

DEBUNKING THE NON-EXISTENCE OF DOMESTIC VIOLENCE AGAINST MEN: A BASIS TO REVISIT REPUBLIC ACT 9262

*Danielito Dimaano Jimenez**

INTRODUCTION

Intimate partner violence and gender-based violence

Intimate partner violence¹ (IPV) or domestic violence is concededly a human rights violation and a global public health issue.² The term domestic violence refers to abusive behavior in any personal relationship that allows one partner³ to intimidate or gain power and control over the other. This is often thought of to occur between married spouses or in other intimate relationships, but it actually refers to any family relationships or persons living in the same home.⁴

The United Nations defines gender-based violence as an act of violence that results in physical, sexual, or psychological harm or suffering to women, girls, men, and boys, as well as threats of such acts, coercion, or arbitrary deprivation of liberty. Often, however, it is gender-based violence that is highlighted and protected through gender-based laws. This is equally acknowledged as a violation of fundamental human rights.

While women are often the victims of gender-based violence and that violence against men is seemingly non-existent, gender-based violence applies to men on a wide scale. Male abuse is part and parcel of IPV and is, in fact, a subject often disregarded for various reasons. Increasing research has

* Atty. Danielito Dimaano Jimenez or Atty. DJ is a true bloodied Thomasian completed all his schooling from the University of Santo Tomas from elementary, high school, and college to his Master of Laws, where he obtained a general weighted average of 1.0568 ranking first for Batch December 2019. He is currently a candidate for a Doctor of Laws at the same UST Graduate School of Law. To date, Atty. DJ remains a well-respected and renowned law practitioner and is the managing partner of Jimenez Law Office. Atty. DJ also have taught at the UST Faculty of Civil Law and is currently teaching at the UST Legal Management Department as one of its senior faculty members. .

¹ "Intimate Partner Violence" (IPV) is often used synonymously with gender-based violence. Other terms have included wife beating, wife battering, man beating, husband battering, relationship violence, domestic abuse, spousal abuse, and family violence with some legal jurisdictions having specific definitions. (Jacquelyn C. Campbell, Health consequences of intimate partner violence. *Lancet*, 59, 1331-1336 (2002).

² (Jacquelyn C. Campbell, Health consequences of intimate partner violence. *Lancet*, 59, 1331-1336 (2002); Garcia-Moreno, Jansen, Ellsberg, Heise, & Watts, 2006; Patricia Tjaden & Nancy Thoennes, Prevalence and consequences of male-to-female and female-to-male intimate partner violence as measured by the National Violence Against Women Survey. *Violence Against Women*, 6(2), 142-161 (2000).

³ "Partner" as defined by H.B. 4888 includes intimate relationships of heterosexual, lesbian, gay, bisexual, queer, intersex, cisgender, and transgender partners. (An Act Amending R.A. No. 9262 or "An Act Defining Violence Against Women and Their Children, Providing For Protective Measures for Victims, Prescribing Penalties Therefore, And for Other Purposes", Expanding Its Coverage and Covered Acts Prescribing Penalties Therefore, and For Other Purposes," House Bill No. 4888)

⁴ Domestic Violence. Legal Dictionary. <https://legaldictionary.net/domestic-violence/> (last accessed Nov. 5, 2019)

highlighted the health burdens, intergenerational effects, and demographic consequences of such violence⁵.

To a wider extent, domestic abuse does not just cover the intentional infliction of physical injury. Oftentimes, especially towards men, domestic abuse covers psychological or mental injury resulting from undue pressure, intimate or sexual deprivation, and, to some extent, financial abuse or the exploitation of one's income or other financial resources. It also includes the withholding of necessary medical care to treat a partner's physical and mental health needs by one having the care and responsibility, although the last two may equally be applicable to all genders.

The Anti-Violence Against Women and their Children Law

In the Philippines, various gender-based laws have been legislated to address domestic violence. These include Republic Act No. 9262⁶, otherwise known as the Anti-Violence Against Women and Their Children Act of 2004 (R.A. 9262). Under this Act, violence against women and children is classified not as a personal or a private offense but as a public crime, and all forms of abuse, be it psychological⁷, economic⁸, or physical⁹, are covered.

One of the essential protections under this law is that it allows women and their children to secure a Barangay Protection Order and/or Temporary or Permanent Protection Order from family courts. Over the past 15 years since the effectivity of R.A. 9262, the number of domestic violence, mainly against women and children, is still on an upward trend. In 2016, there were a total of 1,749 cases involving a variety of cases against women including, but not limited, to sexual abuse, physical abuse and maltreatment, sexual exploitation, and psychological and emotional abuse.

R.A. 9262 promotes safety and empowers and protects women and children victims from any form of violence. The constructs of such law only recognize women and children as victims of abuse. It is apparent that it does not acknowledge that men could also be possible victims. Instead, they are

⁵ United Nations 2006.

⁶ "Republic Act 9262" or the "Anti-Violence Against Women and Their Children Act of 2004 refers to an act defining violence against women and their children, providing for protective measures for victims, prescribing penalties therefore, and for other purposes. (An Act Defining Violence Against Women and Their Children, Providing For Protective Measures For Victims, Prescribing Penalties Therefore, And For Other Purposes, Republic Act No. 9262 (2004))

⁷ "Psychological Violence" under H.B. 4888 refers to acts or omissions causing or likely to cause mental or emotional suffering of the victim such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse and mental infidelity. It includes causing or allowing the victim to witness the physical, sexual or psychological abuse of a member of the family to which the victim belongs, or to witness pornography in any form or to witness abusive injury to pets or to unlawful or unwanted deprivation of the right to custody and/or visitation of common children. It shall also include electronic or Information Communication Technology (ICT)-related violence which is any act or omission involving the use or exploitation of data or any form of ICT which causes or is likely to cause mental, emotional, or psychological distress or suffering to the partners and their children. This includes any forms of harassment, intimidation, coercion, threat, or vilification of the partner and their children through any form, as well as any form of stalking including hacking of personal accounts on social media and the use of location data from electronic devices, fabrication of fake information or news through text messages or other cyber, electronic, or multimedia technology. (H. No. 4888, sec. 3)

⁸ "Emotional Abuse" is a form of domestic abuse perceived as the most severe form of abuse, especially when conducted with an audience of children.

⁹ "Physical Violence" or "Battery" under R.A. 9262 refers to an act of inflicting grave and repeated physical harm upon the individual resulting in the physical and psychological or emotional distress. (R.A. 9262, sec. 3 (a)(b))

viewed as the perpetrators of abuse. Furthermore, there is an absence of actual statistical data and reports on male victims of domestic abuse.

In the landmark case of *Garcia v. Drilon*¹⁰, the Supreme Court (SC) upheld the constitutionality of R.A. 9262. The SC ruled that the law does not violate the guarantee of equal protection of laws because there are simply substantial distinctions between and among women, children, and men. In upholding R.A. 9262 and its provisions, the SC found, among others, that “women are the usual and most likely victims of violence.”

The SC in *Garcia*¹¹ also acknowledged that the enactment of R.A. 9262 is aimed to address the discrimination brought about by the biases and prejudices against women and that women and children deserve special protection in order to succeed in their war against violence. As and by way of a factual basis to support this, the framers of R.A. 9262, as well as statistics from the Philippine National Police (PNP) recognized the seemingly unequal power between men and women.

The recognition of the inherent dignity of men and women alike, and the equal and inalienable rights of all members of the human family, male or female, is enshrined in the Universal Declaration of Human Rights (UDHR), which considers the recognition as the foundation of freedom, justice, and peace in the world.

The UDHR became the fundamental and universal standard of human rights that protects individuals in all nations. This declaration, in fact, recognizes that all human beings are born free and equal in dignity and rights¹² and that everyone has the right to recognition everywhere as a person before the law.¹³ Further, all individuals are equal before the law and are entitled without any discrimination to equal protection of the law.¹⁴

A. Violence against women and men: statistics and the lack thereof

In the 2017 National Demographic and Health Survey¹⁵ released by the Philippine Statistics Authority, the key findings on violence against women included the following:

Experience of Violence: 5% of women aged 15 to 49 experienced physical violence, and 2% experienced sexual violence

Marital Control: 9% of ever-married women report that their husbands/partners have exhibited at least three specified types of controlling behaviors

¹⁰ *Garcia v. Drilon*, G.R. No. 179267, June 25, 2013.

¹¹ *Id.*

¹² UDHR, art 1.

¹³ UDHR, art 6.

¹⁴ UDHR, art 7.

¹⁵ Philippine Statistics Authority (PSA) and ICF, Philippines National Demographic and Health Survey 2017, 129 (2018).

Spousal Violence: 24% of ever-married women have experienced physical, sexual, or emotional abuse by their current or most recent husband/partner, and 15% experienced such violence in the 12 months preceding the survey

Injuries due to spousal violence: 40% of ever-married women who experienced spousal physical or sexual abuse in the 12 months preceding the survey sustained an injury

Help-seeking: Only 1% out of 3% of women who have ever experienced physical or sexual violence have sought help

Data confirm that women, in the overwhelming majority of cases, are the victims of violence from a partner. To date, there is hardly any statistical data recording men as victims of domestic violence in the Philippines. Only data on women and children victims of domestic violence are apparently available. While little has been recorded for men subjected to violence and abuse in heterosexual relationships, even less has been written in relation to abuse in same-sex relationships.

There is a need, therefore, to revisit the application and scope of R.A. 9262 and factors that show strong bases for the need to put in place the necessary mechanisms to legislate and expand or amend R.A. 9262, the issue being none of the current laws sufficiently protect all victims of domestic violence except women and children.

B. Societal perception against male domestic violence

Societal perceptions are likely to perpetuate the common assumption that women are the only victims and, implicitly, that men are the main perpetrators of such violence. This would arguably constrain the ability of the man to take up the position of the victim that would warrant the right to seek help with an expectation of recognition. Support resources and networks available for female victims of domestic violence are not available for male victims, given the fact that women and children are the victims of domestic violence most of the time and are usually publicized.

While the criticism is ongoing and yet unresolved, the issues of the debate have been confined largely to the very concerns that the discourse seeks to challenge: how male victims could benefit from the criminal justice system and the degree to which it ought to be the principal response to domestic violence with male victims.

“Domestic Violence Against Men” is not a myth.

The study shows that domestic violence or domestic abuse is not always or mainly gender-based. Since men are often perceived as perpetrators rather than victims and women often as victims rather than perpetrators, case laws here and abroad are often in favor of women.

Feminism groups were the ones who exposed the problem of wife beating, made an awareness campaign regarding the numerous women who were victims of domestic violence, and lobbied for laws punishing it. Through this movement, the American Justice System and its Legislature made assault and battery within the family a heinous crime. Laws were enacted to finally end the era of impunity being enjoyed by the abusers. International treaties as well as convention resolutions upholding the rights and dignity of women were agreed upon and greatly influenced the increasing

number of women's movements globally. The decisions made in international conferences also form a considerable part in eliminating discrimination not only in a particular country but also globally.

The primary basis that ascertained the rights of men and women is found in the United Nations Charter and the Universal Declaration of Human Rights. It tackles the many rights and freedoms that are given to or recognized in every human being, which include, among others, upholding human dignity regardless of gender. Some examples are: Vienna Declaration and Program of Action, Program of Action of the International Conference on Population and Development, and the Platform for Action adopted at the Fourth World Conference on Women (FWCW).

Incidents and statistics

The Scottish Government, in its 2016-2017 report, shows that 19.3% of recorded victims of domestic abuse were male. Most prevalent in the 41-50 age group at 2,478 documented cases and the rate per 10,000 of the population is 38.¹⁶

In an article in the U.K. dated March 1, 2019 entitled "Male domestic abuse victims' suffering in silence"¹⁷, Jenny Rees of BBC explained that the most recent Crime Survey for England and Wales estimated that 1.3 million women and 695,000 men experienced domestic abuse in the last year. Citing Dr. Sarah Wallace from USW, it has also been observed that male abuse has been perceived to be appearing unmanly. The article further explained as well that there were numerous reasons why domestic violence and abuse (DVA) was not reported by both men and women, including, among others, a fear of retaliation, or a lack of trust or confidence in the police, shame, embarrassment.

As shown, stereotyping seems to be one of the many reasons why male abuse is not as much reported. But then, would the same reasoning be sufficient not to provide adequate legislation to address male violence?

Awareness and Underreporting of Domestic Violence Against Men

It was in 1986 when two scholars¹⁸ exposed the taboo of the existence of males as victims of domestic violence. In a longitudinal study¹⁹ of 272 newlywed couples, 44% of the women claimed that they used physical aggression against their partner even before marriage and 2 years after marriage, whereas 32% of the wives admitted that they used aggression against their husbands. In the early 90s, crime statistics from the U.S. Department of Justice showed that 167,000 men were the victims of assault by an intimate partner²⁰.

¹⁶ Scottish Government: Domestic abuse recorded by Police Scotland 2016-17

¹⁷ Jenny Rees, BBC March 1, 2019

¹⁸ Straus, M. A., & Gelles, R. J. (1986). Societal change and change in family violence from 1975 - 1985 as revealed by two national surveys. *Journal of Marriage and the Family*, 48, 465-479.

