in jurisprudence are most consequential for prosecution; and third, which recurring implementation gaps most directly affect case build-up, filing, and follow-through.

II. MATERIALS AND METHODS

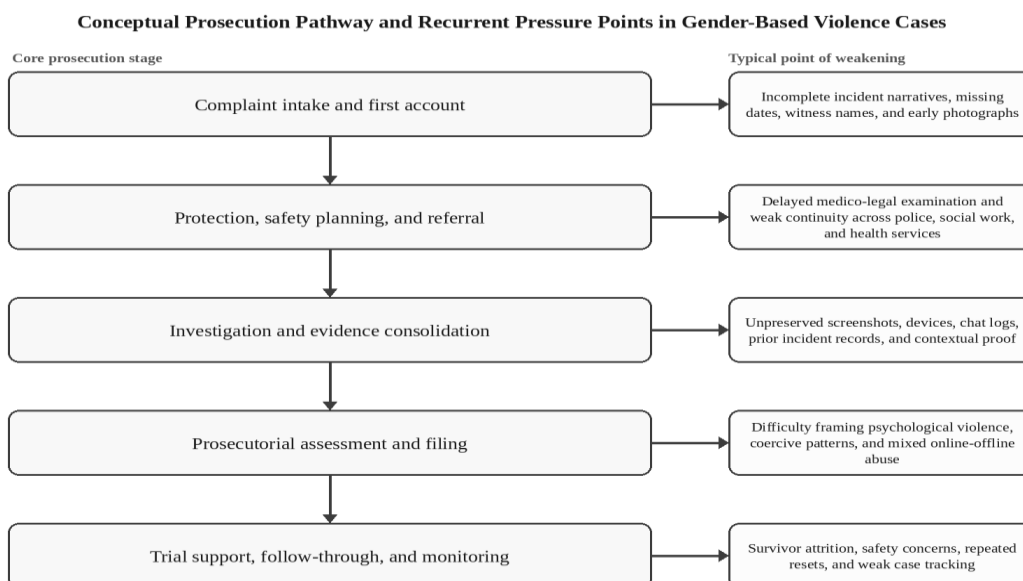
A. Review Design and Source Base

The article uses a doctrinal and policy review design with an integrative social science orientation. Sources were drawn from official legal repositories and institutional websites, including Lawphil, the Supreme Court of the Philippines, the Department of Justice, the Department of the Interior and Local Government, the Philippine Commission on Women, the Inter-Agency Council on Violence Against Women and Their Children, the World Health Organization, the World Bank, and the United Nations Office on Drugs and Crime. Peer-reviewed and professionally curated academic materials were identified through Google Scholar, PubMed, HERDIN, and journal sites relevant to Philippine law, public administration, and gender studies.

Materials were included when they directly addressed at least one of the following: substantive offenses or remedies relevant to gender-based violence; procedural rules affecting reporting, filing, or protection; jurisprudence clarifying elements or coverage; institutional coordination and referral; survivor help-seeking and attrition; evidentiary issues involving psychological or digital abuse; or operational challenges relevant to prosecutors. Purely descriptive news items, duplicate copies of the same legal instrument, and materials lacking sufficient bibliographic identification were excluded. Because this article reviews public legal and policy materials, it did not involve human participants, confidential case files, or ethics-sensitive fieldwork.

B. Analytical Frame

The synthesis was organized across five operational domains: legal coverage, protection and referral, case build-up and evidence, survivor support and attrition, and monitoring and follow-through. The objective was not to produce a quantitative meta-analysis but to generate a legally precise and practice-oriented account of where the Philippine framework is already strong and where prosecutors still encounter recurrent weaknesses.



Source: Author's synthesis of Philippine laws, jurisprudence, policy issuances, and reviewed institutional and academic literature.

Figure 1. Conceptual prosecution pathway and recurrent pressure points in gender-based violence cases.

