ABSTRACT

With the overall aim of coming up with a new law-making model that is more comprehensive, inclusive and gender-sensitive, a study on the 13 year old law on Violence Against Women and their Children (VAWC) was undertaken. A portion of the study was made by personally interviewing the community elders and representatives of the Ifugao, Botoc and Benguet tribes from the Cordillera Administrative Region (CAR), Philippines, between February - March 2018. Secondary data were gathered from journal articles and electronic resources.

The study established whether the elders are aware of RA 9262 (VAWC Law) and whether they are implementing the law in the process of settling domestic issues in the community. Permission to enter the communities and conduct interviews was obtained from the National Commission on Indigenous Peoples’ (NCIP) CAR Regional Office. The assistance in entering the communities was provided by the Provincial Officers of NCIP. Issues on security, distance and finances limited the conduct of the study to Ifugao, Benguet and Mountain Province only.

At the end, representatives and elders from the tribes positively stated their knowledge of the law; however, they disregard the provisions of the Act in favor of their customary practices in resolving issues on violence against women within their respective communities.
One recommendation is to adapt these traditional mechanisms of avoiding and settling domestic violence and to integrate them in the mainstream process of law-making in order to produce laws that are genuinely comprehensive, inclusive and gender sensitive.

**Keywords:** RA9262, VAWC Law, Indigenous Women, Violence against Women.

**INTRODUCTION**

The Anti-Violence Against Women and their Children Act of 2004, commonly referred to as VAWC Law (WWTSVAW, 2009) was enacted into law on March 8, 2004 (SALIGAN Women's Unit, 2008; Association of Progressive Communication, 2013). The approval of the RA 9262 was based on the “inalienable right of women not to suffer discrimination and violence”, most especially in intimate relationships. The act particularly made violence against women perpetrated by the intimate partners as a “public crime.” It also arranged for the immediate legal relief of the victim of abuse through protection orders that could address or minimize cases of domestic abuse, among other things (WWTSVAW, 2009).

The Act specifically defines violence against women and their children as:

*Any act or series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has, or had a sexual or dating relationship, or with whom he has a common child, or against her child, whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty.* (Arellano, 2016, p.1)

Women Working Together to Stop Violence against Women (2009), one of the groups that campaigned for the passage of the VAWC Law, cited the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child as the principles behind the VAWC Act. This is in addition to the Philippine Constitution and the Universal Declaration of Human Rights, Beijing Platform for Action (Sexion, 2009) and other international human rights mechanism to which the Philippines is a signatory.
The Indigenous Peoples and VAW

Indigenous peoples comprise 370 million persons globally (Whyte, 2014). They have been exercising their own way of life even before the commencement of colonization in their respective areas.

Gender roles and expectations in indigenous communities have had an influence in the commission of violence against women. Pettit (2005) contends that gender and race categorize women at the lower part of the social stratification system, treating them as ‘particularly vulnerable’ to sexual abuse, as a result of “mass injustice” without offering any solution to their situation (Pettit, 2005). The United Nations (2013) reinforced this, saying “violence against indigenous women and girls is endemic in every part of the world” (p. 22). Similarly, the World Health Organization estimated that for every three women, one will experience physical or sexual violence by an intimate partner or sexual violence by a non-partner during her lifetime (Abrahams et al., 2014; Devries et al., 2013).

In the Philippines, violence against women seems to be one of the country’s prevalent social issues (Philippine Commission on Women, n.d.). It also cited a report by the National Statistics Office that in its 2008 National Demographic and Health Survey, “one in five Filipino women age 15-49 has experienced physical violence since age 15” (para. 1).

This violence against women, the PCW further claims, is linked with the unequal power relationship between women and a man, resulting from society’s misinformed views on gender and sexuality. The vulnerability of women to VAW is also further worsened by the “lack of concrete information to show the extent of VAW in the country as many cases of violence against women often go unreported due to women victims’ “culture of silence” (para. 4) because many victims often feel ashamed of sharing their experiences to others, especially to appropriate government entities such as the police.

