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**The Experience of the Philippine Judiciary in the Generation and Gathering of  
Sex-Disaggregated Data**

by

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# **The Experience of the Philippine Judiciary in the Generation and Gathering of Sex-Disaggregated Data**

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## **ABSTRACT**

One of the major issues that needs to be resolved by the Philippine Judiciary is the lack of gender-related and sex-disaggregated data in the judiciary which shall serve as baseline in the development of affirmative action to increasing women participation in the Judiciary; to serve as basis for gender-awareness training; and provide data for policy directions.

The issuance of Administrative Circular 81-2006, *directing the Philippine Judicial Academy (PHILJA), Supreme Court-Office of Administrative Services (SC-OAS), Judicial and Bar Council (JBC), Office of the Court Administrator-Court Management Office (OCA-CMO), Office of the Court Administrator-Office of Administrative Services (OCA-OAS), and Office of the Bar Confidant (OBC) to generate and gather sex-disaggregated data*, ensured that sex-disaggregated data from the Judiciary are available, regularly updated, and accessible through the Online Gender Corner .

Initial analysis of the data gathered shows disparity in between men and women lawyers and judges.

Through the Court Administration Management Information System (CAMIS), data on the number of court cases on women and children was made available.

The paper for the Session on Gender Statistics by the Philippine Judiciary highlights the analysis of data collected from various offices in the Supreme Court; background on the Court Administration Management Information System (CAMIS) and the gender-based data that it generates; and the application of the Gender Bias in the Justice Process Framework (Azcuna, 2006) for the gathering, generation and analysis of an integrative and comprehensive gender-segregated data from the pillars of justice.

The proposed framework integrates the rights-based approach on the Justice Process (UNDP, 2005) and the manifestations of gender bias (Feliciano, et.al 2003).

## **TOWARD A GENDER RESPONSIVE JUDICIARY**

Administrative Circular No. 22-2003 is a vital document that began the process of gender mainstreaming in the Philippine Judiciary. The Circular paved way to the creation of the Committee on Gender Responsiveness in the Judiciary (CGRJ).

The Committee, composed two (2) Supreme Court Justices as Co-Chairpersons and heads of various offices in the Supreme Court and Judges Association, is tasked to develop a gender and development plan for the entire Philippine Judiciary. Through a series of training and workshop the CGRJ was able to develop the Medium Term Gender and Development Plan for the Judiciary. The plan outlined seven (7) core strategies to achieve the Judiciary's vision of "a judicial system that is sensitive and responsive to gender equality and empowerment in all its policies, programs and activities, the rebuy providing effective, efficient and accessible justice for all".

These 7 core strategies are: transform paradigm and enhance commitment of the judicial system to gender equality through training and capability-building; review or conduct

gender audit of policies, programs and practices to make these more gender-responsive; establish a gender-responsive database in the Judicial System; promote the use of gender-fair language, core gender messages and rituals for higher gender awareness; enhance partnership and networking with other GAD advocates; regularize family courts throughout the country; and create a Committee on Decorum and Investigation (CODI) in each court station and train CODI members.

It is under these strategies that the Supreme Court through the CGRJ was able to gather and generate sex-disaggregated data from various offices in the Supreme Court. Memorandum Order No. 32-2004 enabled the creation of eight (8) Subcommittees to handle the implementation of the 7 core strategies. These subcommittees handle various tasks such as conduct of capacity-building and training; gender audit, development of gender-responsive database; promotion of gender-fair language; establishment of partnership and network with other GAD advocates; regularize family courts; create CODI in all court; and resource mobilization. Each of the Subcommittee is chaired by a member of the CGRJ.

The Subcommittee on Gender-Responsive Database, headed by Justice Adolfo S. Azcuna where members include representatives from the Management Information System Office (MISO), Program Management Office (PMO) and Office of the Court Administrator-Court Management Office (OCA-CMO), is tasked to gather and generate sex-disaggregated data and to develop a website on gender and development.

