



Is Punitive Law a Solution to Protect Women? : The Perspective of the Perpetrator On The Root Cause and the Continuing Factor of Women Oppression in Nueva Ecija, Philippines

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Abstract. The issue of oppression of women has long been fought by governments, churches, educational institutions, and different organizations around the world. Vulnerable women are still victims of this act and there seems to be no solution for it. Many laws have been enacted to protect the rights and dignity of women but those are not enough to end that kind of oppression. This study has been undertaken to determine the perspective of the male-perpetrators, who are not formally charged in court but experienced the imposition of violence on women, on the root cause of women oppression and its continuing factor. The study examined what actually motivated the perpetrator to commit violent acts and why did they not think they could be punished for such an act. The researcher used snowball sampling because of the difficulty of finding respondents. A likert scale was utilized to determine the level of agreements of the respondents with the questions. The study revealed that the main cause of women's oppression was the superiority complex of men. Despite the perpetrator understood the proper treatment to a woman the study further revealed that all other oppressions of women and its continuing factors may be the result of men's superiority complex which causes men to disregard respect for women. However, it appeared in the study that financial incapacity of women is not a reason for them to be oppressed. The results of the study indicate that the law for women protection is not enough to end women oppressions and the government should take actions to implement a program aimed at restoring respect for women.

Keywords: oppressed, punitive law, superiority complex, women oppression, women protection

Introduction

The United Nations defines violence against women as “any act of gender-based violence that result in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life (20th International Academic Conference 2015).”

During the pre-colonial period, women are offered greatest opportunities in relation to their social positions. They were allowed to hold leadership role and fight as warriors. During those times, man had to respect women. Disrespecting women was unthinkable. If a man disrespects women, he was labeled negatively by the rest of society (Saldua, 2012).

The glorious years of the women were destroyed when the Spanish arrived during the 16th century. They brought with them their own idea of what a woman is and where she is supposed to be placed in society. From men and women being equal, women were turned into objects of suppression (Saldua, 2012).

The 20th century began with the United States engaged in a bloody, but largely forgotten, war in the Philippines that cost hundreds of thousands of lives. The Philippine American War, fought from February 1899 to July 1902, claimed 250,000 lives and helped establish the United States as a power in the Pacific (Digital History 2021). During the Philippine-American War the Balangiga Massacre was one of the bloodiest events. American soldiers allegedly tried to molest a Filipino woman tending a store. When locals came to the woman's defense, the soldiers wanted revenge. Since then, people in Balingaga were subjected to forced labor and detention with only little food and water. General Jacob H. Smith ordered to kill all persons who are capable of bearing arms. He instructed his men to "kill everyone over 10." Soldiers also burned and looted the villages in Balangiga (Rappler 2018). Jacob H. Smith's command to kill everyone meant that even women were not saved from the brutal events of the massacre.

During the 1942-1945 Japanese occupation of the Philippines and other parts of Asia, the Japanese Army established a system of sexual slavery. In the Philippines, more than 1000 women, some of them under-age, were imprisoned as sexual slavery hostages (ECCHR).

Not only during the foreign occupation were many abuses recorded. At the height of the Covid-19 pandemic many abuses against women were also recorded according to the survey of Plan International Philippines. Findings show that the COVID-19 pandemic has caused violence— both online and offline— against girls and young women to spike. 5 percent of girls and young women surveyed said cases of violence against women and girls (VAWG) were observed in the home, while 17 percent witnessed VAWG cases outside their homes. Further, 56 percent said that they have observed cases of VAWG on social media or on television. The recorded abuses were verbal violence, emotional violence, physical violence, sexual harassment and online sexual exploitation (Plan International Philippine Study 2020).

In such aforementioned details it cannot be denied that violence against women is still a major social issue. Some violent behavior of the perpetrator recorded in the past stem from anger, extreme jealousy, suspicion of infidelity (Limos 2019), sexual desire (People vs Santiago, G.R. L-27972), inability to accept rejection, male superior strength (People vs Santiago, G.R. No.L-46132), superiority complex, and high level of education.

Due to the various oppressions of women recorded, the Philippine government is tireless in recognizing the identity and rights of women. As the government recognizes the role and influence of women in the Philippines, many laws have been crafted to guarantee their protection and well-being, may it be in work or household (Cudis, 2019). Some of the laws recorded are the act strengthening the prohibition on discrimination against women with respect to terms and condition of employment (RA 6725), the act that defines violence against women and their children and provides protective measure for victims (RA 9262), the act that addresses the issue of sexual harassment committed in employment, education or training environment (RA 7877), the law that punishes any person having carnal knowledge of a woman through force, threat, or intimidation or by means of fraudulent machination or grave abuse of authority (RA 8353), the RA 9710 that eliminates discrimination through the recognition, protection, fulfillment, and promotion of the rights of Filipino women, especially those belonging in the marginalized sectors of the society (Philippine Commission on Women 2010).