In the case of the indigenous people in developing countries, according to Victoria Tauli-Corpuz, United Nations Special Rapporteur on the Rights of Indigenous Peoples, they suffer from higher rates of violence against women because most cases go unreported (Tebtebba, n.d.). She further claims that violence committed against indigenous women in the Philippines make up the highest percentage of violence in the country (para. 3).

Despite the extensive occurrence of VAW, there is no concrete data regarding its occurrence and there is no government agency assigned for its monitoring. This is supported by a study entitled “Breaking The Silence, Seeking Justice In Intimate Partner Violence In The Philippines: A Review on the Implementation of Republic Act 9262 or the Anti-Violence against..."
Women and their Children Act of 2004” done by the Women Working Together to Stop Violence against Women (WWTSVAW), which gave out an assessment in relation to the documentation and reporting of VAWC in the Philippines:

* Documentation of cases of intimate partner violence against women and children is erratic and very poor.

* The tracking of cases by the DILG is dismal. Having links to the 42,000 barangays (villages) across the country where incidents of violence against women and children first come to the attention of government, the DILG is in the best position to provide comprehensive data. The DILG issued a circular directing barangays to report on VAWC cases but the data set available is very incomplete, with information from only six regions out of the 17 regions in the country. These regions correspond to the locations of the 2000 barangay officials who were trained on RA 9262. (WWTSVAW, 2009, p. 23)

The study further reported that aside from the fact that the process of recording VAWC cases in the Philippines is problematic, no specific institution, both in the local and national level is assigned to collect and maintain all data and information regarding violence against women and their children. To address this, several government mechanisms have already been set up (Philippine Commission on Women, n.d.) including the passage of RA 9262 in 2004.

The research results from WWTSVAW however, does not provide a clear foundation in evaluating the implementation of RA 9262, hence, obstacles in its proper implementation still linger. The lack of proper civil documentation, compounded with insufficient disaggregated and documented data on violence experienced by indigenous communities, makes tracking, preventing, and punishing its occurrences even more difficult, according to Tauli-Corpuz (Tebtebba, n.d.).

While violence against indigenous women has been drawing national and international attention (Burnette and Cannon, 2014), the United Nations (2013) also recognizes that the absence of research on the experiences of indigenous women presents a profound barrier to knowledge development and violence prevention and mitigation. Locally, there are very limited studies conducted about RA 9262, and none in the context of the indigenous communities particularly in the Cordillera Administrative Region, hence, this study was conducted. It aims to discuss how community elders and leaders assess the usefulness of RA 9262 on the lives of the Cordillera women particularly in preventing domestic abuses.
METHODOLOGY

This study used individual interviews with similar interview questions to five NCIP officers and eleven community elders who served as key informants for the study. Interviews were conducted from February to March 2018. These key informants were identified using snow-ball technique.

a. NCIP Officers

After securing the permission to conduct the research from the regional office, the researcher proceeded to the provincial branches for the initial phase of the interview. Randomly, those who were present at the office during the visit became the respondents of the research.

All in all, there were three Service Center officers, two Community Affairs Officer 1, one Tribal Affairs Assistance 2, one Administrative Officer 3, and one Administrative Aide 4 who served as respondents for the study.

They were asked regarding the different municipalities of their respective provinces and to identify the most remote of these municipalities. The actual distance and time required to reach the municipalities were elaborated by the respondents.

Questions on their knowledge regarding RA 9262 and on how the indigenous communities resolve domestic violence were asked. They were also requested to assess the frequency of the occurrence of such.

b. Elders of the Tribes

Eleven elders were included in the study. There was one member of the council of elders and an Indigenous People Mandatory Representative (IPMR) from the Karao Tribe of Benguet. Six elders from the Ibaloi tribe of Kabayan, Benguet, five of which are barangay IPMRs, while the other one is a barangay kagawad. One is a council of elders member from the Ibaloi of Itogon, Benguet who, at the same time, serves as the Municipal IPMR of Benguet.

Three elders were from the Mountain Province. One is a Municipal IPMR from Sagada. The other one is a native of Sadanga, also serving as an IPMR. The last respondent is from Alab Oriente, Bontoc, Mountain Province, also a member of the council of elders and an IPMR.