¹⁹ O'leary, K. D., Barling, J., Arias, I., Rosenbaum, A., Malone, J., & Tyree, A. (1989). Prevalence and stability of physical aggression between spouses: a longitudinal analysis. *Journal of Consulting and Clinical Psychology*, 57, 263-268.

²⁰ Hines, D. A., & Malley-Morrison, K. (2001). Psychological effects of partner abuse against men: A neglected research area. *Psychology of Men & Masculinity*, 2(2), 75-85.

The results of the National Family Violence Surveys in 1975 and 1985 in the United States²¹ showed that 11.6% of the husbands experienced some sort of violence from their wives.

Awareness and documentation of domestic violence differs from country to country. In the late 1990s, estimates are that only about a third of cases of domestic violence are reported in the United States and the United Kingdom²².

Lower number of reported cases may therefore be expected in less developed societies with less attention and support.

The under-reporting of domestic violence was opined to be almost universal and may be due to the sensitive nature of the subject.²³ Lemkey discussed several theories attempting to explain the causes of domestic violence.

Culture of Violence Theory explains that the kind of environment influences domestic affairs. Thus, when the climate is violent, families are more prone to being violent.

Evolutionary Theory discusses that as families evolve into tighter-knit ones, and obedience to authority is being enforced through corporal punishment.

Feminist Theory stresses that women are considered to be inferior to men and are susceptible to abuse. It also considers violence as a normal part of an intimate relationship.

Biopsychosocial Perspective is a combination of the biological, psychological, and social factors which may eventually result in violence.

Exchange Theory reveals that inflicting violence leads to a certain level of gratification on the part of the abuser.

Investment Theory describes that victims cannot get out of a violent relationship because of consideration for the amount of their "investment" (i.e., emotional, time, financial) in the relationship.

Resource Theory illustrates that the family member who brings more resources in the family tends to exercise a higher level of power over the other family members.

Social Learning Theory explains that certain situations cause a person to commit violence.

Marital Power Theory says that within a marriage, there is a power struggle between parties. While ordinarily, the less powerful one is the one more prone to physical abuse, it does not necessarily cover women alone as men too at times are weaker in a relationship, whether it be marital or same sex.

Traumatic Bonding Theory explains that the victim (men or women) of abuse tends to be dependent on the abuser, making it hard for the victim to run away from the relationship.

Ecological Theory is the most crucial theory. It considers the environment, culture, social networks of the family, history of the family, and closer family setting influences why violence is being instigated. These are the external factors that trigger a family member in inflicting violence to another family member regardless of gender.

²¹ As cited by Straus, M. A., & Gelles, R. J. (1986). Societal change and change in family violence from 1975 - 1985 as revealed by two national surveys. *Journal of Marriage and the Family*, 48, 465-479.

²² Tjaden, P., & Thoennes, N. (1998). Prevalence, incidence, and consequences of violence against women: Findings from the National Violence Against Women Survey (NCJ-172837). Washington, DC: Department of Justice.

²³ Watts, C., & Zimmerman, C. (2002). Violence against women: Global scope and magnitude. *Lancet*, 359, 1232-1237.

Greater responsibility was placed on the male victims who were also taken less seriously than female victims²⁴ while in hypothetical scenarios, female perpetrators were seen as less capable of inflicting harm than males and as reacting more strongly to a ‘battering’ incident than men.²⁵ Similarly, female violence directed against men was generally considered a taboo subject by society and the media.²⁶

Importance of Gender Differences in the Perpetration of Domestic Violence and/or Intimate Partner Abuse (IPA)

While women are more likely to perpetrate more varied forms of violence, men are more likely to perpetrate more serious forms of violence.²⁷ Many scholars and victim-advocates report that women have different motivations for using force against their current or former intimate partners.²⁸

Anderson and Umberson’s study²⁹ of male IPA offenders concluded that these men were effective in twisting their less serious (female) partners’ behaviors into the major violence, while they excused their own abusive behaviors as rational, capable, and nonviolent.

While women are more likely than men to use force to resist violence initiated by their intimate partners, men are more likely than women to use force to control and exercise power over their partners³⁰.

This important distinction between women’s primary motivation as self-defense and men’s primary motivation as control has major gender implications for practitioners responding to those charged with IPA—many charged women may be victims of IPA acting in self-defense, rather than the offenders.

This raises the issue in national surveys: who is reporting the abuse to the research investigator? Typically, the respondent to these national studies is whoever answers the phone first. If an intimate partner abuser is monitoring all incoming calls, it is likely that he will be the respondent. At the same time, it is not unusual for victims to minimize their time on phone calls when jealous and controlling batterers “check-up” on them by calling to make sure they are not talking to anyone on the phone.

A long survey would be something such a victim would want to avoid. Moreover, if a victim answers the survey phone call, but the batterer is home, it is likely that s/he would minimize the abuse

²⁴ Harris, R.J., & Cook, C.A. (1994). Attributions about Spouse Abuse: It matters who the batterers and victims are. *Sex Roles, 30*(7-8), 553-565.

²⁵ Cormier, N. (2006). A Consideration of Gender in University Students’ Perceptions of Intimate Partner Abuse. [Unpublished dissertation]. University of British Columbia, Okanagan, Canada.

²⁶ Sarantakos, S. (1999). Husband abuse: Fact or fiction? *Australian Journal of Social Issues, 34*, 231-252.

²⁷ Tjaden, P., & Thoennes, N. (2000). Prevalence and consequences of male-to-female and female-to-male intimate partner violence as measured by the National Violence Against Women Survey. *Violence Against Women, 6*(2), 142-161.

²⁸ Melton, H. C., & Belknap, J. (2003). He hits, she hits: Assessing gender differences and similarities in officially reported intimate partner violence. *Criminal Justice and Behavior, 30*(3), 328-348.

²⁹ Anderson, K. L. & Umberson, D. (2001). Gendering violence – Masculinity and power in men’s accounts of domestic violence. *Gender & Society, 15*(3), 358- 380.

³⁰ Barnett et al., 1997; Hamberger et al., 1997; Hamberger & Guse, 2002; Hamberger & Potente, 1994

or choose not to take part in the study. Das Dasgupta³¹ has developed a very complete report on women's use of nonlethal violence in heterosexual relationships.

A significant amount of research reports that women suffer more negative consequences as a result of violence from a current or former male partner than men do from a current or former female partner.³² Women involved in IPA are more likely than their male counterparts to suffer from injuries, require medical treatment, lose time from work, and experience bedridden days than are men.³³ Clearly, there are significant gender differences regarding men and women's use of abuse and force against their current and former intimate partners. Men and boys are more likely (than women and girls) to be the perpetrators, and women and girls are more likely (than men and boys) to be the victims of IPA.

At the same time, it is important to recognize that there are some women and girls who are abusive and violent to their intimate male partners.³⁴ They are not what Johnson³⁵ would envision as "common couple" abusers, but rather, are the primary aggressors in their relationships.

One of the few studies that has focused on these women and girls, reports three components of a model attempting to explain female-perpetrated IPA, as follows: learning, opportunity, and choice.³⁶

1. Learning is a means by which the girl or woman learns to be abusive through experiencing or witnessing IPA or other violence. Indeed, other research claims that women charged with domestic violence have disproportionately high experiences of childhood abuse.³⁷

2. Opportunity, as described by Perilla and her colleagues, closely indicates retaliation opportunity, but could be seen as self-defense by some. Their example of an "opportunity" is where the power shifts for a period of time, for example, when the male abuser is passed out from alcohol, and the woman/victim chooses to use violence against him in this vulnerable state.

Choice - Just as those in the domestic violence movement have the mantra "violence is a choice" when talking about male batterers, this approach must also be taken for women who are violent toward intimate partners. They report cases in which women chose violence in self-defense, but also in retaliation: a case in which a man quit abusing his wife after many years of marriage, but she used violence once he stopped, as a way to make up for the years of abuse she had experienced at his hands.³⁸

³¹ Das Dasgupta, S. (2001). Towards an understanding of women's use of non-lethal violence in intimate heterosexual relationships.

³² Brush, 1990; Cantos et al., 1994; Cascardi & Vivian, 1995; Cook & Harris, 1995; Dobash et al., 1992; Holtzworth-Munroe, Smutzler, & Bates, 1997; Milardo, 1998; O'Leary et al., 1989; Stets & Straus, 1990; Tjaden & Thoennes, 2000; Vivian & Langhinrichsen-Rohling, 1994.

³³ Archer, 2000; Berk et al., 1983; Brush, 1990; Cantos et al., 1994; Cascardi & Vivian, 1995; Cook & Harris, 1995; Dobash et al., 1992; Holtzworth-Monroe et al., 1997; Johnson & Bunge, 2001; Morse, 1995; O'Leary et al., 1989; Rand, 1997; Stets & Straus, 1990; Tjaden & Thoennes, 2000; Vivian & Langhinrichsen-Rohling, 1994

³⁴ Johnson, H., & Pottie Bunge, V. (2001). Prevalence and consequences of spousal assault in Canada. *Canadian Journal of Criminology*, 43(1), 27-45.

³⁵ Johnson, M. P. (1995). Patriarchal terrorism and common couple violence: Two forms of violence against women. *Journal of Marriage and the Family*, 57, 283-294.

³⁶ Perilla, J. L., Frndak, K., Lillard, D. & East, C. (2003) A working analysis of women's use of violence in the context of learning, opportunity, and choice. *Violence Against Women*, 9(1), 10-46.

³⁷ see Swan & Snow 2003

³⁸ Perilla, J. L., Frndak, K., Lillard, D. & East, C. (2003) 10-46.

The intervention programs are designed for male offenders. Can they be applied to female offenders? On the basis of existing research that approximately five percent of IPA cases are female-perpetrated, what then do we do with this information regarding women and girls who use abuse and violence against intimate partners? The study concluded that learning, opportunity, and choices are gendered themselves, necessitating gender-tailoring of intervention programs for female-batterers. It is likely they do not come to IPA behaviors through entitlement as much as their own victimizations, relative to male IPA perpetrators.³⁹

Cases of Domestic Violence Against Men in the Philippines

In the Philippines, domestic abuse against men is generally unheard of and seems to be legally non-existent. No less than the legal and published definition of domestic abuse is limited to women. The Philippine Statistics Authority describes domestic abuse as physical, sexual, and psychological violence occurring in the family/household which may be classified as wife battering, wife assault, woman abuse, marital violence, wife cruelty, and family violence. There are reported cases and actual experiences of male abuse which may be considered as sufficient information or empirical data that will establish the existence of domestic abuse against men in the Philippines.

Manila Doctors Hospital's Rafael R. Castillo for the Philippine Daily Inquirer in September 2018 quoted anti-domestic abuse advocate Emiliano Manahan saying that the incidence of male abuse is on the rise, affecting 12 to 15 out of every 100 couples in the country. The problem, however, is that the majority of Filipinos who are victims of domestic abuse do not even see themselves as victims. Worse, the problem of male domestic abuse—physical, emotional, sexual, and financial—has been trivialized and made the subject of jokes.⁴⁰ Nano further explained that the shame and guilt attached to male abuse are the reasons it is usually ignored. He explains that the search for genuine gender equality, which is at the center of human rights issues, should convince everyone to discuss and address the reality that “there are men in relationships who are also victims of domestic violence, thus, they equally need attention and help.”⁴¹

A pioneer study⁴² on the psychological effects of domestic violence against husbands with the use a phenomenological-clinical approach revealed and explored the experiences of abuse in intimate relationships of six Filipino husbands.

Although many wanted to believe that "only women are abused," this perception was debunked by the experiences of the participants of the study. The participants could hardly describe how the abuse acquired its form. From a typical fight to a violent exchange of words from a simple taunt to an

³⁹ Das Dasgupta, S. (2001). Towards an understanding of women's use of non-lethal violence in intimate heterosexual relationships. Retrieved from http://www.vawnet.org/DomesticViolence/Research/VAWnetDocs/AR_womviol.php

⁴⁰ HeadlinesHealth. (2018, September 18). More Filipino men battered by their wives. Retrieved from <https://lifestyle.inquirer.net/306549/filipino-men-battered-wives/>.

⁴¹ Ibid

⁴² Juriprudencia, J. (2007). Coming out of the Shadows: Husbands Speak About Their Experience of Abuse in Intimate Relationships. *Philippine Journal of Psychology*. Vol 40 No 2, pp. 34-57.

outburst of sorts—from throwing of objects to physical attacks, and from a minor disagreement to a life-threatening encounter.⁴³

Perception on Men and Women as Perpetrators and Victims, respectively

In a patriarchal and traditional society, the study shows that masculinity is usually associated with power, domination, and control over women and, as McHugh argues, “violence is one means by which men can perform masculinity.”⁴⁴ This male trend tradition has been legitimized and seen as natural and a way of life. Children in fact are typically raised to identify colors with gender as well as role playing. Hence, this dominant model inevitably shapes the way children grow up and construct themselves.⁴⁵ The study shows that the violence often perpetrated by men against women is a condition of inequality between them, men and women.

Gender roles and expectations, male entitlement, sexual objectification, and discrepancies in power and status have legitimized, rendered invisible, sexualized, and helped to perpetuate violence against women”. Major institutions also reinforce and perpetuate these entitlements and inequalities, which are at the roots of gender violence.