Despite the laws, policies, and programs implemented by the Philippine government, there are still more and more cases of oppression of women hindering their development. The 1987 Constitution, Article II section 14 recognizes the role of women in nation-building. This provision asserts equality of women and men before the law. However, there was no intent to advocate absolute sameness because there are obvious biological differences between the two (Bernas, 2003).

Men and women were born with characteristic differences, ability, knowledge, and scope of power. They were created having duties and responsibilities according to their ability. From the time they were born they have assigned role to play in the society. Men have natural strengths and abilities than women and women have abilities and characteristics based on their creation (Bustamante, 2020).

The intention of Art. II section 14 is to give women absolute protection against abuses. The Revised Penal Code of the Philippines punishes some acts of women oppressions. Unfortunately, there are still some reports on radio, televisions, and newspapers of violence relating to women oppression. Therefore, it is better to find what are the reasons why oppression to women still exist despite the laws for women protection in the country are present based on respondents' view. Specifically, it aimed to determine the level of conformity of the respondents on the root causes of women oppression, the proper treatment to women, the factors of continuous oppression of women, and its implication to the laws of the land related to women protection. Moreover, it seeks to answer whether the respondents think they could be punished by law for committing violence against women or not.

The study argues that laws relating to women protection are not enough to end violence against women. The study adapts the following predictions in the result of the study: 1. Laws for women protection cannot alone ensure the safety of women against oppression; 2. Human behavior is a major factor in the oppression of women and punitive law is not enough to prevent it; 3. The strict law for the protection of women is not a guarantee to suppress violence.

Methodology

This study utilized a descriptive research design. Descriptive research aims to accurately and systematically describe a population, situation or phenomenon (Shona McCombes 2020). It is, therefore, a fact-finding study with adequate and accurate interpretation of data. It describes with emphasis what actually exists such as the current condition of the phenomenon (Calderon, 2000 as cited by Bustamante, 2020). There were 30 respondents in the study; all of them were male-perpetrators residing in Nueva Ecija, Philippines. The respondents were chosen purposively through snowball sampling based on their knowledge and willingness to participate in the study. The difficulty in finding respondents prompted the researcher to use snowball sampling because although other prospective respondents admitted that they had committed abuse against women they did not consent to be interviewed about their experience related to abuse against women. The questionnaire used to gather information was constructed by the researcher. The researcher utilized the likert scale and the data gathered from the instrument were statistically performed using frequency count, percentage, and weighted mean.

Result and Discussion

1. Percentage of perpetrators' violence against women

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No. of Respondents	Physical Violence	Economic Violence	Psychological Violence	Sexual Violence	Verbal Maltreatment
30	26.66%	0%	86.66%	13.33%	73.33%

2. Root Cause of Women Oppression

Table 2 presents the root cause of women oppression

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Item	Weighted Mean	Verbal Description
1. Partner's Insecurity or Jealousy	3.40	Agree
2. Hot Headed Partner	3.46	Agree
3. Men's Superiority Complex	4.33	Strongly Agree
4. Sexual Desire to a Woman (rape, acts of lasciviousness, sexual harassment, etc.)	3.40	Agree
5. Having a Partner with a High Level of Education	2.67	Moderately Agree
6. Inability to Accept Rejection	2.87	Moderately Agree
7. Men's Superior Strength	3.47	Agree
8. Marital Discord and Dissatisfaction	3.73	Agree
9. Men's Control Towards Women	2.67	Moderately Agree
10. Financial Incapacity of Women	2.13	Disagree
Overall Weighted Mean	3.21	Moderately Agree

Table 2 reveals that the top root cause of oppression of women is men's superiority complex (Wm=4.33/Strongly Agree). People with this complex often have exaggerated opinions of themselves. These people frequently have boastful attitudes to people around them (Holland, 2019). This finding is supported by the data when it reveals that women are oppress because of men's superior strength(Wm=3.47/Agree). This probably what men hold to why they think they are superior to women.

The respondents also conform that partner's insecurity and jealousy(Wm=3.40/Agree) are root causes of women oppression. This bad habit can change a person's behavior and cause having a hot headed partner(Wm=3.46/Agree) or a partner who is hot-tempered. This affirms the case of Juan Luna, a famous painter in the Philippines in the 19th century, where out of anger, insecurity and jealousy committed murder.