In 2006, the CGRJ established the Online Gender Corner (OGC) in the Supreme Court website ([www.supremecourt.gov.ph](http://www.supremecourt.gov.ph)) where laws concerning women are available, updates on the activities of the CGRJ and its efforts towards gender-responsive judiciary; and sex-disaggregated data.

Under Administrative Circular 81-2006 required various offices of the Supreme Court to gather and generate sex-disaggregated data. The table below summarizes the data gathered by the various offices.

<b>Office</b>	<b>Data Generated and Gathered</b>
Philippine Judicial Academy (PHILJA)	-Data on the number of male and female judges and lawyers trained
Judicial and Bar Council (JBC)	-Number of Male and Female applicants to the Bench -Number of Male and Female appointees to the Bench
Supreme Court-Office of Administrative Services (SC-OAS)	-Sex-disaggregated data on the number of Supreme Court Employees
Office of the Bar Confidant (OBC)	-Sex-disaggregated data on the number of Bar applicants, Bar passers, topnotchers
Office of the Court Administrator-Court Management Office (OCA-CMO)	-no. of cases on Violence against Women and their Children, Rape under RA 8353, RA 7877, child abuse, drug users (minor), rape with minors and minor defendants
Office of the Court Administrator-Office of Administrative Services	-number of male and female judges and court personnel in the Trial Courts

## **THE DATA**

Analysis of the sex-disaggregated data is conducted by the Committee on Gender Responsiveness in the Judiciary (CGRJ) where the data are used to determine the basic statistical queries such as the percentage of male vis-à-vis females in the Judiciary.

Data from PHILJA, JBC and OCA-CMO are generated automatically through various databases available in each office. The OCA-CMO has a database called the Court Administration Management Information System (CAMIS) is a reporting database of trial activity and the provision of new tools to improve access to statistical information including the automatic generation of management reports. The CAMIS has a specific module that captures sex-disaggregated data.

The data gathered and generated in the Judiciary is available online. The Supreme Court, through the Public Information Office, has specifically developed a link called the Gender Corner in the Supreme Court website.

Samples of the data-gathered and analyzed are attached as *Annex A*.

The Judiciary's experience in the generation, gathering and analysis of sex-disaggregated data is in its early stages where lessons still needs to be learned and improvements are made.