This violence, however, may take place in any sphere of life regardless of gender. In other words, while there is gender inequalities at home and outside—be it workplace or school— taking into account this gender role, wherein women are victims and men are perpetrators, reality is that gender discrimination is a very complex concept which can be difficult to define, particularly in the legal context.

Gender discrimination can be defined in a variety of ways, but is most commonly identified as making decisions based on aesthetic perceptions of one’s gender, therefore, in a sense, laws focusing only on the protection of female victims of domestic violence is subtly discriminatory.

Other Foundations of Gender Laws and Why Women Are Viewed as Victims and Men as Perpetrators

The study shows that feminist theories and the feminist movements have vehemently demonstrated that knowledge cannot be considered neutral or objective. As was found, traditionally, researchers have engendered knowledge on the basis of the dominant perspective and behavior in society, which was the male one (androcentrism). As a consequence, knowledge has been blind to the specific historical, political, social, and personal conditions on which it was reported, making invisible gender differences.⁴⁶

⁴³ Ibid.

⁴⁴ Anderson and Umberson, 2001. Cited in Understanding gender and Intimate Partner Abuse, McHugh, M. Sex Roles, vol. 52, n 11/12.

⁴⁵ Camarasa, M. and Heim, D. (2007). Gender Violence effects and indicators: Theoretical and methodological framework. *Associació de Dones per la Inserció Laboral*.

⁴⁶ Camarasa, M. and Heim, D. (2007). Gender Violence effects and indicators: Theoretical and methodological framework. *Associació de Dones per la Inserció Laboral*.

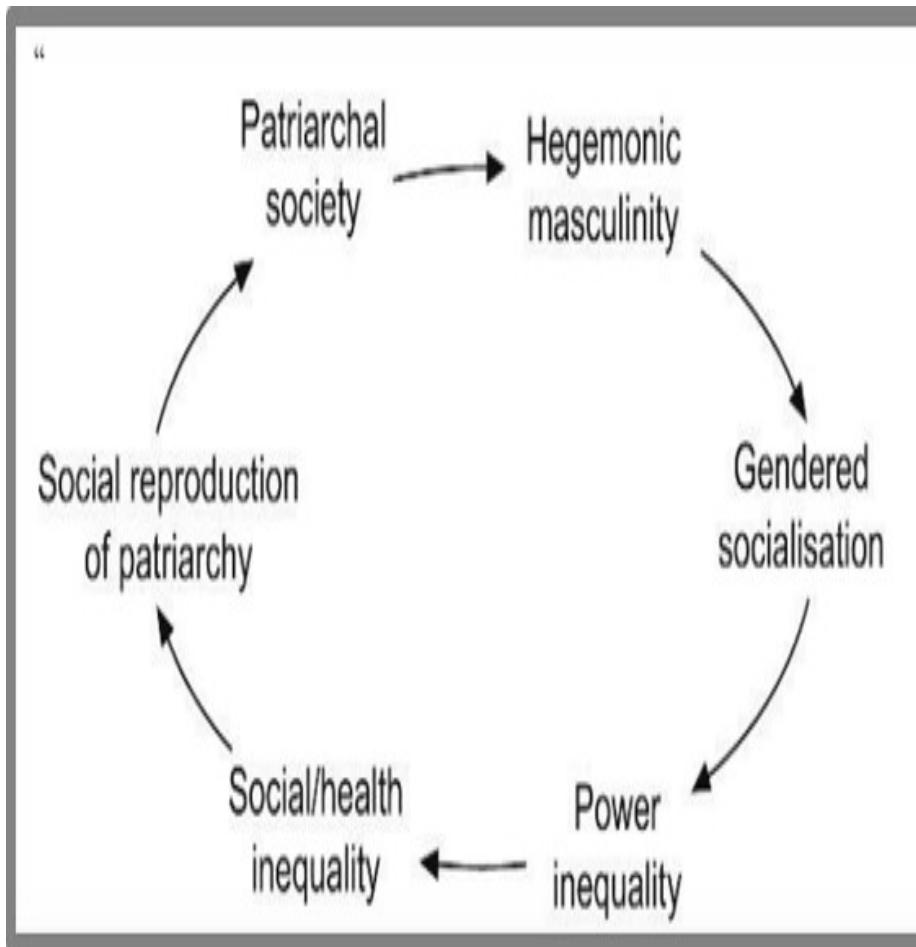


Figure 1. Sociological Dynamics of Gender Inequality

The roles that men and women play in society are not biologically determined, so much as they are socially determined. From the moment of birth, gender expectations influence how boys and girls are treated.

Hegemonic masculinity is defined “the form of masculinity which is culturally and politically dominant at a particular time and place.”⁴⁷ It is a practice of legitimizing the unequal power of men compared to women by normalizing masculinity as the dominant position, and manufacturing consent among men and women that this is the way it should be.

The concept of hegemonic masculinity influences societal expectations of everyone inside and outside of home. The dominant position of masculine traits plays a role in defining its female counter position by setting standards of what is perceived as “feminine” in society.

⁴⁷ Scot-Samuel, A. (2009). Patriarchy, masculinities and health inequalities. *American Sociological Review*, 77(4), 650-665.

The dominant role of masculinity pertains to the workforce as well as the family. This idea of hegemonic masculinity and the inequalities and society structuring it causes can be seen as a cyclical cycle, with a continuation and sustainability, resulting in a continuation of gender roles and inequality.⁴⁸

Thus, as shown in this study, roles expected of men and women have led to cultural and stereotypical beliefs to associate these with men with the roles as the “aggressor” or “perpetrators” of domestic violence; in the same fashion that certain laws were crafted in order to protect women who are sociologically and culturally accepted as “potential victims.”

These cultural stereotypes are communicated to men and women from early childhood and become embedded in their behaviors and contribute to the difficulty in addressing domestic violence in all fronts. This type of society is one that has been in place for centuries, in which men are the central authoritative figure, both at a micro and macro level. Literally, patriarchy means “rule of the father.”⁴⁹ According to sociological theories, patriarchy is a result of social and cultural conditioning, passed on from generation to generation. Men continue to remain in power, resulting in a society aimed at please the male gender. This power spans from political, to occupational and personal aspects of society.⁵⁰

There is an overwhelming perceived male domination of our society, however, it is the female portion of society that benefits from these laws. On the contrary, because of this hierarchical system, it can be overwhelmingly seen that men victims of domestic violence are not direct beneficiaries of our legal system.⁵¹

Gender relations are the result of the way social processes act on a specific biological category and form social relations between them. From an egalitarian point of view, gender relations are fair if, within those relations, males and females have equal power and equal autonomy. This does not imply that all men and all women do exactly the same things, but it does mean that gender relations do not generate unequal opportunities and choices for men and women.

The sociological problem, then, is whether a society within which deeply egalitarian gender relations predominate is possible.

From an anthropological research, human history shows that there is enormous variation in the character of social relations between men and women. In certain societies at some points in history, women were virtually the slaves of men, completely disempowered and vulnerable.⁵² In other times and places, women have had considerable autonomy and control over their bodies and activities.

For example, in every society, women have historically had primary responsibility for early infant care; in no society has it been the case that the prevalent social norms backed the principle that fathers

⁴⁸ Burnette, J. (2009). H-Net Reviews. H-Net: Humanities and Social Sciences Online. Retrieved from <http://www.hnet.org/reviews/showrev.php?id=23001>

⁴⁹ Scot-Samuel, A. (2009). Patriarchy, masculinities and health inequalities. *American Sociological Review*, 77(4), 650-665;

⁵⁰ Op.cit. Hays and Morrows, 2013.

⁵¹ Tickner, A. (2011). "Patriarchy". *Routledge Encyclopedia of International Political Economy: Entries P-Z*. Taylor & Francis. pp. 1197-1198.

⁵² Gerson, K. (2013). *The Unfinished Revolution: How a New Generation is Reshaping Family, Work, and Gender in America*. Oxford University Press.

should be as involved in the care of babies as mothers.⁵³ However, a generalization from this empirical observation that egalitarian norms about parenting of babies are not possible would be unjustified. Since this observed universal has occurred in a world characterized by certain specific economic, political and cultural properties, the empirical universality of this “fact” does not mean that this is simply a natural reflection of biological imperatives. Until the very recent past, for example, birth control was relatively ineffective then but now it is as much reliable as any other means.

Furthermore, even if it was arguably natural for women to specialize in taking care of infants, this would not actually resolve the question of whether it was desirable for a cultural norm telling women that they should do most of the caregiving or whether egalitarian norms could never become dominant. Just because something is “natural” – in the sense of reflecting some underlying biological characteristics of people – does not mean it is desirable and unchangeable.

A final issue in play in thinking about possible transformations of gender relations concerns variations among men and among women in underlying biologically-rooted dispositions.⁵⁴

It may be that because of genes and hormones, men are, on average, more aggressive have stronger instinctual proclivities to dominate, and that women are, on average, more nurturant and have stronger dispositions to engage in caregiving activities.

However, regardless of what are the “natural” dispositions of the average man and woman, it is also equally certain that there is a tremendous overlap in the distribution of these attributes among men and among women. There are many women more aggressive than the average male and many men more nurturant than the average female. It is also virtually certain that whatever are the behavioral differences between genders that are generated by genes and hormones, society and culture exaggerate these differences because of the impact of socialization and social norms on behavior.

These observations on gender, nature, and the possibilities of much more egalitarian relations than what currently exists constitute the theoretical foundations background for gendered laws. However, there are empirical changes in recent decades that explore the conditions which would make further changes toward gender equality possible in the future.⁵⁵

⁵³ Reskin, Barbara F., & Denise D. Bielby (2005) “A Sociological Perspective on Gender and Career Outcomes,” 9 *J. of Economic Perspectives* 79–86.

⁵⁴ McLaughlin, H., Uggen, C., and Blackstone, A. (2012). Sexual Harassment, Workplace Authority, and the Paradox of Power. *American Sociological Review*, 77(4), 625- 647. doi:10.1177/0003122412451728.

⁵⁵ McLaughlin, H., Uggen, C., and Blackstone, A. (2012). Sexual Harassment, Workplace Authority, and the Paradox of Power. *American Sociological Review*, 77(4), 625- 647. doi:10.1177/0003122412451728; Scot-Samuel, A. (2009). Patriarchy, masculinities and health inequalities. *American Sociological Review*, 77(4), 650-665.

Related Laws on Domestic Violence Outside the Philippines

Bangladesh

According to the Office of the Law Commission of Bangladesh, domestic violence may be defined as “violence perpetrated by a man upon a woman and vice versa in the course of leading a domestic life.” However, Section 3 of the Domestic Violence (Prevention and Protection) Act of 2010 defines domestic violence but seemingly limits it to acts committed against women:

“3. Domestic violence.- For the purpose of this Act, domestic violence means physical abuse, psychological abuse, sexual abuse or economic abuse against a woman or a child of a family by any other person of that family with whom victim is, or has been, in family relationship.”

A reading of the entire text of the law shows that while domestic violence extends to cover other couples who are jointly living together, the same remains to be directed for the protection of women and children alone. It fails to provide protection to men.

The focus on women victims may be attributed to the fact that victims of domestic abuse in Bangladesh are mostly women reported to be physically tortured, sexually assaulted, psychologically injured, and mentally humiliated within their homes by their husbands or by other members of the family. Wife battering is a common affair in both upper and lower social classes in Bangladesh, especially among the disadvantaged classes.⁵⁶ These extreme cases nonetheless may not exactly be the same situation in the Philippines.

Hong Kong

The 1986 Domestic Violence Ordinance of Hong Kong penalizes domestic abusers regardless of gender, for violence mostly directed against a child in a legitimate relationship or those in the “matrimonial home,” which includes a home in which the parties to a marriage ordinarily reside together whether or not it is occupied at the same time by other persons. Thus, a further reading of the law shows that it covers not just men as domestic abusers, but even women. A reading of the law interchangeably uses child or applicant to a marriage who can be subject of violence. Implicitly, a man or a woman in such marriage may be covered.

Section 5 on the Arrest for breach of order even refers to an application by “a party to a marriage,” without regard to gender, who may be found to restrain the other party from using violence against the applicant or a child living with the applicant

In other words, even women who are found to have abused a child or guilty of restraining through violence can be penalized.

⁵⁶ Sabrin, Meherba, et al. “Domestic Violence in Bangladesh - A Legal Study.” BDL D - Bangladesh Law Digest, 5 Apr. 2018, <http://bdlawdigest.org/domestic-violence-in-bangladesh.html>

Cambodia

In this jurisdiction, women are generally subservient to men. The traditional code of conduct known as *Chbab Srey* (Women's Law) taught women in Cambodia to be subservient to men.⁵⁷ Up until 2007 schools in Cambodia taught the *chibab* to the young students as regards what was expected from them as women.⁵⁸

To date, “The Law on The Prevention of Domestic Violence and The Protection of Victims” was crafted to prevent domestic violence, protect the victims, and strengthen the culture of non-violence and the harmony within the households in society in the Kingdom of Cambodia.

For this purpose, Article 2 of the law expands domestic violence to the violence that happens and can happen towards husband or wife, dependent children, and persons living under the roof of the house and dependent on the households.

