



Republic of the Philippines

Supreme Court

Baguio City

EN BANC

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE
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ROSELYN AGACID y DEJANIO,*
Petitioner,

G.R. No. 242133

Present:

GESMUNDO, CJ,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,
KHO, JR., and
SINGH, JJ.

-versus-

PEOPLE OF THE PHILIPPINES
and MARIA ALEXANDRIA
BISQUERRA y NUEVA,**
Respondents.

Promulgated:

April 16, 2024

X-----X

[Signature]

DECISION

* "Roselyn Agacid y Dejano" in some parts of the *rollo*.

** "Maria Alexandria Bisquerra y Nueva" or "Maria Alexandria Bisquera" in some parts of the *rollo*.

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LEONEN, J.:

Republic Act No. 9262 or the Anti-Violence Against Women and Their Children Act of 2004 also applies even if the perpetrator is a woman, so long as the victim is a woman.

This Court resolves the Petition for Review¹ assailing the Court of Appeals Decision² which found no grave abuse of discretion on the part of the Regional Trial of Court when it issued Orders³ denying the Motion to Quash with Motion to Defer Arraignment and Pre-trial filed by Roselyn Agacid (Agacid).

On August 31, 2014, Maria Alexandria Bisquerra (Bisquerra) went to the Cubao Police Station to complain about her ex-partner Agacid. In her Complaint-Affidavit,⁴ she narrated that she and Agacid were in a four-year relationship until they broke up in March 2014. They met again on August 31, 2014 in Starbucks, Ali Mall, Cubao, Quezon City at around 4:00 p.m. so Bisquerra could return the items that Agacid gave her during their relationship.⁵

According to Bisquerra, Agacid thought that they would talk and fix their relationship, but Bisquerra insisted on the break-up as she no longer liked Agacid. At that moment, Agacid got angry. She slapped Bisquerra and stabbed her on her right forearm with a sharp object which wounded her.⁶

Bisquerra ran away and asked for help from the guards at Ali Mall, but Agacid had already escaped. Bisquerra went to Quezon Memorial Medical Center to have her wound treated, after which she went to the Cubao Police Station to file her Complaint.⁷

Agacid was eventually charged with violation of Section 5(a) of Republic Act No. 9262 before the Regional Trial Court of Quezon City.⁸ The Information reads:

That on or about the 31st day of August 2014, in Quezon City, Philippines, and within the jurisdiction of the Honorable Court, the above-

¹ *Rollo*, pp. 13-43.

² *Id.* at 44-51. The August 24, 2018 Decision in CA-G.R. SP No. 151014 was penned by Associate Justice Jane Aurora C. Lantion and concurred in by Associate Justices Pedro B. Corales and Gabriel T. Robeniol of the Special Seventeenth Division, Court of Appeals, Manila.

³ *Id.* at 65, 80-99. The February 17, 2017 and March 20, 2017 Orders in Criminal Case No. R-QZN-16-10244-CR were issued by Presiding Judge Cleto R. Villacorta III of Branch 229, Regional Trial Court, Quezon City.

⁴ *Id.* at 145.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at 45.

named accused, did then and there, willfully, unlawfully, and feloniously commit physical abuse upon one MARIA ALEXANDRIA BISQUERA y NUEVA, her former lover and live-in partner, by then and there slapping her and stabbing her on the forearm with a cutter causing laceration on the proximal 3rd of the right forearm, to the damage and prejudice of the said offended party.

CONTRARY TO LAW.⁹

Agacid moved to quash the Information and to defer her arraignment and pre-trial. She argued that the allegations in the Information did not constitute an offense because a woman cannot be charged with violation of Republic Act No. 9262. According to her, the law was “intended to protect women and their children from the abusive acts of men [and] not women[.]”¹⁰

Relying on this Court’s pronouncements in *Garcia v. Drilon*,¹¹ the Regional Trial Court issued a February 17, 2017 Order¹² denying Agacid’s Motion to Quash. It likewise set the date for arraignment and pre-trial.¹³

Agacid moved for reconsideration, reiterating her argument that Republic Act No. 9262 only covers dating relationships between men and women.¹⁴ However, this was denied in the Regional Trial Court’s March 20, 2017 Order.¹⁵

Agacid then filed an Amended Petition for *Certiorari*¹⁶ before the Court of Appeals, which was also denied.¹⁷ The dispositive portion of the Court of Appeals Decision reads:

WHEREFORE, the petition is DENIED. The Orders dated 17 February 2017 and 20 March 2017 both issued by Branch 229, Regional Trial Court of Quezon City in Criminal Case No. R-QZN-16-10244-CR are hereby AFFIRMED.