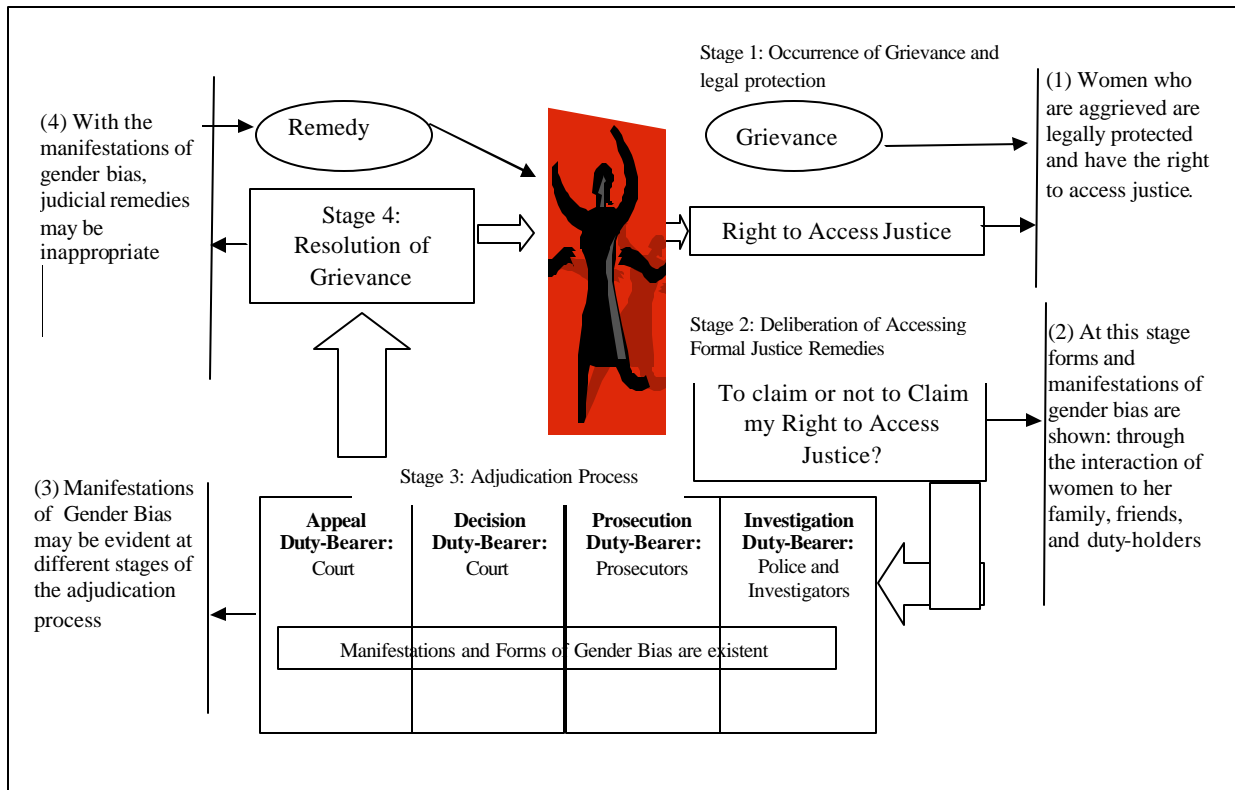
The next discussion outlines the implications of gathering sex-disaggregated data in the pillars of justice and its use in the development of affirmative action.

## **IMPLICATIONS OF THE FINDINGS = AFFIRMATIVE ACTIONS**

There is very rich information from data gathered from the various offices of the Judiciary. The next step is the identification of affirmative action or policies to ensure gender equality and most importantly, the translation of woman's human rights from de jure to de facto.

Justice Adolfo S. Azcuna in his presentation, *Women in the Eyes of Justice*, during the International Jurist Conference in Pakistan presented a conceptual framework that shows a woman's plight to access justice. The conceptual framework (*as seen in figure 1*) is composed of four stages: occurrence of grievance and legal protection, deliberation of accessing formal justice remedies, adjudication process and resolution of grievance.

Figure 1. Conceptual Framework on Gender Bias in the Justice Process



The framework shows the various barriers, particularly gender biases, a women experience in accessing her right to justice. Stage one is the occurrence of an act that violates a woman’s right, however, prior to undergoing formal resolution for the grievance the woman is again plagued by gender biases and stereotypes that may be imposed by her immediate family members and community which is Stage 2 of the Gender Bias in the Justice Process. Stage 2 is an important factor that may facilitate or hinder a woman’s ability to access her right to justice.

Stage 3 is the adjudication process which involves the following process: investigation, prosecution, decision and appeal for the case. Stage 3 also identifies specific duty-holders in each process. At each process, manifestations of gender bias may be evident.

Prof. Myrna Feliciano, et.al., in the book, *Gender Sensitivity in the Court System*, outlined several indicators for the manifestation of gender bias. These manifestations are double victimization, negative attitude towards female victims, gender insensitive rules and procedures, trivialization of gender crimes, gender stereotypes affecting court actions, legal discrimination, and under-representation of women and sexist treatment of women.

Double victimization is experienced by the women involved in cases of sexual and physical violence. This happens when a female is first abused by the attacker and victimized once again when she is blamed for causing the attack’.

\* Feliciano, Myrna S., et al., *Gender Sensitivity in the Court System*, University Center for Women’s Studies: University of the Philippines Press: 2002

Negative attitude towards female victims is seen in the skepticism and lack of sympathy displayed by duty holders. Gender insensitive rules and procedures, such as the high cost of legal fees which also discourage women from filing and pursuing their cases of sexual and physical violence<sup>†</sup>.