III. RESULTS

A. Evolution of the Legal and Policy Framework

The first major layer of the framework is the specialized law on relationship-based violence. Republic Act No. 9262 defines violence against women and their children to include physical, sexual, psychological, and economic abuse committed by a current or former spouse, a person with whom the woman has or had a sexual or dating relationship, or a person with whom she has a common child [3]. The Rule on Violence Against Women and Their Children complements the statute by supplying procedures for temporary, permanent, and related protection orders, thereby linking penal enforcement with immediate judicial protection [4]. Together, these instruments continue to anchor most prosecution analysis involving intimate-partner violence and coercive control.

The second layer is institutional and equality-based. The Magna Carta of Women embeds the obligation of the State to respond to violence within a broader framework of substantive equality and access to services [5]. The referral system guidelines issued through DILG Memorandum Circular No. 2012-61 sought an integrated and coordinated local response to victims of violence [7]. These issuances matter to prosecutors because the quality of the prosecution file often depends on whether first-contact institutions generate timely affidavits, medico-legal records, referral notes, psychosocial assessments, and safety planning documents.

A third layer broadens the legal field beyond intimate relationships. Republic Act No. 11313, or the Safe Spaces Act, defines gender-based sexual harassment in streets, public spaces, online spaces, workplaces, and educational or training institutions [6]. Republic Act No. 11648 strengthened protection against rape and sexual exploitation by increasing the age for determining statutory rape from below 12 years to below 16 years and by refining related sexual offense provisions [10]. More recent executive materials show a growing concern with emergency response, data consistency, and monitoring. The 2021 Joint Memorandum Circular on 911-reported violence against women, children, and other gender-based violence emergencies emphasizes coordinated first response [9], while the Department of Justice reporting template issued in 2024 aims to standardize reporting for child-related offenses and gender-based violence cases [11]. Recent national action-plan materials released by the Philippine Commission on Women similarly emphasize prevention, response systems, and cross-cutting institutional structures [13], [14].

Table I. Core Philippine legal and policy instruments relevant to gender-based violence prosecution

Instrument	Core Contribution	Prosecutorial Significance
Republic Act No. 9262 (2004)	Specialized law on physical, sexual, psychological, and economic abuse against women and their children in defined relationship settings.	Provides core offense definitions, charging basis, and protective orientation for relationship-based violence cases.
A.M. No. 04-10-11-SC (2004)	Rule on Violence Against Women and Their Children governing protection orders and related procedure.	Allows prosecutors to situate criminal action within a broader protection framework and immediate judicial relief.
Republic Act No. 9710 (2009)	Magna Carta of Women, embedding violence issues in a broader equality and State-accountability framework.	Supports gender-responsive interpretation of public duties and survivor access to services.
DILG Memorandum Circular No. 2012-61	Guidelines for the establishment and management of a referral system on violence against women and their children at the LGU level.	Improves continuity among police, social work, health, and legal services that generate records needed for prosecution.
Republic Act No. 11313 (2019)	Safe Spaces Act addressing gender-based sexual harassment in public, online, workplace, and educational settings.	Broadens the universe of prosecutable harms beyond intimate-partner settings.
DILG-DSWD-DOJ JMC No. 2021-01	Guidelines for handling violence against women, children, and other gender-based violence emergencies reported through 911.	Strengthens coordinated first response and timely referral for evidence and victim support.

Trends and Gaps in Gender-Based Violence Prosecution in the Philippines: A Review of Legal Frameworks, Policy Implementation, and Prosecutorial Challenges

Instrument	Core Contribution	Prosecutorial Significance
Republic Act No. 11648 (2022)	Raises the age for determining statutory rape from below 12 to below 16 and strengthens related sexual offense protections.	Affects charging strategy, victim treatment, and evidentiary framing in child sexual abuse cases.
A.M. No. 21-11-25-SC (2022)	Guidelines on gender-fair language in the judiciary and gender-fair courtroom etiquette.	Supports trauma-informed and respectful treatment of complainants in court processes.
DOJ Department Circular No. 016 (2024)	Revised reporting template for child-related offenses and gender-based violence cases.	Promotes reporting consistency and stronger management of violence-related caseloads.
Recent PCW-led national action-plan materials	Policy direction emphasizing prevention, response systems, and cross-cutting institutional structures.	Signals a monitoring and governance shift that prosecutors can align with local case review and coordination.