Article 3 of the same law intends to prevent such violence effectively and efficiently by taking the most appropriate measures in order to protect the victims or the persons who could be vulnerable. These acts of violence may be: (i) acts affecting life; (ii) acts affecting physical integrity; (iii) tortures or cruel acts; and (iv) sexual aggression.

It is interesting to note that “tortures or cruel acts” include the following acts: harassment causing mental/psychological, emotional, and intellectual harms to physical persons within the households and mental/psychological and physical harms exceeding morality and the boundaries of the law.

Indonesia

Similar to other jurisdictions, Indonesia, the most populous Muslim-majority country in the world, has an anti-domestic violence law. The “Law Regarding the Elimination of Violence In House of 2004” recognizes the right of the citizens to get a sense of security and to be free from all forms of violence in accordance with the philosophy of the *Pancasila* (the five basic principles of the Republic of Indonesia) and the 1945 Constitution of the Republic of Indonesia.

Although the law acknowledges that the victims of violence in household are mostly women and must get protection from the state and/or the public so that they can be freed from violence or threat of violence, torture, or treatment degrading human dignity, no less than the same law applies to all genders and is all-inclusive.

Article 2 on the scope of household in this Law shall include the following:

- (a) husband, wife, and children;
- (b) people whose family relationship with the individual referred to under letter a is due to blood relationship, marriage, suckling at the same breast, care, and guardianship, who lives in the household; and/or
- (c) c. the individual working to assist the household and living in the household.

⁵⁷ Galabru, Kek. "Violence Against Women: How Cambodian Laws Discriminate Against Women" (PDF). Cambodian League for the Promotion and Defense of Human Rights. The Cambodian Committee of Women. Archived from the original on 3 July 2014. Retrieved 22 April 2015

⁵⁸ Mustakova-Possardt, Elena (2014). *Toward a Socially Responsible Psychology*. New York: Springer. pp. 207–229. ISBN 9781461473909

The people working as referred to under letter c shall be considered as family member during the period while living in the household in question.

Chapter VI of the law provides a “protection order” that a victim of domestic abuse may avail of. Within a period of twenty-four hours from the time of knowing or receiving report on violence in household, the Indonesian police is obliged to immediately provide temporary protection to the victim effective for not longer than seven (7) days from the issuance of the order.

The law likewise provides for the coordination with a health worker, social worker, companion volunteer, and/or spiritual mentor to accompany the victim, as well as the advocate or lawyer. Clearly, the police as well as social workers and courts play major and vital roles in the protection of victims of household violence.

Related Laws on Domestic Abuse Against Men in the Philippines and Related Jurisprudence on Domestic Abuse

There is hardly any law in the Philippines that addresses domestic violence against men. Male abuse pertaining to physical injuries is the only form of abuse that may be addressed in an all-inclusive provision under the Revised Penal Code of the Philippines. No local legislation addresses other forms of male abuse.

Any form of altercations and misunderstandings that will eventually result in inflicting only physical pain upon an individual may be brought to justice under the certain provisions and in a variety of degrees.

The Revised Penal Code of the Philippines⁵⁹ defines the elements and penalties for physical injuries under Articles 262 to 266 namely the crimes of: *Mutilation*⁶⁰, *Serious Physical Injuries*⁶¹,

⁵⁹ Act No. 3815 (December 8, 1930) AN ACT REVISING THE PENAL CODE AND OTHER PENAL LAWS

⁶⁰ Art. 262. Mutilation. — The penalty of reclusion temporal to reclusion perpetua shall be imposed upon any person who shall intentionally mutilate another by depriving him, either totally or partially, or some essential organ of reproduction. Any other intentional mutilation shall be punished by prision mayor in its medium and maximum periods.

⁶¹ Art. 263. Serious physical injuries. — Any person who shall wound, beat, or assault another, shall be guilty of the crime of serious physical injuries and shall suffer:

1. The penalty of prision mayor, if in consequence of the physical injuries inflicted, the injured person shall become insane, imbecile, impotent, or blind;
2. The penalty of prision correccional in its medium and maximum periods, if in consequence of the physical injuries inflicted, the person injured shall have lost the use of speech or the power to hear or to smell, or shall have lost an eye, a hand, a foot, an arm, or a leg or shall have lost the use of any such member, or shall have become incapacitated for the work in which he was therefore habitually engaged;
3. The penalty of prision correccional in its minimum and medium periods, if in consequence of the physical injuries inflicted, the person injured shall have become deformed, or shall have lost any other part of his body, or shall have lost the use thereof, or shall have been ill or incapacitated for the performance of the work in which he as habitually engaged for a period of more than ninety days;
4. The penalty of arresto mayor in its maximum period to prision correccional in its minimum period, if the physical injuries inflicted shall have caused the illness or incapacity for labor of the injured person for more than thirty days.

If the offense shall have been committed against any of the persons enumerated in Article 246, or with attendance of any of the circumstances mentioned in Article 248, the case covered by subdivision number 1 of this Article shall be punished by reclusion temporal in its medium and maximum periods; the case covered by subdivision number 2 by prision correccional in its maximum period to prision mayor in its minimum period; the case covered by subdivision number 3 by prision correccional in its medium and maximum periods; and the case covered by subdivision number 4 by prision correccional in its minimum and medium periods.

The provisions of the preceding paragraph shall not be applicable to a parent who shall inflict physical injuries upon his child by excessive chastisement.

*Administering Injurious Substances or Beverages*⁶², *Less Serious Physical Injuries*,⁶³ and *Slight Physical Injuries and Maltreatment*.⁶⁴

The Philippines, however, has laws protecting women and children against domestic violence. They are considered the more vulnerable members of the family. These laws do not cover domestic violence committed against man/male partner by an abusive party.

Under R.A. 9262 the concept of “violence” against women and children includes not only physical violence, but also sexual violence, psychological violence, and economic abuse, including threats of such acts, battery, assault, coercion, harassment, or arbitrary deprivation of liberty.

The law penalizes any act or a 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.”

For the past fifteen years since the enactment of the VAWC, the Philippine Congress has sought to expand the law to include specific acts of violence that utilize electronic communications and social media platforms. House Bill No. 8655 seeks to enact the “Expanded” Anti-Violence Against Women and Their Children Act.” This is considered a separate piece of legislation, notwithstanding the fact that Republic Act No. 10175, or the Cybercrime Prevention Act of 2012, already incorporates updated cyber-crimes or those criminal acts under the VAWC that are committed through the use of information and communications technologies.

It is also interesting to note that under R.A. 9262, women and children are likewise afforded the right to seek protection orders.

These protection orders are found under Section 8 of the law:

Sec. 8. Protection Orders. A protection order is an order issued under this act for the purpose of preventing further acts of violence against a woman or her child specified in Section 5 of this Act and granting other necessary relief.

⁶² Art. 264. *Administering injurious substances or beverages. The penalties established by the next preceding article shall be applicable in the respective case to any person who, without intent to kill, shall inflict upon another any serious, physical injury, by knowingly administering to him any injurious substance or beverages or by taking advantage of his weakness of mind or credulity.*

⁶³ Art. 265. *Less serious physical injuries. Any person who shall inflict upon another physical injuries not described in the preceding articles, but which shall incapacitate the offended party for labor for ten days or more, or shall require medical assistance for the same period, shall be guilty of less serious physical injuries and shall suffer the penalty of arresto mayor.*

Whenever less serious physical injuries shall have been inflicted with the manifest intent to kill or offend the injured person, or under circumstances adding ignominy to the offense in addition to the penalty of arresto mayor, a fine not exceeding 500 pesos shall be imposed.

Any less serious physical injuries inflicted upon the offender's parents, ascendants, guardians, curators, teachers, or persons of rank, or persons in authority, shall be punished by prison correccional in its minimum and medium periods, provided that, in the case of persons in authority, the deed does not constitute the crime of assault upon such person.

⁶⁴ Art. 266. *Slight physical injuries and maltreatment. The crime of slight physical injuries shall be punished:*

- 1. By arresto menor when the offender has inflicted physical injuries which shall incapacitate the offended party for labor from one to nine days, or shall require medical attendance during the same period.*
- 2. By arresto menor or a fine not exceeding 20 pesos and censure when the offender has caused physical injuries which do not prevent the offended party from engaging in his habitual work nor require medical assistance.*
- 3. By arresto menor in its minimum period or a fine not exceeding 50 pesos when the offender shall ill-treat another by deed without causing any injury.*

The reliefs granted under a protection order serve the purpose of safeguarding the victim from further harm, minimizing any disruption in the victim's daily life, and facilitating the opportunity and ability of the victim to independently regain control over her life. The provisions of the protection order shall be enforced by law enforcement agencies. The protection orders that may be issued under this Act are the barangay protection order (BPO), temporary protection order (TPO) and permanent protection order (PPO).

The protection orders that may be issued under this Act shall include any, some or all of the following reliefs:

(a) Prohibition of the respondent from threatening to commit or committing, personally or through another, any of the acts mentioned in Section 5 of this Act;

(b) Prohibition of the respondent from harassing, annoying, telephoning, contacting or otherwise communicating with the petitioner, directly or indirectly;

(c) Removal and exclusion of the respondent from the residence of the petitioner, regardless of ownership of the residence, either temporarily for the purpose of protecting the petitioner, or permanently where no property rights are violated, and if respondent must remove personal effects from the residence, the court shall direct a law enforcement agent to accompany the respondent to the residence, remain there until respondent has gathered his things and escort respondent from the residence;

(d) Directing the respondent to stay away from petitioner and designated family or household member at a distance specified by the court, and to stay away from the residence, school, place of employment, or any specified place frequented by the petitioner and any designated family or household member;

(e) Directing lawful possession and use by petitioner of an automobile and other essential personal effects, regardless of ownership, and directing the appropriate law enforcement officer to accompany the petitioner to the residence of the parties to ensure that the petitioner is safely restored to the possession of the automobile and other essential personal effects, or to supervise the petitioner's or respondent's removal of personal belongings;

(f) Granting a temporary or permanent custody of a child/children to the petitioner;

(g) Directing the respondent to provide support to the woman and/or her child if entitled to legal support. Notwithstanding other laws to the contrary, the court shall order an appropriate percentage of the income or salary of the respondent to be withheld regularly by the respondent's employer for the same to be automatically remitted directly to the woman. Failure to remit and/or withhold or any delay in the remittance of support to the woman and/or her child without justifiable cause shall render the respondent or his employer liable for indirect contempt of court;

(h) Prohibition of the respondent from any use or possession of any firearm or deadly weapon and order him to surrender the same to the court for appropriate disposition by the court, including revocation of license and disqualification to apply for any license to use or possess a firearm. If the offender is a law enforcement agent, the court shall order the offender to surrender his firearm and shall direct the appropriate authority to investigate on the offender and take appropriate action on matter;

(i) Restitution for actual damages caused by the violence inflicted, including, but not limited to, property damage, medical expenses, childcare expenses and loss of income; (j) Directing the DSWD or any appropriate agency to provide petitioner may need; and

(k) Provision of such other forms of relief as the court deems necessary to protect and provide for the safety of the petitioner and any designated family or household member, provided petitioner and any designated family or household member consents to such relief. Any of the reliefs provided under

this section shall be granted even in the absence of a decree of legal separation or annulment or declaration of absolute nullity of marriage. The issuance of a BPO or the pendency of an application for BPO shall not preclude a petitioner from applying for, or the court from granting a TPO or PPO.

To show how strong and seemingly adequate RA 9262 is, the Supreme Court in the recent case of “*Villalon v. People*”⁶⁵ affirmed the eight-year jail time conviction of a husband who called her spouse “*tanga*” and “*mukhang pera*,” with such acts considered as psychological abuse and violative of Section 5(i) of RA 9262 as follows:

(i) Causing mental or emotional anguish, public ridicule or humiliation to the woman or her child, including, but not limited to, repeated verbal and emotional abuse, and denial of financial support or custody of minor children or access to the woman's child/children.

Aside from the above, the jurisdiction of Philippine Courts towards these abuses against women and children transcends from one jurisdiction to another. In the case of “*AAA v. BBB*,”⁶⁶ the Supreme Court considered psychological abuse as a transitory or continuing offense as follows:

“Marital infidelity as cited in the law is only one of the various acts by which psychological violence may be committed. Moreover, depending on the circumstances of the spouses and for a myriad of reasons, the illicit relationship may or may not even be causing mental or emotional anguish on the wife. Thus, the mental or emotional suffering of the victim is an essential and distinct element in the commission of the offense. In criminal cases, the venue is jurisdictional...”

...In Section 7 of R.A. No. 9262, venue undoubtedly pertains to jurisdiction. As correctly pointed out by AAA, Section 7 provides that the case may be filed where the crime or any of its elements was committed at the option of the complainant. Which the psychological violence as the means employed by the perpetrator is certainly an indispensable element of the offense, equally essential also is the element of mental or emotional anguish which is personal to the complainant...

...What may be gleaned from Section 7 of R.A. No. 9262 is that the law contemplates that acts of violence against women and their children may manifest as transitory or continuing crimes; meaning that some acts material and essential thereto and requisite in their consummation occur in one municipality or territory, while some occur in another.