Only two of the eleven respondents from the council of elders are female. One of them was a former policewoman. One elder from Mountain Province was a former school teacher.

They all allowed the interviewer to record the conversation and were asked similar questions guided by a single interview schedule. Most of the
elders spoke in English with mixed local terminologies, while some used the Ilocano language.

Furthermore, secondary data related on indigenous peoples, violence against women and RA 9262 were gathered through electronic resources and online journals.

RESULTS AND DISCUSSION

This chapter is divided into two parts: first, the presentation of gender roles and expectations in the Cordillera communities, highlighting those of women; which were obtained from secondary sources. The second part presents the results of the interview with the key informants regarding RA 9262.

The Cordilleran women

The Cordillera Administrative Region (CAR) is a region found 200 kilometers north of Manila. It is made up of six provinces (Ifugao, Mountain Province, Kalinga, Benguet, Apayao, and Abra) and a chartered city (Baguio City) (Philippine Statistics Authority, 2013).

CAR has a total land area of 1,829,370 hectares which is approximately 13% of the total land area of Luzon (Department of Agriculture, n.d.) and a total population as of 2010 of 1,616,867 people (Philippine Statistics Authority, 2013). People in the area belong to different indigenous ethno-linguistic groups (Cariño, 2001; Peterson, 2010).

The ethnic groups of the Cordillera Administrative Region are collectively called “Igorot” (Peterson, 2010). The term “Cordilleran” however is considered to be more politically kind and neutral terminology (Pamintuan-Riva, 2014). Their culture is classified to be independent because they resisted any form of foreign colonization (Peterson, 2010).

Cordillera indigenous women are generally farmworkers. They are engaged in subsistence farming and take part in clearing and land preparation, planting, weeding, harvesting, seed selection, storage and milling of the produce (Yogogan-Diano, 2015). Unlike in the lowland Philippines where men are customarily the farmers, women in Cordilleran indigenous groups usually do most of the work in the fields. They likewise raise domestic animals for food and cultural rituals. Males on the other hand are in charge of the opening and building of new rice fields as well as plowing. During critical times, men are tasked to go out of the community and search for additional economic sources which include, but not limited to, small-scale mining, hunting and engaging into wage labor (Gimenez, 2011).
Among the people of Bontoc, Mountain Province, it was noted that in relation to rice production, women police the village more effectively than men in times where men and women are required to carry out the tasks in the rice fields (Castro-Palaganas, 2004). Meanwhile, Canilao (2001) noted that among the Cordillerans, the complementary effort of both sexes to earn a living as well as their survival schemes appear not to be gender specified. If ever there are differences in some tasks, this would be based on the perceived difference in strength of the sexes. There are no “taboos” imposed on women fulfilling men’s duties, most especially if there are no men available in the vicinity. The division of work between the sexes has been carried over from the tribal warrior societies when women were assigned to housework and agriculture while the men were in control of hunting and the defense of the community. In the case of traditional practices, which is common among indigenous tribes, everyone in the community can become a “men-supok” or “munuwwab” regardless of sex.

However, the case in the political arena is different. Indigenous women are given restricted opportunities for political participation, both in the traditional and in the forced structures of government:

At the village level, the traditional council of old men in the community dominate discussions on community political affairs. Women hardly ever contribute to discussions in the dap-ay or ator. In the barangay as well as in higher levels of local government, grassroots women hardly ever get elected into position. Men are relatively freer from agricultural tasks and housework, and are thus able to participate in community meetings and social gatherings, further sharpening their political awareness. Meanwhile, women are expected to stay home to cook and to take care of the children which is why they are often conservative and mostly involved in socio-economic activities rather than political affairs. (Cariño, 2001, pp. 239-40)

Casambre (1999), was able to study the Ifugao society, and provided ethnographic information on the culture of courtship, marriage, and divorce among the Ifugao:

When a man was interested in marrying a woman, he sought the consent of her parents, who conducted a ritual to check the chicken bile omen before agreeing to the marriage. A woman without a husband—unmarried or widowed—slept in the agamang with other marriageable women, where they could be visited by men in search of a wife. Each time that (a lady) was widowed, she went back to the agamang until a man successfully hurdled the steps which included getting her consent, asking her parents' permission, and getting good omens from the bile reading. (p. 13)
She likewise presented a discussion about the concept of rape among the Ifugao, Bontoc and Kankanaey:

(There is a)"practice of sex segregation of the youth, in e.g. agamang dormitories. The strict taboo on sexual relations and consequently, marriage among "brothers" and "sisters" (to the third degree of kinship) provides an explanation for the alien nature of rape in traditional Cordillera society, hence the absence of customary means of addressing it as a violation. In particular, there is no mention of rape of unmarried females; what we find in the ethnographic accounts is that of rape of married females—the term used is "stealing from"—which calls for the ultimate revenge from the woman’s husband. (pp. 14-15)

In terms of fulfilling the reproductive roles as parents, Castro-Palaganas (2004) noted that among the Ifugao people, men and women share the task. Accordingly, it was observed that men have as much concern about housework and the care of children as that of the women. Both parents share in the task of childcare while fulfilling their respective tasks in the farms. Household maintenance is likewise shared by both sexes.

Since women are the main carriers of life and primarily in charge of reproduction, they are well taken care of by the traditional support system from pregnancy to birth giving and recovery (Yogogan-Diano, 2015).

During times of conflict, the community protects the women as well. Discussing how women are protected during wars, the article entitled "Respect and Protection of Indigenous Women: Stronger before than now" (Gimenez, 2011) explained:

Women of warrior tribes sported tattoos on their arms as an indication that they are women and therefore spared from harm and not to be killed if chanced upon from a distance by warriors on mission. There was clear division of labor of women and men and the roles assigned are natural and spontaneous. The division of roles complemented and reciprocated each other, no prejudice made on each other’s work. (p. 3).

In cases of role assignment, women are given duties in the production but the village members make sure that their protection is ensured. Distant and more hazardous works such as engaging in wars and joining hunting expeditions are assigned to males. In case of distant farming, men and women work together.
In Benguet, there is a process of conflict resolution called “tongtong” (Adonis, 2011). The tongtong is the assembly of the respected elders and community members who apply the customary laws and justice system to help solve cases that are brought to their attention. The main aim of the tongtong is for the two conflicting parties to reach an amicable solution to their struggle. The same scheme is applied to married couples who are in conflict. Since separation is not culturally accepted, the elders would assist both parties to search for ways to mend their relationship. The elders would give “yamyam”, which is a “strong word of reprimand” to the one who committed the error to dare the person to improve his/her attitude. Adonis explained:

In the “tongtong” process for couples, elders try to dig out the root cause of the problem and recommend a solution usually by citing their own story or someone’s story. The couple in conflict was encouraged to see themselves in the story and in the end, talk about how to solve their own marital problems and ask forgiveness from each other. (pp. 152-3).

The perspective of the NCIP Officers

Most of the respondents from the NCIP are aware of the existence of the VAWC Law but are not familiar with its salient points. Some claim they have a copy of the law but have not read its contents. Only one Community Affairs Officer who was a former women non-government organization worker was able to spontaneously identify the main features of RA 9262. All of them are members of a particular tribe in Ifugao, Benguet or Mountain Province.

There are no VAWC desks in the offices of NCIP, not even a simple women’s desk. NCIP officials usually visit the communities because it would be more expensive if they ask the elders to go to the “centro”. Because of the distance, NCIP has to reimburse not only their fare but also food and accommodation. Because of these travels, they become familiar to almost all of the culture of the tribes in the province.

Violence against women according to the culture

Violence against women is not part of the traditional culture of the Ibaloi, Ifugao and Bontok. The NCIP officers made it clear that among the indigenous communities, there is a very high regard on women. The ancestors of the tribe always remind the younger ones not to hurt women. Among the Ibaloi, they have the concept of “innayan”, the belief that a husband will be cursed if he physically hits his wife. One officer mentioned
that in the few cases of domestic violence, these are committed by “half-half”, or those who are not “pure Ibaloi”.

Among the Ifugao, they have a practice called “pani-o” or “paniyo” which makes hurting women a taboo. They also have “haliw”, the act of penalizing the faulty party if there is a case of domestic violence.