B. Doctrinal Developments in Jurisprudence

Jurisprudence has clarified several issues with direct importance to prosecutors. In *Garcia v. Drilon*, the Supreme Court upheld the constitutionality of Republic Act No. 9262 against equal protection and due process challenges, affirming the law's gender-specific remedial design [8]. This remains a foundational case because it confirms that prosecutors are enforcing a constitutionally sustained social-protection statute, not an impermissible classification.

The Court has also refined the evidentiary treatment of psychological violence. In *Reyes v. People*, the Court reiterated that Section 5(i) of Republic Act No. 9262 penalizes forms of psychological violence that cause mental or emotional anguish [23]. In *Araza y Jarupay v. People*, the Court affirmed a conviction for psychological violence arising from marital infidelity that caused emotional suffering to the complainant [24]. These cases are significant because they show that prosecution of psychological violence often depends on proof of mental or emotional suffering and the relation between the complained-of acts and that suffering, rather than on visible physical injury alone.

Recent decisions have also clarified both coverage and the limits of support-based prosecutions. In *Knutson v. Sarmiento-Flores*, the Court recognized that the father of an abused child may invoke protection-order remedies on the child's behalf and that the availability of relief under Republic Act No. 9262 should not be defeated by an overly narrow reading of who may file [25]. In *Jacinto v. Fouts*, the Court held that Republic Act No. 9262 applies to lesbian relationships [26]. In *Acharon v. People*, the Court clarified that mere failure or inability to provide financial support is not enough for criminal liability under Sections 5(e) or 5(i) of Republic Act No. 9262; the prosecution must prove either coercive deprivation intended to control or restrict the woman or child, or willful denial of support used to inflict mental or emotional anguish [28]. Later cases reiterated that delay is not equivalent to refusal and that proof of inadequate support, without the required criminal intent, is insufficient [29], [30]. From a prosecution perspective, these decisions caution against narrow assumptions about offender identity, relationship configuration, or the criminalization of every support dispute arising out of family breakdown.

These clarifications matter because support under Philippine family law is a shared obligation. Article 70 of the Family Code provides that spouses are jointly responsible for the support of the family [31]. Economic violence remains fully prosecutable where support is withheld as a tool of coercion or psychological abuse, but prosecutors should avoid treating every delayed remittance, shortfall, or genuine inability to pay as criminal violence under Republic Act No. 9262 [28]-[31].

Table II. Selected Supreme Court decisions and their significance for prosecution practice

Case	Doctrinal Point	Prosecutorial Relevance
<i>Garcia v. Drilon</i> , G.R. No. 179267 (2013)	Upheld the constitutionality of Republic Act No. 9262 against equal protection and due process challenges.	Confirms the legal stability of the core anti-VAWC framework.
<i>Reyes v. People</i> , G.R. No. 232678 (2019)	Reiterated that Section 5(i) penalizes forms of psychological violence causing mental or emotional anguish.	Reinforces the need to document suffering, context, and the specific acts that caused it.

Trends and Gaps in Gender-Based Violence Prosecution in the Philippines: A Review of Legal Frameworks, Policy Implementation, and Prosecutorial Challenges

Case	Doctrinal Point	Prosecutorial Relevance
<i>Araza y Jarupay v. People</i> , G.R. No. 247429 (2020)	Affirmed that marital infidelity may amount to psychological violence when it causes emotional suffering.	Useful for cases where harm is demonstrated through patterned conduct rather than visible physical injury.
<i>Acharon v. People</i> , G.R. No. 224946 (2021)	Clarified that mere failure or inability to provide financial support is not enough for liability under Sections 5(e) or 5(i); criminal liability requires proof of coercive deprivation or willful denial used to inflict mental or emotional anguish.	Warns against treating all support disputes as criminal violence and helps prosecutors distinguish economic abuse from ordinary civil support claims.
<i>Knutson v. Sarmiento-Flores</i> , G.R. No. 239215 (2022)	Recognized the availability of protection and custody remedies for a child victim even where the alleged abuser is the mother.	Important for child-centered protection analysis and for avoiding narrow assumptions about who may be proceeded against.
<i>Jacinto v. Fouts</i> , G.R. No. 250627 (2022)	Held that Republic Act No. 9262 applies to lesbian relationships.	Clarifies that charging decisions should not be restricted by heterosexual assumptions about the parties.