In such cases, the court wherein any of the crime's essential and material acts have been committed maintains jurisdiction to try the case; it being understood that the first court taking cognizance of the same excludes the other. Thus, a person charged with a continuing or transitory crime may be validly tried in any municipality or territory where the offense was in part committed.

What this case concerns itself is simply whether or not a complaint for psychological abuse under R.A. No. 9262 may even be filed within the Philippines if the illicit relationship is conducted abroad. We say that even if the alleged extra-marital affair causing the offended wife mental and emotional anguish is committed abroad, the same does not place a prosecution under R.A. No. 9262 absolutely beyond the reach of Philippine courts.”

While it is also conceded that in the case of “*Garcia v. Drilon*”⁶⁷, the Supreme Court unanimously confirmed the validity of R.A. 9262 and held that the same did not violate the guarantee of equal

⁶⁵ G.R. No. 234520, February 28, 2018

⁶⁶ GR No. 212448, January 11, 2018

⁶⁷ G.R. No. 179267, June 25, 2013

protection of laws because it rests on substantial distinctions, given the unequal power relationship between men and women, and that “women are the usual and most likely victims of violence”, this study shows that the needed protection against domestic abuse must not only be intended for women and children but must be inclusive of all victims of domestic violence, such as but not limited to members of the LGBT Community and men who for equally suffer domestic violence.

In October 2019, Rizal 2nd District Representative, Fidel Nograles filed a bill that would protect spouses and partners in intimate relationships, regardless of gender against domestic violence.

This six (6)-page House Bill (HB) No. 4888 was filed by Rizal 2nd District Representative, Fidel Nograles which seeks to expand the coverage of Republic Act (RA) No. 9262 or the Anti-Violence Against Women and Their Children Act (VAWC) of 2004 to also cover abuse committed against same-sex partners and husbands in heterosexual relationships.

Under the bill, the term "partner" covers not only heterosexual relationships, but also lesbian, gay, bisexual, queer, intersex, cisgender, and transgender partners.

Women power advocates may argue that domestic violence against men are isolated cases, based on the lack of official reports, but just the same, it is well to note that based on this study, even if reports may be sparse, this does not necessarily mean that male abuse is a myth or is non-existent.

As shown, except for the law that governs physical injuries under the Revised Penal Code of the Philippines (RPC), there indeed is no other law, policy nor procedure which addresses domestic and sexual violence against men. There are in fact no specific provisions of law which specifically cater to male victims of sexual or domestic violence. Neither is there any registry nor office where sexual or domestic violence against men, such as sodomy, fraternization, adultery or underage sex may be reported to.

In the Philippines, the overall view of these individuals who were interviewed suggests that men remain to be relegated as perpetrators specially with the advent of RA 9262.

Instead of equally providing measures by which male abuse may be reported and addressed and where abusers may be prosecuted and penalized, protection for women and children remain the only forms of domestic abuse being addressed.

Neither is there any form of government service available to support the diverse needs of male domestic violence victims and their dependents. It is interesting to note that while some of the above countries do not specifically address male abuse solely, the laws implemented to address domestic abuse are simply inclusive.

Aside from the above findings, it also appears that unlike the Philippine government, private sector participation which equally addresses all forms of domestic violence seems to help in the promotion of protection of male and female victims. In the Philippines, there is hardly any education and training within security sector institutions as well as public awareness campaigns that address male domestic abuse. Instead, based on the opinions of the experts in the field, it is discrimination against women and children which remain the priority and focus both government and even the private sector.

Analysis And Discussion

Male victims of Domestic Violence exist despite barriers in making known their struggles.

Domestic violence appears to be present in all sectors of society, despite the victim's social identity or level of income. While men can experience domestic violence at any age, adult men in their mid-20s to late 40s most likely experience it.

Perpetrators of domestic violence primarily control, coerce and manipulate their victims at the psychological level, although physical harm may also be present.

In cases of situational couple violence, physical abuse is often used to draw attention by causing momentary pain and not as an instrument of physical domination. For these reasons, whether the victim appears physically stronger than the perpetrator is of little consequence.

Domestic violence against men is considered as a rare finding. This rarity has relegated it to a level of minimal importance. Notable scholars concluded that although male victims of domestic violence certainly exist, male victims of other forms of male violence are more prevalent.⁶⁸

Taft, et al. suggested that focusing on gendered risk of violence in public health policy should target male-to-male public violence and male-to-female intimate partner abuse with no mention of female-to-male abuse. Their recommendation neglected male victims of domestic violence. The advocacy for men's rights shepherded by men's movements shows that the position of Taft, et al. is not generally acceptable.

Early research on violence as measured by acts shows that women are as violent as men, but when violence is measured by injuries, men are more violent.⁶⁹ Several authors have consistently reported higher prevalence figures of domestic violence against females as compared with males.⁷⁰ Most assaults are relatively minor and consist of pushing, grabbing, shoving, slapping, and hitting. The major assaults included rape⁷¹ and homicide.⁷² Women in their 20s were more likely to aggress than older women.

In the United States, women appeared to be aggressive because they did not believe that their male victims would be injured or would retaliate. They also wished to engage their victim's attention, particularly emotionally.⁷³

⁶⁸ Taft, A., Hegarty, K., & Flood, M. (2001). Are men and women equally violent to intimate partners? *Australian and New Zealand Journal of Public Health*, 25, 498-500.

⁶⁹ Stets, J. E., & Straus, M. A. (1990). Gender differences in reporting marital violence and its medical and psychological consequences. In M. A. Straus & R. J. Gelles (Eds.), *Physical violence in American families: Risk factors and adaptation to violence in 8,145 families* (pp. 151-166). New Brunswick, NJ: Transaction.

⁷⁰ Coker, A. L., Davis, K. E., Arias, I., Desai, S., Sanderson, M., Brandt, H. M., et al. (2002) Physical and mental health effects of intimate partner violence for men and women. *American Journal of Preventive Medicine*, 23, 260-268. See also: Rennison, C. (2003). *Intimate partner violence, 1993-2001* (Publication No. NCJ197838). Washington, DC: Bureau of Justice Statistics, Department of Justice; Tjaden, P., & Thoennes, N. (2000). *Extent, nature, and consequences of intimate partner violence: Findings from the National Violence Against Women Survey* (NCJ 181867). Washington, DC: Department of Justice.

⁷¹ Ibid.

⁷² Fox, J. A., & Zawitz, M. W. (2004). *Homicide trends in the United States*. Washington, DC: Department of Justice.

⁷³ Fiebert, M. S., & Gonzalez, D. M. (1997). Women who initiate assaults: The reasons offered for such behavior. *Psychological Reports*, 80, 583-590.

In Nigeria, domestic violence against men is culturally regarded as a very serious offense. A male victim would abandon his female partner or refuse to eat the food she cooked. He may even deny having sex with her or withhold money and food from her. Divorce is also an option. Perpetrators are ordered to pay fines and issue a public apology, which is usually enforced by the victim's peers. When hospitalization is needed in severe cases, the male victims can obtain medical reports to present before the community chiefs' council or their customary or magistrate court, which ends with dissolution of the marriage in most cases.⁷⁴

Current research provides little insight into the risks a man faces if he is assaulted by a woman in an intimate relationship. Family violence research has focused on the relative risks that men and women face and mask the high number of men at risk because of the larger number of female victims of domestic violence.

Several judicial systems in other countries follow the premise that guilt follows the offender, not the offended. The opposite is the case in domestic violence against men in which shame and guilt becomes the hallmark of the victim with possible multiple psychological effects such as drug and alcohol abuse, mood disorders, and suicide.⁷⁵

There is a substantial body of research analyzing violence and abuse simplistically along gender lines. Throughout history, women have been systemically stereotyped as more empathetic and nurturing and men as more competitive and assertive. These stereotypes have, in turn, been central to the social, political, and historical roles of men and women in their public and private lives.⁷⁶

This framing led to the terminology of "victims" pertaining to women as "passive, weak, and powerless," as dominance feminists framed women as universally "potential or actual victims."⁷⁷

The domestic violence movement is an iconic and central component of the larger feminist social movement.⁷⁸ However, acknowledging women's acts of violence toward men may be a necessary, albeit uncomfortable, step to end gendered violence.

Still, the gender binary prompted some backlash and policy battles regarding the frequency of female violence of intimate partners.

Over time, the movement has expanded to accept male victims within its infrastructure, but it has not soundly brought female perpetrators in its frame.⁷⁹ The domestic violence movement emerged in the 1960s and 1970s in the context of civil rights and antiwar movements.⁸⁰ The domestic violence

⁷⁴ Paul O. Dienne, P. and Gbeneol, P. BMedSc, MBBS, FWACP, FMCFM Domestic Violence Against Men in Primary Care in Nigeria American Journal of Men's Health 3(4) 333–339. DOI: 10.1177/1557988308325461.

⁷⁵ Heise, L., Ellsberg, M., & Gottenmoeller, M. (1999). *Ending violence against women* (Population Reports, Series L, No.11). Baltimore: Population Information Program, Johns Hopkins University School of Public Health.

⁷⁶ White, J. and Kowalski, R. (1994). Deconstructing the Myth of the Nonaggressive Female: A Feminist Analysis, 18 PSYCHOL. WOMEN Q. 488, 504.

⁷⁷ Goodmark, L. (2015) *Hands Up at Home: Militarized Masculinity and Police Officers Who Commit Intimate Partner Abuse* 21. Univ. of Md., Legal Studies Research Paper No. 2015-4. Retrieved from <http://papers.ssm.com/sol3/papers.cfn?abstract-id=2575677>.

⁷⁸ Goodman, L. and Deborah Epstein, D. (2005). Refocusing on Women: A New Direction for Policy and Research on Intimate Partner Violence, 20 J. *Interpersonal Violence* 479, 480.

⁷⁹ Abrams, J. (2016). The Feminist Case for Acknowledging Women's Acts of Violence, 27 Yale J.L. & Feminism.

⁸⁰ Amy Lehmer, A. and Nicole E. Allen, N. (2009). Still a Movement After All These Years? Current Tensions in the Domestic Violence Movement, *Violence Against Women*. 656, 656.

movement's critical move was positioning abuse within a gendered context.⁸¹ The "cornerstone of scholarship and activism" as well as the "basis for law enforcement policies" was built upon a gender binary.⁸²

It is important to understand domestic violence as a gendered issue is deeply connected to patriarchal systems of subordination by men and by the state. It is equally important to navigate men's rights backlashes and distortions carefully and vigilantly.⁸³

Addressing women's acts of domestic violence would work to dismantle the masculinist frames that currently dominate our understandings of domestic violence offenders.⁸⁴ This masculinist frame has deep historic roots and an entrenched modern presence.

Historical responses to "wife beating" were more about policing masculinity norms than women's equality. This reinforced the tethering of masculinity to violence and femininity to vulnerability.⁸⁵

Not acknowledging and understanding women's acts of domestic violence further perpetuates the myth that women are inherently and universally more peaceful than men. It perpetuates harmful views that all women who associate with violent behaviors are either not women or are not perpetrators, effectively masking victims of male violence and control.⁸⁶

The narratives about women abusing men have been about the gender non-conformance of men who were abused. Katz observed that "men who beat their wives were unmanly cowards, while their wives embodied feminine weakness and dependence."⁸⁷

There is a notion that "men who 'allowed' their wives to beat them were so unmanly that they did not deserve society's care or protection."⁸⁸ Not adequately acknowledging the role of women as perpetrators perpetuates these historic myths of masculine strength, not power and control, as central to domestic violence.⁸⁹

However, domestic violence, at its core, is about the exercise of power and control in an intimate partner setting.⁹⁰

⁸¹ Schneider, E. (2008). Domestic Violence Reform in the Twenty-First Century: Looking Back and Looking Forward, 42 *FAM. L.Q.* 353, 359 .

⁸² Aviram, H. and Persinger, A. (2012). Perceiving and Reporting Domestic Violence Incidents in Unconventional Settings: A Vignette Survey Study, 23 *HASTINGS WOMEN'S L.J.* 159, 159 (2012).

⁸³ Notably, even this framing of domestic violence as a "women's issue," gives primary emphasis to women's victimization and secondary emphasis to male violence.

⁸⁴ Ramsey, C. (2016). The Stereotyped Offender: Domestic Violence and the Failure of Intervention, 120 *PENN ST. L. REV.*

⁸⁵ Abrams, J. (2010) The Collateral Consequences of Masculinizing Violence, 16 *WM. & MARY J. WOMEN & L.* 703.

⁸⁶ Abrams, J. (2016). The Feminist Case for Acknowledging Women's Acts of Violence, 27 *Yale J.L. & Feminism.*

⁸⁷ Katz, E. (2015). Judicial Patriarchy and Domestic Violence: A Challenge to the Conventional Family Privacy Narrative, 21 *WM. & MARY J. WOMEN & L.* 379, 412.