SO ORDERED.¹⁸

Hence, a Petition¹⁹ was filed before this Court.

⁹ *Id.*

¹⁰ *Id.*

¹¹ 712 Phil. 44 (2013) [Per J. Perlas-Bernabe, *En Banc*].

¹² *Rollo*, p. 65.

¹³ *Id.*

¹⁴ *Id.* at 46.

¹⁵ *Id.* at 80–99.

¹⁶ *Id.* at 100–120.

¹⁷ *Id.* at 44–51.

¹⁸ *Id.* at 50.

¹⁹ *Id.* at 13–43.

Petitioner Agacid justifies her resort to a *certiorari* petition before the Court of Appeals, arguing that it was the proper remedy to assail an interlocutory order by a lower court.²⁰ Moreover, petitioner claims that the Court of Appeals erred in agreeing with the Regional Trial Court's reliance on the alleged *obiter dictum* in *Garcia* as it did not involve a lesbian relationship.²¹

According to her, *Garcia* explained "why the law limited its protection to women [and their children] against their male partners"²² and that the main discussion was on the substantial distinctions between men and women.²³ Thus, the Regional Trial Court erred when it relied on the *obiter dictum* in *Garcia*, which merely mentioned the gender-neutral word "person" in the law, as basis for denying her motion.²⁴

Additionally, petitioner contends that the Court of Appeals and the Regional Trial Court should not have merely relied on statutory construction; instead, they should have looked into the intent behind the law.²⁵ She says that the legislative intent is "to protect women from the abusive acts of men, the latter being physically stronger than women."²⁶ Petitioner cites legislative deliberations to support her claim.²⁷

She likewise states that the phrase "husband and wife" indicates that the law intended to cover only relationships between men and women. Petitioner further argues that the law refers to violence against women with whom one has a common child, which is not possible in a relationship between two women.²⁸

In its Comment,²⁹ respondent People of the Philippines, through the Office of the Solicitor General, argues that the Court of Appeals correctly ruled that a petition for *certiorari* was not the proper remedy to assail the denial of the Motion to Quash because of the available remedy of appeal.³⁰

The Office of the Solicitor General likewise points out that petitioner makes it appear that the Court of Appeals ruled on her substantial defenses in the assailed Decision, when the Court of Appeals only confined itself to the issue of the propriety of petitioner's remedy.³¹ It did not rule on the

²⁰ *Id.* at 21-25.

²¹ *Id.* at 25-26.

²² *Id.*

²³ *Id.*

²⁴ *Id.* at 25-26.

²⁵ *Id.* at 26-27.

²⁶ *Id.* at 29.

²⁷ *Id.* at 30-32.

²⁸ *Id.* at 28.

²⁹ *Id.* at 191-214.

³⁰ *Id.* at 193-194.

³¹ *Id.* at 196-197

correctness of the Regional Trial Court's conclusions.³²

The Office of the Solicitor General insists that there was no error on the part of the Regional Trial Court when it relied on *Garcia* in denying the Motion to Quash.³³ It argues that the plain text of the law states that violence against women and their children may be committed by any person and not just men.³⁴ The intentional use of the pronouns "his/he" is only present in instances where the law describes marital relations or the common children,³⁵ but shifts to the gender-neutral term "person" when referring to those involved in sexual or dating relationships with women.³⁶ Since the plain text of the law is clear, it adds that construction and determination of legislative intent are unnecessary because the bills pending before the Congress are different from the final document passed and signed into law.³⁷

As to the reliance on *Garcia*, the Office of the Solicitor General claims that the equal protection issue in that case focused "more on ensuring victim protection rather than limiting abuser prosecution."³⁸ It is in this context that the Court declared that any abuser, male or female, may be prosecuted under Republic Act No. 9262.³⁹

The issue for this Court's resolution is whether Republic Act No. 9262 covers lesbian relationships.