According to the data sexual desire is also a common cause of abuse of women(Wm=3.40/Agree), but it is also important to note that only a small percentage (13%) of the respondents in this study committed sexual abuse.

Another root cause is having a marital discord and dissatisfaction(Wm=3.73/Agree). This view is also according to the verbal statements of the respondents that one of the root causes of oppression of women is sometimes when the couple is no longer in agreement and do not understand each other.

On the other hand, the respondents moderately agree that inability to accept rejections (Wm=2.87), having a partner with a high level of education (Wm=2.67), men's control towards women(Wm=2.67) are root causes of maltreatment of women.

When it comes to financial incapacity of women, the respondents disagree(Wm=2.13) that it is a root cause of violence against women.

It can be concluded, therefore, that the respondent-male-perpetrators in this study may not commit oppression related to financial incapacity of a woman.

However, despite the fact that there are some questions where the respondents agreed, it can be said that they are just moderately agree to all the questions given as to the root cause of women oppression since they obtained the overall weighted mean of 3.21 with verbal interpretation of moderately agree.

3. Respondent's description on how to treat a Woman

Despite the violence committed to women Table 3 describes how the respondents treat a woman. The respondents understand that a married woman is entitled to live with her spouse, to be loved, to be respected, to be supported by her legal partner (Wm=4.20/Strongly Agree). They are agree that the dignity of a woman should be respected (Wm=4.07) and the child of a woman should be respected for a respect to a woman's child is a respect to her feelings (Wm=3.93).

When it comes to economic aspects, the respondents agree that a woman should be given equal employment opportunity and equal privileges as man even they cannot perform the dexterity of the latter (Wm=3.93). This result proves that respondents recognize that women and men can be equal in law even though they may not be equal in many aspects due to their biological differences. The beauty of respondents' recognition of biological differences is that they agree that one should be considerate to a woman (Wm=3.60).

Nowadays, it is undeniable that the number of women selling short-term comfort is increasing. However, in this study, even if a woman is a comfort woman, the respondents agree to treat her as an ordinary innocent woman (Wm=3.40).

Table 3. Treatment to Women

Items	Weighted Mean	Verbal Description
1. Never confront a woman with a loud voice should a woman is at fault.	1.93	Disagree
2. Be considerate to a woman.	3.60	Agree
3. Respect the dignity a woman.	4.07	Agree
4. Give a woman an equal employment opportunity and equal privileges as man even if they cannot perform the dexterity of a man.	3.93	Agree
5. A married woman is entitled to live with her spouse, to be loved, to be respected, to be supported (financially, emotionally, spiritually) by her legal partner.	4.20	Strongly Agree
6. The child of a woman should be respected for a respect to a woman's child is a respect to her feelings.	3.93	Agree
7. Talk with a woman about her personal sexual experienced.	2.73	Moderately Agree
8. Treat a comfort woman as an ordinary innocent woman.	3.40	Agree
9. A woman should not participate in decision making for she is a subordinate of man.	2.20	Disagree
10. A woman has no right to reject her partner in giving sexual intercourse since it is her obligation.	2.00	Disagree
Overall Weighted Mean	3.20	Moderately Agree

The respondents are moderately agree to talk with a woman about her personal sexual experience (Wm=2.73). This could be the result of the modern days where sex is not a big deal to discuss with but it can still be seen in their answer that it is not yet completely acceptable for them to fully talk about sexual experience, maybe this is due to the conservative culture of the Filipino people where it is an obscene habit to talk about sex.

The respondents recognize the role of women in decision making and disagree to the idea that a woman should not participate in decision making for she is a subordinate of man($W_m=2.20$). They also disagree that a woman has no right to reject her partner in giving sexual intercourse since it is her obligation($W_m=2.00$). Giving the woman the freedom to decide to give her own body to the man is a proof that the respondents recognize the woman's decision. This is contrary to the idea that a woman is only under the power of man.

However, the respondents disagree to the idea that a woman should never be confronted with a loud voice should a woman is at fault($W_m=1.93$). It should be noted that the respondents probably disagree to the question because high number of the respondents (73.33%) in this study have committed verbal maltreatment.

The respondents moderately agree to all the questions given on how to treat a woman with a weighted mean of 3.20.

4. Respondents' conformity as to the factors of continuous commission of oppression against women.

Table 4 shows the level of conformity of the respondents on factors of continuous commission of oppression against women. The respondents moderately agree that women suffer violence because of the lack of the male-perpetrator partner's strength or jealousy($W_m=3.33$). They also agree on moderate level that the belief that sex is a matter of right and woman's obligation($W_m=3.26$ /Moderately Agree) would bring oppression to women in case the woman does not want to give up her body.