⁸⁸ *Ibid.* p. 415

⁸⁹ *Ibid.* p. 416

⁹⁰ Schneider, E. (2008). Domestic Violence Reform in the Twenty-First Century: Looking Back and Looking Forward, 42 *FAM. L.Q.*, 356

This focus on strength and physicality is problematic when “central to the feminist narrative is the idea that men who abuse are not generally angry or violent; rather, they only abuse their partners as a means of asserting power and control.”⁹¹

Understanding women’s acts of violence within feminism would also start to embrace the full diversity of women’s experiences. It would move away from the long history of pathologizing and marginalizing women who use violence and aggression.⁹²

A survey-based research found that the common perception is that the problem of partner abuse is located in the individual pathology or deviance of the individual, and/or that it is a result of ‘dysfunctional’ relationships underscored by individual mental illness, alcoholism, drugs, developmental difficulties or stress.⁹³ Research has also associated childhood abuse experiences and attachment difficulties with vulnerability to later ‘psychopathologies,’ such as personality disorder in both males and females and, confusingly, in both perpetrators and victims.⁹⁴ However, it has also been argued that men are far less likely than women to carry the label of ‘victim’ into adulthood, even when childhood abuse experiences are acknowledged.⁹⁵

Longitudinal research paradigms have highlighted that risk factors for later aggressive behavior are shared by girls and boys and predict both general and partner aggression.⁹⁶ In addition, personality-type risk factors (e.g. fearlessness, lack of empathy and impulsivity) and other risk factors, including low socio-economic status have been cited as highly predictive of later aggression.⁹⁷

Furthermore, specific risk factors in terms of adolescent ‘conduct disorder’ were found to be predictive of both perpetration of later partner abuse and of pairing up with an ‘abusive partner,’ often leading to reciprocal abuse.⁹⁸

In terms of female abusers, self-defense is often not the primary motivation for violence reported,⁹⁹ but rather efforts to exert dominance and control over their partner.¹⁰⁰

According to an investigation on physical aggression, women were twice as likely as men to be the sole perpetrator of abuse.¹⁰¹ Similarly, Swan and Snow noted that in 12% of their sample of couples,

⁹¹ Goodmark, L. (2015). *Hands Up at Home: Militarized Masculinity and Police Officers Who Commit Intimate Partner Abuse* 21 (Univ. of Md., Legal Studies Research Paper No. 2015-4), Retrieved from <http://papers.ssm.com/sol3/papers.cfn?abstract-id=2575677>

⁹² Abrams, J. (2016). The Feminist Case for Acknowledging Women's Acts of Violence, 27 *Yale J.L. & Feminism*.

⁹³ Hines, D.A., Brown, J., & Dunning, E. (2007). Characteristics of Callers to the Domestic Abuse Helpline for Men. *Journal of Family Violence*, 22, 63-72.

⁹⁴ Goldenson, J., Spidel, A., Greaves, C., & Dutton, D. (2009). Female Perpetrators of Intimate Partner Violence: Within-Group Heterogeneity, Related Psychopathology, and a Review of Current Treatment with Recommendations for the Future. *Journal of Aggression, Maltreatment & Trauma*, 18, 752–769.

⁹⁵ Graham-Kevan, N. (2009). The Psychology of Women's Partner Violence: Characteristics and Cautions. *Journal of Aggression, Maltreatment & Trauma*, 18, 587- 603.

⁹⁶ Moffitt, T. E., Caspi, A., Rutter, M., & Silva, P. A. (2001). *Sex differences in antisocial behavior*. Cambridge, UK: Cambridge University Press.

⁹⁷ Graham-Kevan, N. (2009).

⁹⁸ Moffitt, Caspi, Rutter, & Silva, 2001

⁹⁹ Follingstad, D. R., Wright, S., Lloyd, S., & Sebastian, J. A. (1991). Sex differences in motivations and effects in dating violence. *Family Relations*, 40, 51-57.

¹⁰⁰ Rouse, L. P. (1990). The dominance motive in abusive partners: Identifying couples at risk. *Journal of College Student Development*, 31, 330-335.

¹⁰¹ O’Leary, K.D., Barling, J., Arias, I, Rosenbaum, A., Used, T., Malone, J., & Tyree, A. (1989). Prevalence and stability of physical aggression between spouses: A longitudinal analysis. *Journal of Consulting and Child Psychology*, 57(2), 263-268.

women were classed as dominant aggressors.¹⁰² It has been suggested that power may therefore be exerted by women as well as men, at least within the specific context of an intimate relationship.¹⁰³

By way of contrast, the Stitt and Macklin study asked twenty men whether ‘they attributed their wife’s behavior to an addiction or other issues.’¹⁰⁴ In a nutshell, women may have the autonomy or agency to exert power and commit violence, other than to resist male oppression.

Domestic violence is indeed gendered and complex. It is both individualized and systemic. It has critical shared underpinnings, yet it is different in every manifestation.¹⁰⁵ It is time to consider whether it is too myopic to ignore female perpetrators. It is both “possible and politically necessary to acknowledge that some women use violence as a tactic in family conflict while also understanding that men tend to use violence more instrumentally to control women’s lives.”¹⁰⁶

Characteristics of Male Victims of Domestic Violence

As shown in this study, definitions of domestic violence vary, and it may also be referred to as domestic abuse, intimate partner violence or family violence.

UN guidelines advocate definitions in national legislation that include physical, sexual, psychological and economic violence and apply to any individuals in an intimate relationship (including marital, non-marital, same sex and non-cohabiting) or in the same family or household.¹⁰⁷

Michael Flood, a sociologist specializing in gender, sexuality and interpersonal violence, provides a more specific definition of domestic violence. According to him, domestic violence is “a systematic pattern of power and control exerted by one person against another, involving a variety of physical and non-physical tactics of abuse and coercion... in the context of a current or former intimate relationship.”¹⁰⁸

The nature of domestic violence as a pattern makes it difficult to categorize in a legal sense. Hence, it is much easier to prosecute individual violent incidents if and when they occur than to penalize domestic violence as a behavioral pattern characterized by different kinds of abuse.

This can be problematic because many of the acts committed within the context of domestic violence leave no visible physical injuries, making it difficult to prove that they were even inflicted on the victim.

¹⁰² Swan, S.C., & Snow, D.L. (2002). A typology of women’s use of violence in intimate relationships. *Violence Against Women*, 8, 286-319.

¹⁰³ Johnson, M.P. (2006). Conflict and Control: Gender Symmetry and Asymmetry in Domestic Violence. *Violence against women*, 12, 1003-1018.

¹⁰⁴ Stitt, S., & A. Macklin. (1995). *Battered men: the hidden victims of domestic violence*. [Research monograph]. Liverpool John Moores University, Liverpool, United Kingdom. p.49.

¹⁰⁵ Hunter, R. (2008). Domestic Violence Reform: Women’s Experience in Court. p.5

¹⁰⁶ Kimmel, M. (2015). Gender Symmetry" in Domestic Violence. *Violence Against Women*. 1332, 1333, 1355

¹⁰⁷ United Nations, “Handbook for legislation on violence against women”, UN Department of Economic and Social Affairs, Division for Advancement of Women, New York, 2010, pp. 24–25, www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf.

¹⁰⁸ Michael Flood, “He hits, she hits: Assessing debates regarding men’s and women’s experiences of domestic violence”, Australian Domestic and Family Violence Clearinghouse seminar, Sydney, 6 December, 2012, p. 2.

However, if security personnel have the requisite training as well as the foresight and resources necessary to document these seemingly minor disturbances and subsequently identify a pattern, it is possible to bring successful prosecutions. Domestic violence against men takes many forms, including:¹⁰⁹

- 1) physical violence – pushing, biting, hitting, burning, strangling, using a weapon, committing homicide;
- 2) sexual violence – forcing sexual intercourse or non-consensual practices;
- 3) psychological violence – bullying, jealous behavior, humiliation, verbal abuse such as ridiculing and blaming;
- 4) isolation – forbidding social contact, confinement, undermining;
- 5) threats, intimidation and stalking – threatening with death or suicide, surveillance, controlling;
- 6) economic violence – withholding money, forbidding work or forcing the victim to work; and
- 7) legal and administrative abuse – use of institutions to inflict further abuse on a victim, for example taking out false restraining orders to deny the victim access to his children, pressuring through children, the abuse of pets or property damage.

It is important to highlight that some abuse which may ordinarily be considered too minor to warrant prosecution should be considered as an act of domestic violence when it occurs as part of a pattern of coercion and control. This means that the severity of an individual act should not be used as the only measure of the severity of the crime.

For example, a one-off incident where a heated argument between a couple results in a physical injury may be less serious than a case where one partner routinely reads the other's text messages in order to control his or her movements and social interactions.

In survey-based studies violent acts such as hitting and punching are regularly listed, but they are often reported as more frequent and having more severe consequences when perpetrated by a man against a woman.¹¹⁰

However, researchers have pointed out that women may 'even the score with physically stronger male partners' by using weapons or throwing things at them.¹¹¹

¹⁰⁹ Gloor, D. and Hann Meier, H. (2012). "Assessing the severity of domestic violence", sociological background report for Swiss Federal Office for Gender Equality, Bern, June 2012, p. 10.

¹¹⁰ Scottish Executive Central Research Unit (2002). Domestic Abuse Against Men In Scotland. The Stationery Office Ltd: Gadd, D., Farrell, S., Dallimore, D., & Lombard, N. Retrieved from <http://www.scotland.gov.uk/Resource/Doc/46737/0030602.pdf>

¹¹¹ Hines, D. A., & Malley-Morrison, K. (2001). Psychological effects of partner abuse against men: A neglected research area. *Psychology of Men and Masculinity*, 2, 75–85.

Similarly, men are more likely to be victims of severe violence from women involving kicking or objects thrown¹¹² and that the number of attacks experienced is likely to be greater,¹¹³ and that severe violence perpetrated by women often results in some type of injury.¹¹⁴

In interview-based studies, men described women's violence as frequently creative, common and including sexual violence (e.g. direct attacks on the man's genitals). The violence described might also include harm to children or be accompanied by random destruction of property.¹¹⁵

Men also regularly cite the experience of non-physical abuse, described sometimes as 'controlling behaviors,' emotional or psychological abuse.¹¹⁶ It is important to understand these characteristics of domestic male abuse in terms of non-physical abuse as they equally have a life debilitating effect.

Barriers in Reporting of Domestic Violence Against Men

As was shown in this study, there are indeed barriers in reporting "Domestic Violence Against Men." These are social, legal, and practical barriers. "Social Barriers" are founded on beliefs in society about how men ought to behave seem incompatible with them reporting domestic violence. For instance, police forces are sometimes perceived as "macho-type" organizations and men fear that officers will be unsympathetic and challenge their masculinity if they report. This may be coupled with social consequences. In Igbo-speaking parts of Nigeria, for example, many men attempt to settle injustices themselves because reporting to the police will be looked down upon by their parents and other senior members of the community. "Legal Barriers," on the other hand is the absence of laws for the protection of men. In a number of states, including the Philippines, there are hardly any laws that protect men. For instance, most laws do not recognize rape as a crime that can affect men. There are no clear reporting mechanisms that men can access. "Practical Barriers" prevent men from reporting domestic violence because either they physically cannot (e.g. cannot figure out how to), they have nothing to gain by reporting, or they risk making their situation worse.¹¹⁷

Notably, security sector institutions play a crucial role in removing many of these barriers. Small steps can dramatically improve the level of access to justice for male domestic violence victims. As a first step, security sector institutions need to gain a deeper understanding of the many different barriers to reporting that may exist in their context.

¹¹² Strauss, M.A. (1980). Wife beating; how common and why? In M.A. Strauss & G.T. Hotaling (Eds.) *The social causes of husband-wife violence* (pp. 23-36). Minneapolis: University of Minneapolis Press.

¹¹³ Archer, J. (2000). Sex Differences in Aggression between Heterosexual Partners: A Meta-Analytic Review. *Psychological Bulletin*, 126, 651-680.

¹¹⁴ Morse, B.J. (1995). Beyond the conflict tactics scale: Assessing gender differences in partner violence. *Violence & Victims*, 10(4), 251-272.

¹¹⁵ Northern Ireland Domestic Violence Forum (2005). *Abuse of Adult Males in Intimate Partner Relationships In Northern Ireland*. Authors: Brogden, M., & Nijhar, S.K. Retrieved from <http://www.ofmdfmi.gov.uk/relationships.pdf>

¹¹⁶ Hines, D.A., Brown, J., & Dunning, E. (2007). Characteristics of Callers to the Domestic Abuse Helpline for Men. *Journal of Family Violence*, 22, 63-72.

¹¹⁷ Heather Huhtanen, "Sexual assault dynamics", in Attorney General's Sexual Assault Task Force, Advocacy Manual (Salem, OR: Oregon Department of Justice, 2007, p. 2); "Sexual offenders", in Attorney General's Sexual Assault Task Force, Advocacy Manual (Salem, OR: Oregon Department of Justice, 2007, p. 34), Peel, note 11 above, p. 64; Hickson et al., note 28 above, p. 283; R. Charli Carpenter, "Recognizing gender-based violence against civilian men and boys in conflict situations", *Security Dialogue* 37(1), 2006, p. 94; Noreen Abdullah-Khan, *Male Rape: The Emergence of a Social and Legal Issue* (Basingstoke: Palgrave Macmillan, 2008, pp. 71, 81, 85-86).