For the Bontok, “lawa” serves as their moral doctrine. In “lawa”, an oral tradition, it is clear that violence against women is a taboo. Furthermore, “nga-ag”, which is comparable to the ten commandments of the Catholic Church, states that men should not hurt their wives.

In all the three cultures, a common feature is their concept of “multa” or fine. The members of the council of leaders determine the form and quantity of the “multa” in Ibaloi and Bontok cultures. It is not monetary in nature and is usually in the form of animals, usually pigs and/or chicken. Carabao is also imposed in case of grave offense. In Ifugao, the process of penalizing the offender is called the “haliw”. NCIP officers were quick to explain that “haliw” does not necessarily end up to separation. In some cases, penalty or “multa” is imposed only because of the wrongdoing (wrong action) committed by the offender.

All the NCIP officers said that only few cases of domestic violence happen in the community. They explained that there are years when not even one case of domestic violence was recorded. Moreover, they claim that most cases are resolved amicably and the couple lives together again. Separation is not an option and is allowed only in cases when the couple cannot bear a child or when the offense is too grave.

**Perception on external intervention**

Long before the VAWC Law was implemented, there were already traditions being followed in the indigenous communities as to the handling of domestic disputes among couples.

According to the NCIP officers interviewed, VAW is manageable within the community because of the presence of the family, the clan and the community as a whole. These institutions play a major role in the resolution of conflict with husbands and wives.

Among the members of the Bontok tribe, marriage is originally between family and the community itself. The elders are allowed to interfere to solve marital problems. In the course of fixing domestic issues, elders do not use the VAWC Law, but adhere with the old ways using their customary laws.

In Ifugao, “Humangan” is the process of settling the domestic problems of a couple with their parents and relatives. During the “humangan” there are mediators who are usually the elderly members of the clan. The
problems are discussed and the couple is given pieces of advice. The decision whether to separate or try to live together again is based on the opinion of all parties, not only of the couple in conflict. The Ifugao are cautious to secure the opinion of the family members first before consulting with outsiders. In this case, the barangay and the DSWD officers are considered outsiders.

In the case of the Ifugao, according to the NCIP Tribal Affairs Assistant, the elders take a dual personality in case they are elected as barangay officials. In instances that the elder is called to mediate and solve a domestic issue, the elder will come on his capacity as a member of the council of elders and not as an elected barangay official, thus implementing the customary law and not the provisions of RA 9262.

The elders’ role in the settlement of Domestic Conflict

For both the Ibaloi and Bontok, the council of elders are the primary in-charge with the settlement of disputes, including domestic affairs. The members of the council of elders are consulted with every problem in the family and the community.

For the Ifugao, there is no council of elders because they are clannish, or are used to clan-based resolutions of disputes. Members of the family exhibiting fair and just judgment are considered as “nanumnuman”. They are regarded with respect by relatives because of their character and credibility. Becoming a “nanumnuman” is not based on age but on the trust vested by one’s relatives.

Among the Ifugaos, they believe that before asking help from outsiders, they must first consult with their relatives. In fact, the family is so important among the Ifugaos that they consult even the relatives up to the 10th degree of consanguinity and affinity. The matured members of the family are objective enough to decide if a member is to be sent to jail or not, depending on the gravity of the offense; however, most of the times, problems are amicably settled among warring families.

For the Ibaloi, there is a process of mediation called “tong-tong” where the elders, together with the couple and their immediate families, discuss the problem. The elders will advise and enumerate the disadvantages and advantages of the different options for the couple.

The couple could undergo the process of “idang”, or a trial separation upon the agreement in the tong-tong. If, after the “idang” the couple decides to come back together, another ritual called “sabusab” will be conducted by the elders. All the rituals entail the butchering of pigs as a
form of sacrifice and offering. The elders will be the ones to determine the number of sacrifice animals to be butchered.

In the municipality of Kibungan, Benguet, there is a ritual called “magsigpet” that is done to give an end to the conflict between the married couple. Like others, the ritual entails the butchering of pigs and/or other animals for sacrifice and offering. If the couple decides to reconcile, the community will do another ritual called “isisep”. This last ritual is comparable to a wedding festivity and is headed by the council of elders.