An example in the book of Feliciano, *et al.* of gender stereotypes affecting duty-holders is that a raped woman who is perceived to be aggressive and flirtatious may not receive the same level of justice compared to one who is conservative and innocent.

Legal discrimination refers to the existence of gender bias in the laws.

Under-representation of women and sexist treatment of women in the justice process is evident in the low level of participation of women as police officers, prosecutors, lawyers, and judges. Women duty-holders, being few in number in the male dominated justice system, are also vulnerable to sexist treatment.

Stage 4 is the resolution of grievance, it signifies an end of the adjudication process. It may or may not provide resolution or remedy of the grievance.

The framework provides an excellent vantage point for initiating the identification, gathering and analyzing of sex-disaggregated data not just from the Judiciary but also from other pillars of justice. A comprehensive framework from the pillars of justice ensures that data are integrated from the pillars of justice and provide a more holistic picture of women in the justice process.

The next step is to identify indicators for each of the process which will involve participation of duty-holders and stakeholders. Operationally, the framework will be essential in comparing data in the Judiciary such as the number of cases on VAW in the Court with data from the police and the prosecution. It will enable the comparison of case inflow and outflow in the different duty-holders; and identification of case fall-out from every pillar of justice.

The development of a framework will help identify if the pillars of justice is providing efficient access to justice to women and provide a strong empirical data for the development and implementation of affirmative action to address gender inequalities and inequities in the pillars of justice.

## **CONCLUSION & RECOMMENDATIONS**

1. Develop a comprehensive framework that will define types of data that needs to be gathered and generated and will provide the method for analysis of the data so that analysis will not only be limited to profiling.
2. Identification of focal person that is capable of conducting data analysis.
3. Linking findings and data amongst various offices is essential in providing a comprehensive analysis of sex-disaggregated data.
4. Capacity-Building in Qualitative and Quantitative Research is needed by Gender Focal Points.

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<sup>†</sup> Ibid.

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UNDP (2005). Programming for Justice: Access to All: A Practitioner's Guide to a Human Rights-Based Approach to Access to Justice. Bangkok: UNDP Asia-Pacific Rights and Justice Initiative

Feliciano, Myrna, et.al. (2002). Gender Sensitivity in the Court System. Philippines: University of the Philippines Center for Women's Studies

Gender Corner, Gender Statistics, [www.supremecourt.gov.ph/gender](http://www.supremecourt.gov.ph/gender)

## Capacity-Building In The Philippine Judiciary ♦

Based on the 2004 data, PHILJA conducted forty-eight (48) seminars. A total of 2,599 judges and 837 lawyers attended these seminars. Out of the 2,599 judges who participated in the seminars, thirty percent (30%) are females.

Out of the 837 lawyers who attended PHILJA seminars in 2004, sixty percent (60%) are females.

In 2005, PHILJA conducted 55 seminars, a total of 2,581 judges and 1,131 lawyers attended.

### Sex-Disaggregated Data on The Number of Male-Female Judges and Lawyers Trained By The Philippine Judicial Academy

#### For The Academic Year 2004

Type of Seminar	No. of Seminars	Sex Distribution of Participants				Total No. of Participants
		Judges		Lawyers		
		Male	Female	Male	Female	
1. Regional Judicial Career Enhancement Programs (RJCEP)	11	770	311	252	328	1,661
2. Orientation Seminar-Workshop for Newly-Appointed Judges	4	129	62			191
3. Special Focus Seminars	11	101	87	6	10	204
4. Quasi-Judicial Training	1	52	8			60
5. Seminars for Executive and Vice-Executive Judges	2	98	39			137
6. Training for Commercial Court Judges	3	123	22			145
7. Career Enhancement Program for Court Attorneys	2			54	92	146
8. Convention-Seminars	3	444	190			634
9. Mediation Programs	11	110	53	22	73	258
<b>TOTAL</b>	<b>48</b>	<b>1,827</b>	<b>772</b>	<b>334</b>	<b>503</b>	<b>3,436</b>