Table 4. Factors of Continuous Commission of Oppression Against Women

Items	Weighted Mean	Verbal Description
1. Lack of Strength to Resist Insecurity or Jealousy of Women's Partner	3.33	Moderately Agree
2. Treating a Woman as a Personal Property of Her Partner	2.13	Disagree
3. Inability of of a Man to Swallow His Pride	3.06	Moderately Agree
4. A Belief that Sex is a Man's Matter of Right and Woman's Obligation	3.26	Moderately Agree
5. High Level of Education Resulting in Ignoring and Disregarding the Feelings of a Woman	2.60	Moderately Agree
6. Inability of a Suitor to Accept Rejection Made by a Woman	2.40	Disagree
7. A Belief that Men are Stronger than Women Making the Latter Unable to Defend Herself	3.26	Moderately Agree
8. Paying No Attention or Beating a Woman Due to Cold Love	2.80	Moderately Agree
9. Woman is under man's power.	2.53	Disagree
10. A Belief that a Woman Can Not Stand Alone Without Financial Support	2.33	Disagree
Overall Weighted Mean	2.77	Moderately Agree

When it comes to physical strength, the respondents moderately agree that women are being continuously violated because they are unable to defend themselves on the belief that men are stronger than women($W_m=3.26$). This affirms the idea that women are violated because of men's superior strength.

As we know traditionally, men have pride. The perpetrator moderately agree that women continuously suffer oppression because of inability of a man to swallow his pride($W_m=3.06$). Intentionally or unintentionally, the respondents admit that men committed violence to women by paying no attention or beating a woman due to cold love($W_m=2.80$ /Moderately Agree). The high level of education resulting in ignoring and disregarding the

feelings of a woman also appeared to be the cause of the woman's continued oppression since the respondents moderately agree (Wm=2.60) on it.

On the other hand, the respondents denied that women are violated because they are under the control of men (Wm=2.53/Disagree). They also denied that women were oppressed because of inability of a suitor to accept rejection made by a woman (Wm=2.40/Disagree). The respondents evidently disagree that a woman will experience violence on the ground that women cannot stand alone without financial support (Wm=2.33).

The best thing about this study is that perpetrators disagree that women were oppressed because the former treat the latter as objects. This means that treating a woman as a personal property of her partner (Wm=2.13/Disagree) is not in the minds of the respondents and they do not see that it will cause them to continue to oppress women.

5. During the times when you did unfair treatment to women, did you ever think that you could be punished by the law?

Below are the narrative answers given by the respondents.

“No, I don't think about the law anymore because I'm angry”

“I know it is possible for them to complain against me but I cannot help but argue and assert my side.”

“I do not have such a law in my mind.”

6. The implication of the continuous oppression of women in punitive existing laws.

Dura lex sed lex. In the Philippines the law is law no matter how harsh it is. There are different laws for women that punish an individual should the latter violated the rights of the former. Unfortunately, it is undeniably to say that oppression of women is continuously growing. By virtue of this study it is proved that punitive law is not alone a solution to this kind of social problem. It can be seen in the respondents' answer that they no longer consider the law or if in their mind they no longer care when they are arguing with women. In this view it is evident that the contribution of the law to the suppression of violence against women is less effective, no matter how cruel it is, to prevent it. The law only takes effect or makes sense only after a woman is doomed to the hands of her oppressor.

Conclusion and Recommendation

After analyzing and discussing the results of the respondents' perspective, this study concluded that most of the respondents viewed strongly agree in its high level of conformity that men's superiority complex is the main root cause of oppression of women. It could be concluded further, despite the perpetrator understood the proper treatment to a woman, that all other oppressions of women and its continuing factors may be the result of men's superiority complex which causes men to disregard respect for women. In the study, the respondent-male-perpetrator did not see the lack of women's financial capacity as a reason to offend them. The respondents, on the issue of financial incapacity as a root cause why women are oppressed, objected to this. On the other hand, the respondents did not care about the law when they perpetrated oppression against women and did not even enter in their minds the punishment that could be imposed upon them. After a thorough analysis of the male-perpetrators' response, the researcher offers the following: Other researchers should enrich this study by doing a study with similar topic and purpose. More respondents are hereby recommended to be the subject to find a more accurate result. The government, national or local, should think of more effective programs on how to restore respect for women instead of focusing on enacting and enforcing punitive laws. And Finally, the government, churches, educational institutions, and different organizations should strive to instill in the minds of men that the woman was created to be with the man, not to hurt and oppress, but to respect and protect.

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