The Ifugaos call the ritual for closure as “hidit”. It is a process to prove that despite of what has happened between them and the separation, they can still live and eat together as members of the family. The matured members of the family lead this ritual.

More pressing issues for the women

The NCIP officers were asked whether they see Violence against Women as a pressing issue among the tribal women in their community. As per their assessment, although there are cases of domestic violence happening in the community, these are rare and isolated ones. They feel that the real problems of women in their respective communities are those related to their economic situation, their employment, the education of their children and the food they need for daily sustenance.

According to NCIP officers in Ifugao, women’s health might be a problem in some areas, but this is not the case in Ifugao because the Department of Health provincial office is actively doing its job and that the barangay health workers are always on the move.

Although there are those who appreciate the law because it decongests the courts of additional cases and since settlement usually starts at the barangay level, this is not usually implemented in the community because VAW cases are solved customarily.

Implementation of the law

Despite the passing of the law and the awareness of the elders and barangay officials regarding its existence, the law is not used in the settlement of domestic issues in the community. The customarily law is still the guiding principle being followed by the elders, the family and relatives, as well as the community, in addressing issues related to marital affairs.

The NCIP officers were one in saying that despite its thirteen years of implementation, they have not seen anybody arrested because of violation of RA 9262. Furthermore, they have not heard of any barangay protection
order being issued in the favor of anybody in the community, nor the DSWD entering the community for mediation or resolution of any martial problem.

The Elders of the Community

The Ibaloi Elders

Some elders are aware of the RA 9262 but are not familiar with its salient points. They were able to know about the VAWC Law through seminars, flyers, and the Information Education Conferences (IECs) sponsored by the NCIP given to them. One became familiar with the law because she is a retired police officer. When asked to cite provisions, one elder said, “Complaints can be filed in the Barangay.”

Most of those interviewed were also Indigenous Peoples Representatives (IPR) under the National Commission of Indigenous Peoples. Aside from being IPR’s, the elders are formally elected official of their respective barangays.

They claim that domestic violence does not always happen in the community. An elder explained that in reality, couples fight and disagree but rarely are these arguments violent. Violence is not part of the Ibaloi culture, according to a leader. There are a few instances where a couple would be violent in their fights but this would be solved through customary laws and are not reported as violation of RA 9262.

The customary way of settling marital disputes starts with a discussion with the immediate family; if the issue is not resolved, the help of the council of elders will be summoned. This is the start of the “tong-tong”. The members of the council balance and weigh the two sides of the case. They investigate and are allowed to impose penalties to those who are at fault, if deemed necessary. The penalty is not in any way in the form of detention or money, but always in the form of animals to be butchered and shared with the community. Usually, however, cases such as domestic violence are resolved after the rituals are made.

In situations where a woman goes to the barangay to report her husband who physically assaulted her, the barangay officers will first ask the help of the elders and community leaders in resolving the case. The PNP and DSWD can be tapped to arrest the violator if the offense is really serious, but to date, no case like this has ever happened in the community.

For the Karao tribe, they have a ritual called “sintil”. The community shows their love and care to the couple by giving pieces of advice, be it solicited or otherwise. The “sintil” is done to allow the community to show their support through their interference.
Among the Ibaloi, the couple has the choice to separate, but this is the last recourse that will be offered to them. The community will always aim for reconciliation and for the couple to live together again.

“Kappi” is another ritual or tradition that is officiated by the Ibaloi elders. During the ritual, the couple will each offer a pig to butcher to be shared to the community. While eating the boiled meat, the elders will discuss the problem and will invoke the help of the spirits so the problem will not happen again. “Kappi” is like a process of cleansing the relationship.

When asked if VAW is a primary problem of the Ibaloi woman, the elders were one in saying that it is not a major problem. More than violence, they think that the economic needs, source of livelihood and food or subsistence, as well as the education of their children, are their major problems. The elders reported that at present, DSWD is very active in giving seminars and raising awareness in the community regarding violence against women.