C. Recurring Implementation and Prosecutorial Challenges

The reviewed literature suggests that the principal weaknesses in prosecution are operational rather than purely doctrinal. One recurring problem is weak first-contact documentation. Practitioner and policy materials describe complaints reaching prosecutors without an adequate incident narrative, witness list, medical record, prior complaint history, photograph set, or preserved electronic communications [15], [16], [20]-[22]. This problem is not simply technical. It reflects a break in continuity between the complainant's first report and the later stages of prosecution.

A second challenge is survivor attrition. Empirical work on help-seeking shows that only a minority of women exposed to partner violence seek formal assistance, and continued engagement is shaped by fear, economic dependence, stigma, family pressure, concern over children, and low expectations of institutional response [15], [17], [18], [32], [33]. For prosecutors, these are not merely social background variables. They directly affect affidavit completion, appearance at hearings, follow-up with investigators, and the stability of testimony over time. The literature therefore supports treating attrition as a systems issue that requires deliberate planning, not as a private choice that lies outside prosecution strategy.

A third cluster of difficulties concerns psychological violence and technology-facilitated abuse. The doctrinal materials show that psychological violence under Republic Act No. 9262 is legally cognizable [23], [24], yet operational guidance for proving patterned coercion, humiliation, intimidation, repeated verbal abuse, online harassment, and cumulative emotional harm remains uneven [16], [21], [22]. This is especially true when relevant proof is dispersed across messages, screenshots, devices, call logs, social media activity, prior incident reports, and witness accounts that were never consolidated at the earliest stage.

Finally, local response capacity is not uniform. Official Philippine materials continue to emphasize the importance of the Barangay VAW Desk as a frontline service point, and updated guidance on the operationalization of Barangay VAW Desks reinforces that local functionality is a continuing implementation concern [27]. Empirical work also suggests that functionality varies across barangays and localities [19]. This matters because early referral and local documentation often determine whether a case develops into a coherent prosecution file or fragments before filing.

Table III. Recurring implementation gaps and practical prosecution responses

Challenge	Observed Problem	Practical Prosecutorial Response
Weak first-contact documentation	Complaints often reach prosecutors without a complete incident narrative, witness list, medical record, or preserved electronic communications.	Use an intake and evidence checklist at the earliest prosecutorial review.

Trends and Gaps in Gender-Based Violence Prosecution in the Philippines: A Review of Legal Frameworks, Policy Implementation, and Prosecutorial Challenges

Challenge	Observed Problem	Practical Prosecutorial Response
Breaks in referral continuity	Delayed or uneven coordination among barangay responders, police, hospitals, social workers, and medico-legal services weakens the file.	Treat referral pathways as evidence pathways and require confirmation of key referrals.
Survivor attrition	Economic dependence, family pressure, concern over children, stigma, and low confidence in institutions reduce formal help-seeking and later case follow-through.	Adopt structured survivor follow-through plans, document reasons for disengagement, and connect complainants early with support services that reduce economic and safety pressures.
Psychological-violence proof issues	Patterned humiliation, coercive control, intimidation, and emotional suffering are harder to prove through conventional templates alone.	Prepare element-based case plans linking conduct, context, and resulting mental or emotional anguish.
Digital evidence gaps	Screenshots, chat logs, account identifiers, device data, and timestamps are frequently not preserved in a usable way.	Issue simple digital-evidence preservation guidance and chain-of-custody notation.
Weak case monitoring	Offices often lack a simple way to identify aging cases, recurring reset causes, or repeated nonappearance.	Maintain a local review log or dashboard for violence cases requiring active follow-up.

IV. DISCUSSION

A. From Legal Recognition to Operational Coordination

The review supports a central conclusion: prosecution in gender-based violence cases should be understood as a coordination function as much as a charging function. A prosecution-ready case is rarely created inside the prosecutor's office alone. It is assembled across multiple sites, including barangay-level first response, police investigation, health care, social welfare, and judicial protection processes. Where these links are weak, legal sufficiency at the level of statute does not translate into operational sufficiency at the level of proof.