♦ Data provided the Philippine Judicial Academy (PHILJA)

**Academic Year 2005**

Type of Seminar	No. of Seminars	Sex Distribution of Participants				Total No. of Participants
		Judges		Lawyers		
		Male	Female	Male	Female	
1. Regional Judicial Career Enhancement Programs (RJCEP)	11	614	241	222	267	1,344
2. Orientation Seminar-Workshop for Newly-Appointed Judges	4	108	72			180
3. Orientation Seminar-Workshop for Newly-Appointed COCs/BCOCs	4			34	51	85
4. Career Enhancement Programs for Court Attorneys	3			42	111	153
5. Special Focus Seminars	12	144	61	8	18	231
6. Convention-Seminars	5	653	536	115	160	1,464
7. Roundtable Discussions (RTD)	1	2	6			8
8. Mediation Programs	15	144	100	46	57	347
<b>TOTAL</b>	<b>55</b>	<b>1,665</b>	<b>1,016</b>	<b>467</b>	<b>664</b>	<b>3,812</b>

## The Philippine Bar\*

### NUMBER OF APPLICATION TO THE BAR

The data below shows the number of male and female applicants to the Bar in 2004 to 2006.

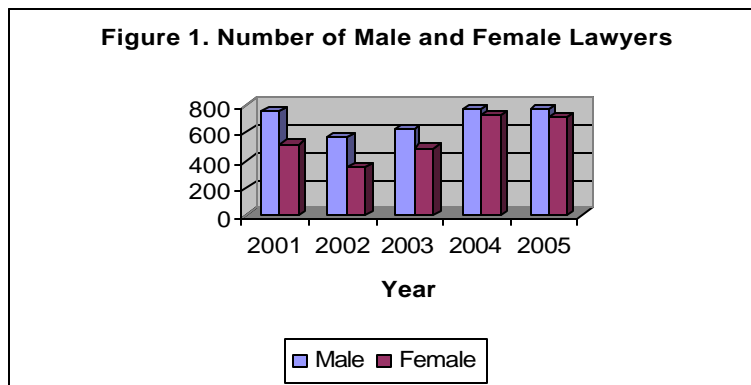
Table 1. Number of Male and Female Applying to the Bar

SEX	2004	2005	2006
Male	2,822	3,075	<b>3,312</b>
Female	2,437	2,536	<b>2,882</b>
Total	<b>5,259</b>	<b>5,611</b>	<b>6,194</b>

The data shows that there are more males applying admission to the Bar compared to females. On average, male Bar applicants are nine percent (9%) higher than that of the female bar applicants.

### ADMISSION RATE OF MALE AND FEMALE TO THE BAR

Figure 1 shows the number of male and female applicants admitted to the Bar. In 2001, out of the 1,266 admitted to the Bar about forty percent (40%) are females while sixty percent (60%) are male. By 2002, the percentage of female admitted to the Bar decreased by one percent (1%) from forty percent (40%) to thirty-nine percent (39%) in 2002.



In the 2003, the number of females admitted to the Bar increased by five percent (5%) from thirty-one percent (31%) to thirty-four percent (34%). This means that out of the 1,108 lawyers, four hundred eighty-four (484) are females. From 2004-2005, the number of females admitted to the Bar increased by four percent (4%) from forty-four percent (44%) to forty-eight percent (48%). It can be observed that in 2003 to 2005, the number of females admitted to the Bar has steadily increased.

Figure 2 shows the percentages of male and female Bar Passers from 2001 to 2005. On average, male Bar Passers are higher than females by fourteen percent (14%).

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\* Data provided by the Office of the Bar Confidant.