In a more extensive discussion of these barriers, which should justify institutionalizing mechanism to protect against domestic abuse against men, the following are considered essential factors:

Social Barriers

The stigma associated with being a victim, especially for men, is one of the largest barriers to reporting. Men are taught from an early age that they are supposed to be strong and independent. They may not report domestic violence to avoid being labelled as victims or viewed as “soft and weak and incompetent.”¹¹⁸

Others simply cannot or will not perceive themselves as victims. In extreme cases, men may even blame themselves for provoking their attackers, or isolate themselves due to the fear that they are at risk of becoming a perpetrator.

Often, men who do report having been victimized highlight having been drunk or high on drugs in order to “justify” their inability to defend themselves, which may make it less likely a conviction against their assailant would be achieved.¹¹⁹

When men are sexually assaulted by other men, they may fear a “double stigma” of being looked down upon as both a victim and a “homosexual”, even if the latter is not the case. Religious men may feel they have sinned by engaging in forbidden sexual acts, even if the acts were not consensual. They may see the crime as a kind of divine punishment.

This explains why some male Muslim victims of sexual abuse by men refuse to report to Muslim security personnel. They worry that the security personnel will feel duty-bound to denounce this “homosexual activity” to the mosque regardless of how it came about. In addition to the social barriers affecting men because of their gender, there are also barriers that affect particular groups of men.

Certain men struggle to get security sector personnel to believe them when they report domestic violence because they are members of social groups that lack credibility due to social prejudice. These include those who are young adults, disabled, homeless, economically disadvantaged, substance dependent, convicted criminals or have a history of abuse. Men who are incarcerated or institutionalized in psychiatric or other residential facilities also experience problems.¹²⁰

Other groups have less of a problem convincing security sector personnel that domestic violence took place, but due to social stereotyping they struggle to demonstrate that it was non-consensual. This has been known to affect men who are homosexual, bisexual, transsexuals, sex workers, partners of the perpetrator or victims of sexual violence committed by women. Social barriers also occur due

¹¹⁸ Fionnuala Ní Aoláin, “Masculinities and child soldiers in post-conflict societies”, University of Minnesota Law School Legal Studies Research Paper Series No. 10-57, 2011; citation by Catharine A. MacKinnon, “Feminism, Marxism, method, and the state: An agenda for theory”, *Signs* 7(3), Spring 1982, p. 530.

¹¹⁹ Nicola Graham-Kevan, “The invisible domestic violence – Against men”, *The Guardian*, 7 June 2011; Gary Foster, Cameron Boyd and Patrick O’Leary, “Improving policy and practice responses for men sexually abused in childhood”, ACSSA Wrap No 12, 2012, www.aifs.gov.au/acssa/pubs/wrap/wrap12/index.html; Karen G. Weiss, “Male sexual victimization: Examining men’s experiences of rape and sexual assault”, *Men and Masculinities* 12(3), August 2008, pp. 289–293.

¹²⁰ Jeffrey Gettleman, “Symbol of unhealed Congo: Male rape victims”, *New York Times*, 5 August 2009.

to the relationship between the victim and the perpetrator. Reporting domestic violence may involve implicating a family member, colleague or other key person within their community.

Fear of exclusion, a desire not to destabilize the group and emotional or economic dependence on the perpetrator are common social barriers to reporting. It is for this reason that some boys who were sexually abused did not report the crime until over 20 years have passed. The security sector should be prepared to receive adults who were victims of violence in their childhood.

Legal Barriers

In many instances the law does not specifically criminalize domestic violence against men. While it might be possible to prosecute domestic violence under assault or battery laws, for example, the prospect of enduring a long, intrusive and complicated legal process that is of little perceived benefit to the victim means they may simply not report the crime. This has the knock-on effect of maintaining perceptions that domestic violence against men does not exist, meaning there is little impetus to change legislation.

In countries where sodomy, homosexuality or sexual relations outside marriage are criminalized, male victims of sexual violence may avoid reporting for fear of being prosecuted for violating these laws if their original case collapses.¹²¹

A further barrier to reporting that affects both men and women relates to the collection of evidence. Evidence of domestic violence can be difficult to provide, and several reports of individual incidents to the police may be necessary to prosecute a perpetrator. Sexual violence often does not leave long-lasting physical marks on the body, and even when it does, it is hard to attribute them conclusively to the perpetrator.

Victims may be anxious about undergoing forensic medical examinations. In particular, if sexual violence has taken place against a man, an intimate examination of the penis, scrotum and rectum may be required, which can be humiliating. It can also be the case that men are not aware that what has happened to them is a crime.

In some cases, for example, they may see it as a cultural practice or a rite of passage. In others, such as those involving immigrant populations, it could be a consequence of not speaking the local language or being unfamiliar with the local justice system.

In the case of undocumented migrants or refugees, the problem is compounded by the fact that if they report domestic violence, they risk being charged for having entered the country illegally.¹²²

Practical Barriers

¹²¹ This was reported as problematic by people working with male victims in Uganda. Salome Atim, 'Sexual violence against men', paper presented at "Tough Choices – Ethical Challenges in Humanitarian Action", Humanitarian Congress, Berlin, 12–13 October 2012.

¹²² Dennis O'Brien, *Understanding Male Sexual Abuse: Why Male Victims Remain Silent* (Bloomington, IN: iUniverse, 2011, pp. 36–37).

Practical barriers are those that the security sector is best placed to help overcome. Victims often do not know how to report domestic violence. If they have to search through a maze-like building for the right place to report, they may well give up before finding it.

If the perpetrator is a member of the security sector, the victim may fear being discovered by them while attempting to report, or may believe that security sector personnel are immune from prosecution, either officially or unofficially.

Another common barrier occurs when reporting domestic violence will require the victim and his dependents (e.g. children, elderly or disabled relatives) to leave the home to avoid violent retribution.

Aside from having no alternative accommodation, some victims worry about losing custody of their children if they leave, are counter-accused, or are wrongly assumed to be the perpetrator and arrested. Safe houses that are open to men remain few and far between and, as is the case with women's shelters, they tend to face chronic funding shortages.

Many victims only feel confident enough to report to the police after having received significant amounts of support from dedicated service providers. Services provided to female victims of domestic violence may be funded by ministries for women's affairs or other gender-specific sources, which may not have the mandate to provide services to men even if they wanted to.

In the UK, for example, the Home Office has not historically provided funding for male domestic violence victims and the Ministry of Justice Rape Support Fund only finances organizations that have a dedicated women's service, effectively excluding organizations specializing in support to male victims.¹²³

Impacts/Consequences of Domestic Violence Against Men

Domestic violence impacts men in a multitude of ways. In addition to the impact on victims themselves, there is also a significant effect on others, such as children who unfortunately are witnesses to the violence and equally suffer secondary trauma as a result. Some of these children may later commit self-harm or domestic violence and other forms of abuse because they see it as "normal behavior."

As this cycle of violence is repeated, it also has a negative socio-economic impact on the community as a whole.

Domestic violence results in lost productivity at work and in household tasks, higher levels of absenteeism in the workplace, lost investments in human capital, higher insurance costs and significant expenditures on medical, legal and social services. These are often borne by the state and employers as well as the victims themselves.¹²⁴

¹²³ ManKind Initiative, "Public services challenge – Men's health", 2008, p. 4, www.mankind.org.uk/pdfs/menshealth.pdf; Martyn Sullivan, "An exploration of service delivery to male survivors of sexual abuse", report for Winston Churchill Travelling Fellowship, 2010–2011, p. 42, www.wcmt.org.uk/reports/840_1.pdf.

¹²⁴ Gary Barker and Marcos Nascimento (eds), *Project H: Working with Young Men Series* (Rio de Janeiro: Promundo, 2002, p. 147); *Workplaces Respond to Domestic and Sexual Violence*, "Impact of violence and the workplace", 28 September 2010, www.workplacesrespond.org/learn/the-facts/impact-of-workplace-violence; Hugh Waters, Adnan Hyder, Yogesh Rajkotia, Suprotik Basu, Julian Ann Rehwinkel and Alexander Butchart, "The economic dimensions of interpersonal violence", World Health Organization, Geneva, 2004, p. 6, <http://whqlibdoc.who.int/publications/2004/9241591609.pdf>; Bronwyn Herbert, "Domestic

Several studies have highlighted the self-reported shame and embarrassment of ‘abused men.’

Men vary in their own alignment with and adherence to the ideals of a hegemonic masculinity.¹²⁵ They seek to accomplish multiple identity positions, and are not merely limited to those enabled through accounts of masculinity.

Furthermore, by rooting the debate on partner abuse only in totalizing notions of gender, rather than in the inherent attitudes and propensity of individuals to use violence and abuse as an inter-relational strategy, female victimization will continue, as will the unseen victimization of some men.¹²⁶

There is a considerable body of evidence to suggest that the ‘abused man’ is constrained from seeking help. Male victims may not seek help because care agencies often deny the existence of violence against men where the female partner is the perpetrator.¹²⁷

Men are not encouraged to report abuse.¹²⁸ They are conditioned not to ask for help and may feel disempowered by those in authority. Thus, they are less likely to report incidents of domestic violence.¹²⁹ In addition, a US community survey¹³⁰ of the help-seeking attitudes of abused men, cited: service perception of client group, shame and embarrassment, denial, stigmatization, and fear as constraints to seeking support from agencies. Du Plat-Jones¹³¹ cited anecdotal concerns from UK men that their healthcare needs will not appropriately be met by healthcare professionals, a sentiment echoed by several men interviewed by Brogden and Nijhar.¹³²

In terms of reporting partner abuse as a crime, only around 7% of all incidents of domestic violence recorded by the police involved male victims attacked by female perpetrators.¹³³

Abused men report that it is hard to accept their own situation and believe that the police blame men and are reluctant to produce crime reports on partner abuse against men. Therefore, given the higher level of partner abuse reported by men, it seems likely that men are constrained from reporting partner abuse as a crime.¹³⁴

There is now a substantial body of research seeking to differentiate the experiences of male and female victims. A majority of this research can be criticized for focusing on a form of behavior (i.e. physical violence) perceived as ‘male.’ However, a few interview-based studies have drawn on wider definitions of abuse.¹³⁵

violence costs \$13bn a year’, ABC News, 7 March 2011, www.abc.net.au/news/2011-03-07/domestic-violence-costs-13bn-a-year/57284.

¹²⁵ Wetherell, M. and Edley, N. (1999). Negotiating Hegemonic Masculinity: Imaginary Positions and Psycho-Discursive Practices. *Feminism & Psychology* 9(3), 335-336.

¹²⁶ Stitt, S., & A. Macklin. (1995). *Battered men: the hidden victims of domestic violence*. [Research monograph]. Liverpool John Moores University, Liverpool, United Kingdom.

¹²⁷ Ibid.

¹²⁸ Barber, C.F. (2008). Domestic violence against men. *Nursing Standard*, 22(51), 35-39. Retrieved from <http://www.scribd.com/doc/37691089/domesticviolence>

¹²⁹ Ibid. p.37

¹³⁰ Tsui, V., Cheung, M. and Leung, P. (2010), Help-seeking among male victims of partner abuse: men's hard times. *Journal of Community Psychology*, 38, 769–780.

¹³¹ Du Plat-Jones, J. (2006). Domestic violence: the role of health professionals. *Nursing Standard* 21, 14-16.

¹³² As part of their study, Abuse of Adult Males in Intimate Partner Relationships in Northern Ireland.

¹³³ Scottish Executive Central Research Unit (2002). Domestic Abuse Against Men In Scotland. The Stationery Office Ltd: Gadd, D., Farrell, S., Dallimore, D., & Lombard, N. Retrieved from <http://www.scotland.gov.uk/Resource/Doc/46737/0030602.pdf>

¹³⁴ Lawrence, S. (2003) Domestic violence and men. *Nursing Standard*, 17, 41-43.

¹³⁵ For instance, in the study of Brogden & Nijhar (2005)

Survey-based studies have tended to focus on ‘internalizing’ symptoms such as depression, which women experience at twice the rate of men. Many studies have failed to examine ‘externalizing’ symptoms such as alcoholism or PTSD which have been found to be significantly associated with the experience of partner abuse.¹³⁶ They have also often failed to assess suicidal, self-destructive, self-mutilating and assaultive behaviors.¹³⁷ Moreover, they fail to report that the male suicide rate is consistently higher than for women.¹³⁸

Furthermore, while reporting immediate reactions such as anger, emotional distress and depression,¹³⁹ men also report other reactions such as wanting to seek revenge, feeling unsafe and feeling shame or fear.¹⁴⁰

In the UK qualitative literature, the most severe form of abuse cited by male respondents was emotional victimization, normally cumulative and involving long-term trauma, which at the extreme may lead to suicide attempts. Such victimization could affect their ability to work or result in a loss of home or livelihood.

Only a few of the interviewed men reported that in subsequent legal and matrimonial procedures were the courts receptive to the notion of the male as victim.

Men reported emotional trauma, not just because of the direct effects on themselves, but also because of their children witnessing such abuse and, in some cases, being forced to take sides.¹⁴¹

Such experiences in several cases affected the individual’s ability to develop future relationships with members of the opposite sex, although others stated that future relationships could largely compensate for their experience of partner trauma.¹⁴²

A minimal amount of research has garnered information about how men cope with the direct consequences of female-perpetrated abuse.¹⁴³

The men interviewed in the Brogden and Nijhar study stated that to a varying extent they could ‘manage’ coercive abuse, but required coping strategies so to do.