B. Doctrinal Clarity Does Not Eliminate Workflow Variability

This helps explain why the Philippine framework can be both legally advanced and operationally uneven at the same time. On paper, the architecture is extensive. Republic Act No. 9262, the Safe Spaces Act, Republic Act No. 11648, protection-order procedures, referral systems, emergency response issuances, reporting templates, and gender-fair courtroom guidance collectively provide a broad platform for action [3]-[14]. In practice, however, the reviewed materials show that the system remains vulnerable where standardized workflows are absent. Variation in affidavit quality, referral continuity, evidence preservation, and survivor follow-through can produce avoidable file weakness long before any contested hearing occurs.

Recent Republic Act No. 9262 jurisprudence also illustrates why doctrinal updates should translate into prosecutorial screening standards. Knutson shows that the law's protective machinery may be invoked by a father on behalf of an abused child, preventing an unduly narrow reading that would deny relief whenever the immediate filer is male [25]. Acharon and the later 2022 to 2023 line of cases, however, move in a cautionary direction for support-based prosecutions: economic violence is not established by mere nonpayment, delay, or inability to give sustenance. Criminal liability requires proof that deprivation or denial of support was willful and was used either to control the woman or child or to inflict mental or emotional anguish [28]-[30].

That caution is important because support and child-rearing are not solely paternal obligations in civil law. Article 70 of the Family Code states that spouses are jointly responsible for the support of the family [31]. Prosecutors should therefore be careful not to let Republic Act No. 9262 become a substitute for ordinary civil support disputes or for shortfalls caused by genuine financial incapacity. At the same time, the law remains available where economic deprivation is weaponized as coercive control or as a means of psychological abuse. The operational task is to distinguish shared family hardship and contested support arrangements from deliberate, abusive withholding.

The same realist approach is needed when discussing desistance. The specific proposition that only 2% to 3% of complaints proceed to court could not be verified from the primary and peer-reviewed materials reviewed for this article. The available Philippine

Trends and Gaps in Gender-Based Violence Prosecution in the Philippines: A Review of Legal Frameworks, Policy Implementation, and Prosecutorial Challenges

evidence nevertheless points to low formal help-seeking and fragile case continuation. The World Bank's Philippine mapping report, drawing on national survey data, notes that only 34% of women aged 15 to 49 who experienced physical or sexual violence sought help, while another 25% disclosed the abuse but did not seek help [15]. Co et al. likewise reported, using NDHS 2013 data, that only 10% of ever-married women who experienced partner violence sought medical or legal help [18]. These figures do not measure court completion, but they support the conclusion that only a small fraction of victimizations enter and remain in sustained formal processing.

Qualitative Philippine studies help explain why disengagement persists even after a complaint is initiated. Decisions to stay in or leave abusive relationships are associated with lack of personal resources, absence of social support, the presence of children, and sociocultural pressures [32]. Another study found that leaving may bring financial difficulties and child-related strain even where it also produces gains in safety and autonomy [33]. Read together with studies on support barriers and self-sacrificing gender norms [17], these findings suggest that desistance may stem from economic necessity, concern that children will lose a father or see him jailed, pressure from family or in-laws, and fear of escalating household conflict. Prosecutors should thus treat desistance as a predictable case-management risk rather than as simple proof that the original complaint lacked merit.

C. Psychological and Digital Forms of Abuse Require Distinct Evidentiary Planning

Psychological violence and digitally mediated abuse deserve special attention. These cases often involve cumulative conduct, patterns of domination, humiliation, stalking, or harassment rather than a single discrete event. The legal basis exists, as the Supreme Court's decisions demonstrate [23], [24], but proof demands a more explicit evidentiary method. Prosecutors need templates that prompt the collection of prior incidents, contextual statements, screenshots, metadata, device information, corroborative witnesses, and records of emotional or psychosocial impact. Without that discipline, otherwise meritorious cases may be misframed as underdocumented or merely private disputes.