The Bontoc Elders

Most of the members of the council of elders in Mt. Province are also elected barangay officials. When asked if they are familiar with the VAWC law, the elders answered in the affirmative; however, if there is a need to settle domestic problems, they always use the customary laws to solve the issue. The process of talking together to settle the issue is called “matutya”. There is another ritual that is conducted by the elders when the domestic issue is solved. The process of settlement starts with the butchering of pigs as sacrifice. The butchered pig will serve as the basis of their reading on how to advise the erring couple.

Among the Bontok community, it is a taboo not to care for the women of the family. An elder gave an example: after a woman has given birth and the members of the community see the women fetching water, the husband will be immediately penalized by the council of elders. They narrated that in Mt. Province, they have the “dap-ay”, which has numerous members. If the members of the dap-ay see a working woman who has just given birth, the members of the dap-ay will summon the husband and penalize him. If a couple has a disagreement and this is not manageable within the confines of their own home, the “lallakays” (elderly men) will go to their home, butcher pigs and start the process of “pagsasaoan”. This is the reason why, according to an elder, they are afraid to enter into a discussion with their partner because “sayang ti baboy” (It is a waste to butcher a pig). Joking aside, the elder clarified that in Bontok, when a couple argues, they do it in
a secretive manner; otherwise, the husband will be penalized by the council of elders.

Even with the law, the elders do not use this in finding a solution to domestic problems. They would rather look for the best solution and if the case is incorrigible, “pa-distero-mi ti lalaki”. The husband will be asked to leave the conjugal house, and is not allowed to carry with him anything. The husband is also not allowed to have a share of the conjugal properties and will be asked to look for a place for himself so he will not burden his wife anymore. This is the ultimate penalty that the Bontok elders impose.

One elder said that divorce is allowed in the Mt. Province, although they do not advocate it. If the couple is really not compatible, the elders will allow them to separate. But initially, when a couple asks for their permission to separate from each other, their initial opinion is not to allow it and to try to resolve it. Divorce is legal, however, if the couple is childless.

CONCLUSION AND RECOMMENDATIONS

As a conclusion, the community elders and leaders feel that RA 9262 has very little impact on improving the lives of the Cordillera women because the indigenous communities still value their tradition of solving conflicts among themselves, high respect for the elderly, and the more pressing need to keeping the family intact and providing for the family. In addition, because domestic violence is culturally shunned by the community, it is not a common occurrence among indigenous groups. Finally, these indigenous communities need livelihood projects, economic support and poverty alleviation projects more than laws that address violence against women and their children.

The following recommendations for the concerned government entities are provided: There is a need to improve the monitoring and documentation system towards compiling a national data of violations against women and their children so as to be more accurate in planning programs for the victims.

The Local Government Units should likewise conduct re-training among its local officials for the proper implementation of RA 9262. Moreover, because there are still those who are not aware of the existence of the law, information drive, or education campaign should be conducted to increase the level of awareness regarding the existence of the VAWC Law. It might be helpful if salient points and features of the law be incorporated with some of the collegiate subjects that are being offered in colleges and universities across the country. Lastly, distribution of reading materials about the Act to the communities by their respective Barangay officials would be helpful.
It is further recommended that the national legislators should ensure the inclusion of the result of a community-based mechanism on the Bills they sponsor to guarantee that these would be acceptable to all and at the same time give the indigenous communities the opportunity to share their insights on the suggested bills. Lawmakers should harvest the knowledge and expertise of the Council of Elders to guide them in crafting appropriate laws. In short, in-depth consultation should always be a prerequisite of law-making.

At the same time, collective settlement of disputes is likewise recommended to decongest the judicial courts of their pending cases. This is in the congruence with the provision of the RA 9262 to expedite the handling of VAWC cases through the creation of the Family Courts and prioritizing them over other pending cases.

All in all, a more comprehensive and holistic approach is needed to improve the situation of indigenous women. Poverty alleviation, economic independence, and providing proper education, among others, should also be taken in consideration so as to empower the women of the Cordillera. To sum up, a review of RA 9262 and possible amendments to address the issues of the women in indigenous communities are highly recommended. To future researchers interested in conducting related studies, a study incorporating cultural studies to come up with a more meaningful feminist paradigm may be considered.

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