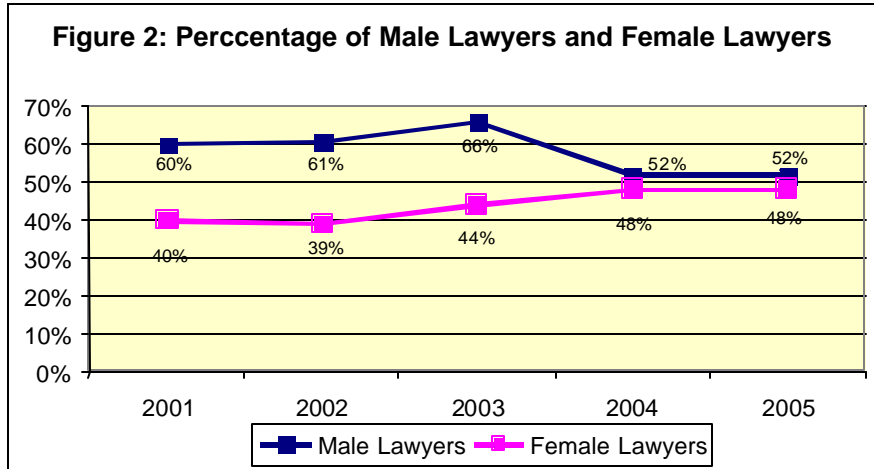


Figure 3 compares the number of female Bar applicants and those that were admitted to the Bar. The data shows that in 2004, out of the 2,437 applicants to the Bar, only seven hundred sixty-five (765) passed while in 2005, the percentage of female Bar applicants who passed the Bar decreased by two percent (2%).

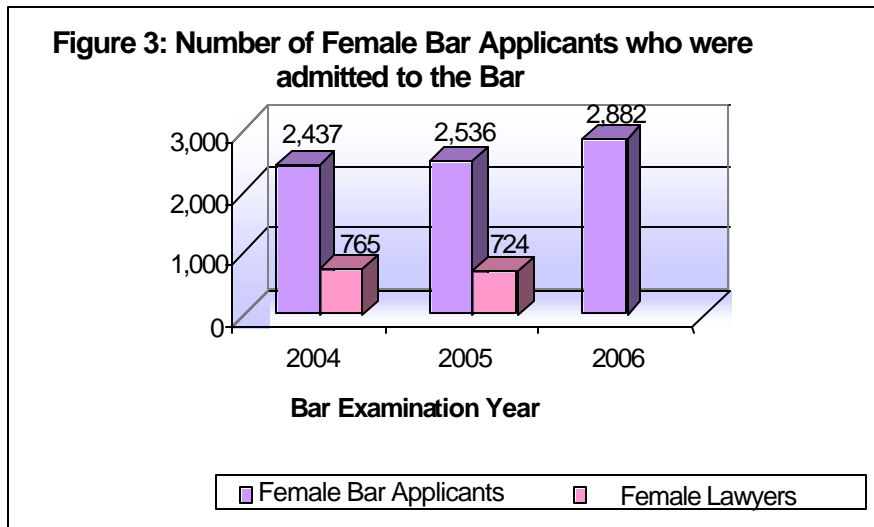
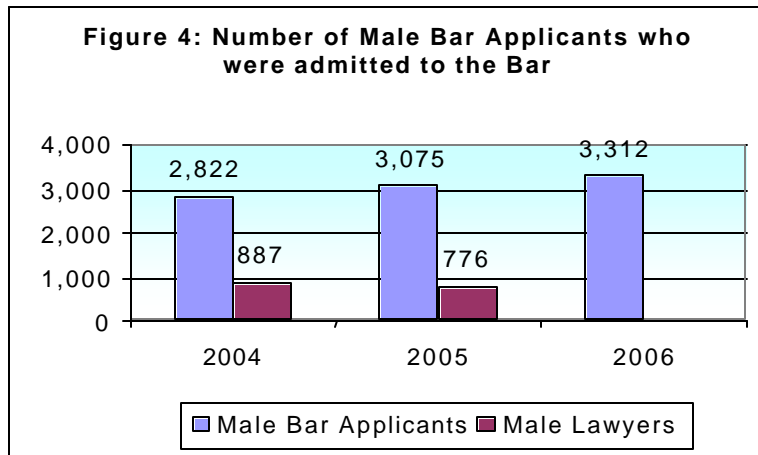
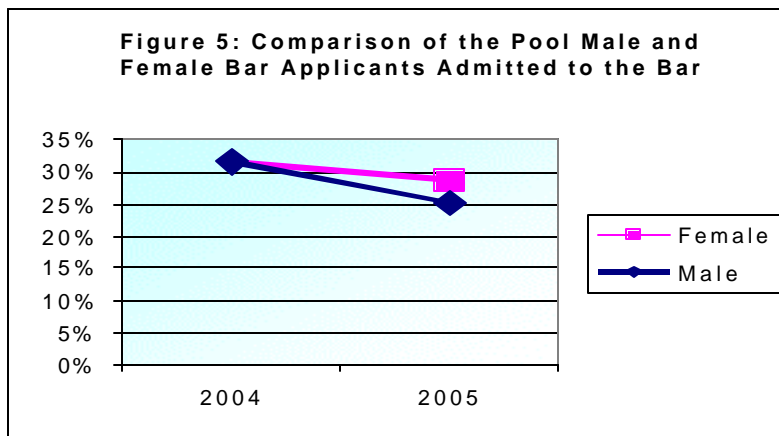