D. Office-Level Reforms for a More Prosecutable System

Several practical reforms follow from the review. First, prosecution offices should adopt offense-specific evidence checklists for common gender-based violence clusters, including Republic Act No. 9262 cases, gender-based sexual harassment cases, and sexual offenses involving minors. Second, serious or complex complaints should trigger an early prosecutor-investigator case conference to identify missing documents, likely witnesses, safety concerns, and urgent preservation steps. Third, offices should institutionalize survivor follow-through plans, including scheduled status contact, referral confirmation, and documentation of reasons for disengagement or nonappearance. Fourth, prosecutors and investigators should use a simple digital evidence preservation protocol that covers screenshots, original devices where available, chat exports, timestamps, account identifiers, and chain-of-custody notation. Fifth, local prosecution offices should keep a basic dashboard or case review log for violence cases so that aging matters, repeated reset requests, and persistent referral failures become visible and manageable.

E. Interdisciplinary Significance

These recommendations align the paper with the interdisciplinary aims of social science inquiry. The issue is not law in isolation. It is the interaction between law, institutional design, administrative capacity, gender norms, and service delivery. A prosecutorial perspective is therefore especially useful because it exposes the point at which legal recognition must become operational routine.

V. CONCLUSION

Gender-based violence prosecution in the Philippines now rests on a substantial legal and policy framework. The law recognizes a wide range of harms, the courts provide protection mechanisms, and executive issuances increasingly emphasize coordination, emergency response, and reporting consistency. Jurisprudence has also become more instructive on constitutionality, psychological violence, child-protective remedies, and the application of Republic Act No. 9262 to lesbian relationships [8], [23]-[26].

The principal remaining challenge is implementation discipline. Cases weaken where documentation is incomplete, where referrals fail to generate timely records and support, where digital proof is not preserved, and where survivor attrition is treated as external to prosecution planning. The next phase of reform should therefore focus on routine operational tools: evidence checklists, early case conferences, survivor-centered follow-through, digital evidence protocols, and straightforward local monitoring. These measures would help convert the legal gains of the past two decades into more reliable justice outcomes for women and children in the Philippines.

ACKNOWLEDGMENT

The author declares no external funding for this article. The views expressed are those of the author and are grounded in the cited public legal, policy, and scholarly sources.

Trends and Gaps in Gender-Based Violence Prosecution in the Philippines: A Review of Legal Frameworks, Policy Implementation, and Prosecutorial Challenges