There were concerns expressed that severe abuse would ‘mentally destroy’ them or that it undermined their image of masculinity in the outside world. To cope, most of the men attempted to conceal their abusive experiences from public view: variously out of embarrassment, by self-injury to conceal their bruises, or because they believed third parties would not take the abuse seriously.

¹³⁶ Hines, D. A., & Malley-Morrison, K. (2001). Psychological effects of partner abuse against men: A neglected research area. *Psychology of Men and Masculinity*, 2, 75–85.

¹³⁷ Carmen, E. H., Rieker, P. P., & Mills, T. (1984). Victims of violence and psychiatric illness. *American Journal of Psychiatry*, 141, 378-383.

¹³⁸ Office for National Statistics, General Register Office for Scotland, Northern Ireland Statistics and Research Agency. (2011, May 7). General format. Retrieved from <http://www.statistics.gov.uk/cci/nugget.asp?id=1092>.

¹³⁹ Follingstad, D. R., Wright, S., Lloyd, S., & Sebastian, J. A. (1991). Sex differences in motivations and effects in dating violence. *Family Relations*, 40, 51-57.

¹⁴⁰ Morse, J.M. (1994). Designing funded qualitative research. In Norman K. Denzin & Yvonna S. Lincoln (Eds.), *Handbook of qualitative research* (2nd ed., pp.220-35). Thousand Oaks, CA: Sage.

¹⁴¹ Josolyne, S. (2011). Men’s experiences of violence and abuse from a female intimate partner: Power, masculinity and institutional systems. *Doctoral Dissertation for the Degree in Clinical Psychology*. University of East London, Stratford. Stratford, London: UK. Retrieved from <http://www.mankind.org.uk/submisscampaigns.html>.

¹⁴² Scottish Executive Central Research Unit (2002). Domestic Abuse Against Men In Scotland. The Stationery Office Ltd: Gadd, D., Farrell, S., Dallimore, D., & Lombard, N. Retrieved from <http://www.scotland.gov.uk/Resource/Doc/46737/0030602.pdf>

¹⁴³ Hines, D.A., Brown, J., & Dunning, E. (2007). Characteristics of Callers to the Domestic Abuse Helpline for Men. *Journal of Family Violence*, 22, 63-72.

Some respondents described coping through a process of passive acceptance as they became slowly immunized to the escalating abuse and violence. Most found reasoning ineffectual and engaged in various strategies to avoid or temporarily escape from the problematic behavior.

Many felt trapped. By leaving, they risked disadvantage or unhelpful contacts with agencies while others attempted to normalize the abuse, believing that it would ease over time. Alcohol was a common resort with no positive effects, while some men attempted to use physical exercise to alleviate the domestic strife.

Work also provided a temporary but unsatisfactory distraction for some men. A majority of the men interviewed had terminated the relationship, either through choice by either party or through 'exhaustion'.

Again, a minimal amount of research has garnered information about the experiences of men who have sought support in response to abuse. Brogden and Nijhar reported that only a few men had sought external support, mostly from trusted friends.

The respondents mentioned having contacted male intimates, family members and professional agencies, but had received mixed responses, predominantly negative and unhelpful. Some support was experienced from 'breaking the silence' to a neutral party and in confiding subsequently to new intimate partners.

Stitt and Macklin reported that of 20 respondents, two said that they had gone to the police and three said that their partner had called the police.

The other 15 had stated that they did not want to involve the police, having little or no faith in the police being impartial and, in their ability, to acknowledge men as victims of partner abuse.

In terms of other services, some men had not contacted any agencies for support, expressing negative expectations of the response that they would receive. The services that the male victims had been involved with were unsympathetic (stigmatizing and minimizing) and/or unhelpful.

Counselling services and help-lines were viewed as offering no practical help and general physicians responded in practical ways by treating the physical injury or by prescribing psychiatric medication to men to help them cope with the stress, thus locating the problem in the man.¹⁴⁴

As verified and shown by in previous studies, sex and gender or the physiological and biological differences between and among male, female, and transgender people are indeed factors in domestic abuse.

The study further confirmed that a vast majority of women here and abroad are often victims of domestic abuse mostly by their intimate partners.

However, equally, the study was able to establish that when it comes to intimate partner abuse or IPV, sex and gender are not always the only determining factors. It is not just about size or physical strength. Instead, control, power, and abuse are also factors that result in domestic abuse. Thus, "male abuse" exists.

Worse, the social stigma that men are perpetrators and that women are the victims, aside from the lack of appropriate measures here and abroad, are barriers that prevent providing protection to male

¹⁴⁴ Stitt, S., & A. Macklin. (1995). *Battered men: the hidden victims of domestic violence*. [Research monograph]. Liverpool John Moores University, Liverpool, United Kingdom.

victims. Also a barrier is the overflow of measures consisting of laws, covenants and treaties that solely protect women.

Men by nature are regarded as strong and independent and are therefore not expected to seek redress whenever they find themselves victims of domestic abuse. If they do so, such would be viewed weak and incompetent.

Despite this, the study was able to present the debilitating effect of domestic abuse not only against women, but also against men.

Unless mechanisms or processes are in place to address victims of domestic violence as a whole, which includes protection, prosecution, and coping mechanisms, the adverse effect of domestic violence transcends and are distractive not just to the victims, but sometimes, even with the other members of the family and the society as a whole.

Further study also showed that while there are best practices on the subject matter abroad, the measures in place within the Philippines is not sufficient to address all forms of domestic violence, including those against men.

In particular, even if the Revised Penal Code provides a provision that will prosecute offenders who commit physical violence against anyone including men, these measures may not at all be sufficient.

Unlike R.A. No. 9262 which significantly addresses domestic violence against women and children, and providing remedial measures not ordinarily found in the Revised Penal Code, such as securing protection orders either from the Barangay or from the courts in favor of women and children, the procedural and technical limitations of this law on domestic violence does not at all address domestic male abuse. Thus, there is a need to revisit and even supplement R.A. No. 9262.

IV. CONCLUSION AND RECOMMENDATIONS

Conclusion

Domestic abuse against men or domestic male violence is real. There is an urgent necessity to provide justice for all victims of domestic abuse, including men, who are not immune from domestic abuse and its damaging effects.

Aside from the traditional gender role-playing, there are also factors that tend to undermine or even render the subject matter taboo in many jurisdictions, like in the Philippines. These factors include many forms of barriers against male abuse. These barriers notwithstanding, measures and coping mechanisms that are all-inclusive remain to be ideal. Ultimately, protecting victims of domestic abuse against men is not only for sake of the victims, but also for society as a whole.

Domestic abuse against men may not only lead to psychological and physical abuse but could also seriously endanger lives. The enormous effects of “Emotional Abuse,” “Controlling Behavior,” and “Psychological Abuse” cannot be undermined and need to be addressed in the Philippines.

While physical or sexual and psychological abuse against women is concededly widespread, this is not enough reason to downplay what other men equally suffer. Abuse, after all, is neither confined to the physical domain nor limited to a matter of strength. Control, power, influence, constant bullying, intimidation, and browbeating are also more common factors that result in domestic male abuse, which abuse similarly results in serious psychological damage.

Finally, from the legal perspective of all these abuses committed against men, it bears emphasis that the State is bound by the equal protection clause and is mandated to recognize the need to protect all family members and relationships, regardless of gender and sexuality, from violence and threats to their safety and security. Then, the State should exert efforts to address domestic violence committed against these individuals, whether it be the same-sex or heterosexual, married or not, and regardless of whether they are victims or not in keeping with the fundamental freedoms guaranteed under the 1987 Constitution, as well as provisions of the UDHR and other international human rights instruments of which the Philippines is a party. To this end, positive legislation and measures are a must.

While retaining R.A. No. 9262 is necessary as protection against domestic abuse for women and children, proposing a new measure or an additional measure that will equally consider protecting men against domestic violence is warranted.

Recommendations

On the part of the State, policy formation, as well as laws governing domestic abuse, must be all-inclusive. Barangays and other local officials who run the primary and smallest forms of local governance must have the necessary training that will reinforce their understanding that men can be victims and women (heterosexual and homosexual) can be perpetrators as well.

On a national level, there should also be an oversight, monitoring, and evaluation of domestic violence within security sector institutions to support policy formation against all forms of abuses, not just for women and children in the Philippines, but also for men. There should also be available statistics and reports to be made public. To this end, there should be sufficient mechanisms available for all victims of domestic violence to complain about and how their cases are to be handled by one or more security sector institutions, such as the local government and the prosecutorial service.

It is likewise recommended that the different women's and children's desks from the PNP and other law enforcement agencies such as the National Bureau of Investigation be expanded to a "Domestic Abuse Division" instead of limiting the same to women and children.

The current bill in Congress, H.B. 4888, seeks to expand the coverage of R.A. 9262 by including the term "partner" to cover not only heterosexual relationships but also "lesbian, gay, bisexual, queer, intersex, cisgender, and transgender partners." It is a useful start or reference which will also cover abuse committed against same-sex partners and husbands in heterosexual relationships. It is, however, recommended further to either improve H.B. 4888 and/or come up with additional mechanisms or another proposed measure that will adequately address domestic violence as they primarily contribute to the total effectiveness of any law against domestic violence. After all, there are some provisions of the current R.A. 9262 that may apply to women and children but may not be available to men.

While pushing for the passage of new measures that will address an all-inclusive anti-domestic violence or abuse law, it is recommended for Congress to consider a number of inclusions, to wit:

- (a) to include, as a crime of violence against men, psychological, physical, sexual, and economic forms of violence, since these forms of abuses have been defined by R.A. 9262 and a similar but expanded definition may be adopted, save for instances that will solely apply to men or women;
- (b) to include a provision designating "Psychological Violence against Male Partners" which would refer to acts or omissions causing or likely to cause mental or emotional suffering to be supported by a psychological assessment report; and
- (c) to revisit the term "Physical Violence" which should refer to an act of inflicting grave and repeated physical harm and must not be isolated upon the individual resulting in the physical and psychological or emotional distress.

As to penalties, it is recommended that the penalty that must govern should also vary. Physical abuse constituting attempted, frustrated, or consummated parricide or murder or homicide shall be punished in accordance with the provisions of the Revised Penal Code.

Acts falling under Psychological and Sexual Abuse under Section 5 shall be punished by *prision correccional* or an imprisonment of six months one day to six years at the discretion of the Court and may be subject to probation if committed for the first time. Congress may also consider the imposition of a fine so that the perpetrator may be discouraged from committing the same offense. Likewise, mandatory psychological counseling or psychiatric treatment should also accompany the imposition of any similar penalty.

Aside from the above impossible penalties, it is also recommended to allow victims, including men, to similarly secure "Protection Orders" to prevent further acts of violence against such individuals specified in the proposed law. The relief granted under a protection order serves the purpose of

safeguarding the victim from further harm, minimizing any disruption in the victim's daily life, and facilitating the opportunity and ability of the victim to regain control over his life independently.

In addition to protection orders, proper coordination with either a health worker, social worker, or psychologist to accompany the victim should also be mandated. A coordinated action not only by the barangay or the courts, but also by the health or social workers or psychologist, is warranted.

In providing health service to the victim, it is best that a health worker of any government hospital or social worker of the Department of Social Work and Development must:

- 1) examine the mental health of the victim in accordance with the professional standard; and
- 2) prepare written preliminary report on the result of examination on the victim to be reduced in a certificate.

As to the social worker, the latter is mandated to conduct counseling to strengthen and provide a sense of security to the victim; furnish information regarding the rights of the victim to obtain protection from the police and protection instruction ruling from a court; take the victim to a government alternative dwelling; and conduct integrated coordination in providing service to the victim with the police, social service, social institution needed by the victim.

In providing the service, the health or social worker should also:

- (a) inform the victim of his/her right to be accompanied by the social or health worker;
- (b) accompany the victim at the level of investigation, prosecution, or court examination by guiding the victim to objectively and completely describe the violence in household experienced by him/her;
- (c) listen emphatically to all accounts of the victim so that the victim feels safe being accompanied by the companion; and
- (d) provide actively psychological and psychic strengthening to the victim.

Aside from the above, any victim should also be entitled to legal representation by the Public Attorney.

Ideally, a court clinical psychologist may also be appointed to assist the social worker and to provide the necessary expert determination of especially in the matter of psychological abuse or violence.

Finally, it is recommended that the measure must provide the victims counseling, psycho-social services, and/or recovery, rehabilitation programs towards learning constructive ways of coping with anger and emotional outbursts and reforming their ways. When necessary, the offender may be similarly ordered by the Court to submit to psychiatric treatment or confinement.

In closing, it cannot be overemphasized that “justice for all” has long been envisioned in the “equal protection clause,” which is one of the basic tenets and significant provisions in the 1987 Philippine Constitution. While it only admits an exception whenever substantial distinction is present, there clearly is no substantial distinction between men and women when it comes to domestic abuse.

Like women, men are never immune to suffering life-debilitating emotional injuries. Unless the State urgently recognizes the need to address the same on all fronts, domestic abuse against men will

be treated as a myth. On the contrary, domestic abuse against men does happen, and its seeming non-existence was reasonably and rationally debunked as clear as noonday.