Figure 4 shows the number of Bar passers from the pool of male Bar applicants from 2004-2006\*. In 2004, the number of male Bar passers is at eight hundred eighty-seven (887) out of the 2,822 applicants. This means that thirty-one percent (31%) from the pool of male Bar applicants were admitted to the Bar.



However, in 2005, only 776 males were admitted to the Bar out of the 3,075 applicants. This shows a decrease in the number of male Bar passers by six percent (6%).

Figure 5 shows the correlation of the number of males and females who took the Bar exams and the number of those who were admitted to the Bar.



The percentage of those admitted to the Bar from the pool of male and female Bar examinees is the same at thirty-one percent (31%) in 2004.

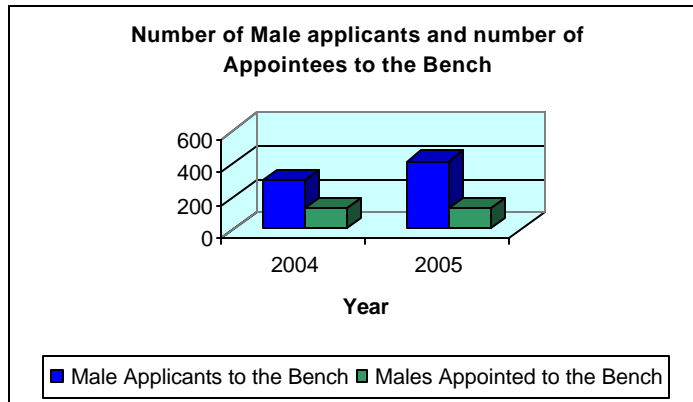
In 2005, the figure shows that twenty-nine percent (29%) from the pool of female Bar examinees were admitted to the Bar while from the pool of male Bar examinees, only twenty five percent (25%) were admitted to the Bar.

The data also shows that although there is a large pool of Bar applicants the number of Bar passers do not even reach the fifty percent (50%) mark.

\* The results of the Bar Examinations for 2007 are still unavailable.