REFERENCES

- 1) World Health Organization. Violence against women prevalence estimates, 2023: global, regional and national prevalence estimates for intimate partner violence against women and non-partner sexual violence against women. Geneva: WHO; 2025.
- 2) Philippine Statistics Authority and ICF. Philippines National Demographic and Health Survey 2022. Quezon City, Philippines and Rockville, Maryland, USA: PSA and ICF; 2023.
- 3) Republic Act No. 9262. Anti-Violence Against Women and Their Children Act of 2004.
- 4) Supreme Court of the Philippines. A.M. No. 04-10-11-SC, Rule on Violence Against Women and Their Children. 2004.
- 5) Republic Act No. 9710. Magna Carta of Women. 2009.
- 6) Republic Act No. 11313. Safe Spaces Act. 2019.
- 7) Department of the Interior and Local Government. Memorandum Circular No. 2012-61. Guidelines in the Establishment and Management of a Referral System on Violence Against Women and Their Children at the Local Government Unit Level. 2012.
- 8) Garcia v. Drilon, G.R. No. 179267, 25 June 2013.
- 9) Department of the Interior and Local Government, Department of Social Welfare and Development, and Department of Justice. Joint Memorandum Circular No. 2021-01. Guidelines in Handling Violence Against Women and Children and Other Gender-Based Violence Emergencies Reported Through Emergency 911 National Emergency Hotline. 2021.
- 10) Republic Act No. 11648. An Act Providing for Stronger Protection Against Rape and Sexual Exploitation and Abuse, and Increasing the Age for Determining the Commission of Statutory Rape. 2022.
- 11) Department of Justice. Department Circular No. 016. Revised Reporting Template for Child-Related Offenses and Gender Based Violence Cases. 16 July 2024.
- 12) Supreme Court of the Philippines. A.M. No. 21-11-25-SC. Guidelines on the Use of Gender-Fair Language in the Judiciary and Gender-Fair Courtroom Etiquette. 2022.
- 13) Philippine Commission on Women. PCW Unveils New National Action Plan to End Violence Against Women on the 20th Signing Anniversary of the Anti-VAWC Act (RA 9262). 28 November 2024.
- 14) Philippine Commission on Women. Policy Forum and NAP-EVAW Launch Highlight Whole-of-Nation and Whole-of-Society Approach. 10 December 2025.
- 15) Ladia MAJ, Parreño NE. Philippines Gender-Based Violence Policy and Institutional Mapping Report. Washington, DC: World Bank; 2021.
- 16) Coronel YT. Domestic Violence in the Philippines from a Prosecution Perspective. UNAFEI Resource Material Series. 2024;118:57-64.
- 17) Valdez IKM, Arevalo MVPN, Robredo JPG, Gacad SLS, Villaceran MAJ, Libang GR, Dela Paz EP, Rubin KSTA, Eala MAB. Violence against women in the Philippines: barriers to seeking support. Lancet Regional Health - Western Pacific. 2022;23:100471. doi:10.1016/j.lanwpc.2022.100471.
- 18) Co KD, Bermudez ANC, De Guzman MLRE. Type and severity of intimate partner violence and formal help-seeking among women in the Philippines. Philippine Journal of Health Research and Development. 2019;23(1):1-9.
- 19) Umali VD. Functionality of Barangay Violence Against Women (VAW) Desks in Pasig City. Ho Chi Minh City Open University Journal of Science - Social Sciences. 2024;14(3):92-110. doi:10.46223/HCMCOUJS.soci.en.14.3.3096.2024.
- 20) Guanzon MRAV, Sercado MAAM. Issues and Problems in the Enforcement of the Anti-Violence Against Women and Their Children Act of 2004. Philippine Law Journal. 2008;83:312-387.
- 21) United Nations Office on Drugs and Crime and UN Women. Handbook on Effective Prosecution Responses to Violence Against Women and Girls. Vienna: UNODC; 2014.
- 22) UN Women and United Nations Office on Drugs and Crime. Handbook on Gender-Responsive Police Services for Women and Girls Subject to Violence. New York: UN Women; 2021.
- 23) Reyes v. People, G.R. No. 232678, 3 July 2019.
- 24) Araza y Jarupay v. People, G.R. No. 247429, 8 September 2020.
- 25) Knutson v. Sarmiento-Flores, G.R. No. 239215, 12 July 2022.
- 26) Jacinto v. Fouts, G.R. No. 250627, 7 December 2022.
- 27) Department of the Interior and Local Government. Memorandum Circular No. 2023-104. Updated Guidelines on the Operationalization of Barangay Violence Against Women (VAW) Desks. 2023.
- 28) Acharon v. People, G.R. No. 224946, 9 November 2021.
- 29) XXX v. People, G.R. No. 255981, 7 August 2023.
- 30) XXX v. People, G.R. No. 256759, 13 November 2023.
- 31) Executive Order No. 209. Family Code of the Philippines, Article 70. 1987.

Trends and Gaps in Gender-Based Violence Prosecution in the Philippines: A Review of Legal Frameworks, Policy Implementation, and Prosecutorial Challenges

- 32) Estrellado AF, Loh JI. Factors associated with battered Filipino women's decision to stay in or leave an abusive relationship. *Journal of Interpersonal Violence*. 2014;29(4):575-592. doi:10.1177/0886260513505709.
- 33) Estrellado AF, Loh JI. To stay in or leave an abusive relationship: losses and gains experienced by battered Filipino women. *Journal of Interpersonal Violence*. 2019;34(9):1843-1863. doi:10.1177/0886260516657912.



There is an Open Access article, distributed under the term of the Creative Commons Attribution – Non Commercial 4.0 International (CC BY-NC 4.0) (<https://creativecommons.org/licenses/by-nc/4.0/>), which permits remixing, adapting and building upon the work for non-commercial use, provided the original work is properly cited.