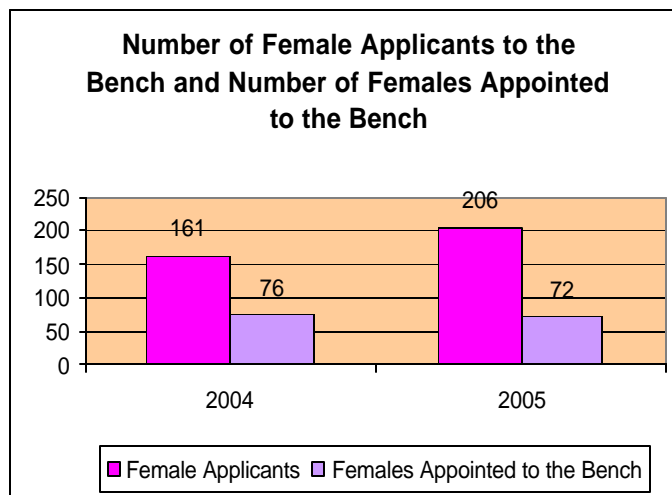
## The Bench \*

The figure below shows the number of males appointed to the Bench from the pool of male applicants to the Bench. In 2004, 305 males vied for various judicial positions. Out of the 305 applicants to the Bench, forty-six percent (46%) were appointed to the Bench.



In 2005, the number of applicants to the Bench increased by thirty-eight percent (38%) compared to the 2004 data. However, the percentage of males appointed to the Bench from the pool of 422 male applicants to the Bench in 2005, decreased to thirty-two percent (32%) which is a fourteen percent (14%) drop from the 2004 data.

On the other hand, the number of female applicants to the Bench is fifty-three percent (53%) lesser than the number of male applicants to the Bench in 2004. The figure shows that in 2004, out of the one hundred sixty-one (161) female applicants to the Bench, forty-seven percent (47%) were appointed to the Bench, which is one percent (1%) higher than the number of appointed males to the Bench.



In 2005, the number of female applicants to the Bench increased by thirty percent (30%) compared to the number of female applicants in 2004. Out of the 206 female applicants to the Bench, seventy-two (72) were appointed to the Bench. By comparing the number of female applicants to those appointed to the Bench, the data shows that there is a twelve

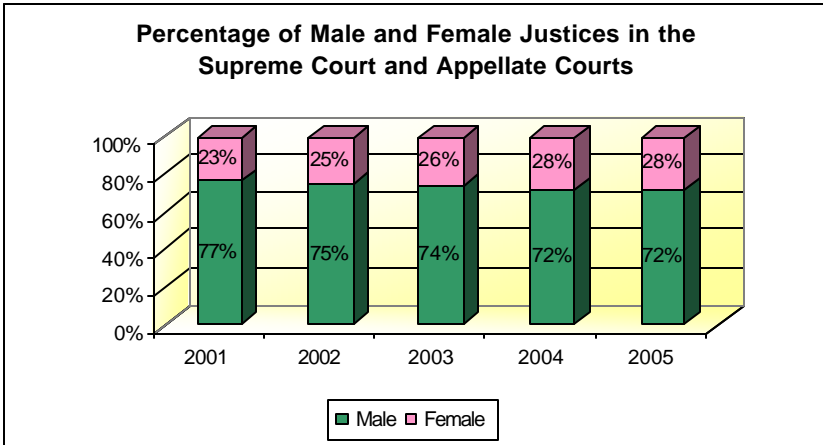
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\* The data were provided by the Judicial and Bar Council and the Office of the Court Administrator-Office of Administrative Services

percent (12%) decrease in the percentage of females appointed to the Bench compared to the 2004 data.

**The Composition of the Philippine Courts**

In 2001, out of the seventy-nine (79) incumbent positions in the the Philippine Supreme Court and Appellate Courts, sixty-one (61) are males while eighteen (18) are females. In 2001 to 2004, the percentage of female Justices in the Appellate Courts has increased by five percent (5%) (refer to the figure below).



The figure below shows that the Philippine Trial Courts are composed primarily of male Trial Judges. Over the years the percentage of female Trial Judges has increased nine percent (9%) since 2001.