This Court finds it clear that it does.

The Court of Appeals correctly denied the Petition for *Certiorari*. When petitioner questioned the Regional Trial Court's Orders before the Court of Appeals, she failed to show that the trial court issued these with grave abuse of discretion:

What the Petitioner really wanted to do was to question the legal correctness of the court *a quo*'s assailed orders through *certiorari*. She kept insisting that a woman cannot be charged with violation of [Republic Act No.] 9262 because the said law only punishes the abuses committed by a husband against his wife or a man against a woman in a dating relationship. Clearly, this is beyond the ambit of a Rule 65 Petition because the same only seeks to correct errors of jurisdiction.⁴⁰

The Court of Appeals limited its discussion on the propriety of the

³² *Id.* at 197.

³³ *Id.* at 197-198.

³⁴ *Id.* at 198.

³⁵ *Id.* at 199.

³⁶ *Id.*

³⁷ *Id.* at 201-202.

³⁸ *Id.* at 206.

³⁹ *Id.*

⁴⁰ *Id.* at 49.

remedy of *certiorari*. In ultimately dismissing the Petition, it found that petitioner still had the plain, speedy, and adequate remedy of entering a plea of not guilty during arraignment, participating in the trial, and if convicted, appealing the judgment.⁴¹ Furthermore, petitioner failed to show that the Regional Trial Court acted with grave abuse of discretion, when in truth, all it did was “to abide by its duty to evaluate and resolve the motion to quash and the subsequent motion for reconsideration in accordance with procedural rules.”⁴²

The Court of Appeals only resolved the procedural issue of whether a petition for *certiorari* was the proper remedy in this case. We agree that it is not. In any case, even on the substantive issue, the Petition fails.

Republic Act No. 9262, Section 3(a) defines violence against women and their children:

SECTION 3. *Definition of Terms.* – As used in this Act,

- (a) “*Violence against women and their children*” refers to 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, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty[.]

From the plain text of the law, it is clear that the offense may be committed “by any person” against a woman or her child. The law uses a gender-neutral term when referring to offenders. Thus, the Office of the Solicitor General correctly pointed out that further interpretation and determination of legislative intent are not necessary because there is no ambiguity in the law.

The pivotal case of *Garcia*, where this Court ruled on the constitutionality of Republic Act No. 9262, already made observations regarding this point:

As defined above, VAWC may likewise be committed “against a woman with whom the person has or had a sexual or dating relationship.” Clearly, the use of the gender-neutral word “person” who has or had a sexual or dating relationship with the woman encompasses even lesbian relationships.⁴³

⁴¹ *Id.* at 49–50.

⁴² *Id.* at 50.

⁴³ 712 Phil. 44, 103–104 (2013) [Per J. Perlas-Bernabe, *En Banc*].

While petitioner is correct that *Garcia* did not involve a lesbian relationship, this pronouncement has nevertheless been reiterated and affirmed in a succeeding case.

*Jacinto v. Fouts*⁴⁴ discussed the application of *Garcia* in a lesbian relationship. *Jacinto* involved a woman accused of violating Republic Act No. 9262 against her live-in partner who is also a woman. During trial, she also moved to quash the Information, arguing that the facts charged do not constitute an offense as the law does not apply to lesbian relationships.⁴⁵

When the Regional Trial Court denied her motion, she went to the Supreme Court through a Rule 45 petition for review, raising the same argument.⁴⁶ Procedurally, the Court in *Jacinto* also reiterated the rule that:

“[t]he remedy against the denial of a motion to quash is for the movant accused to enter a plea, go to trial, and should the decision be adverse, reiterate on appeal from the final judgment and assign as error the denial of the motion to quash. The denial, being an interlocutory order, is not appealable, and may not be the subject of a petition for *certiorari* because of the availability of other remedies in the ordinary course of law.”⁴⁷
(Citation omitted)

In denying the petition, this Court squarely ruled that Republic Act No. 9262 applies to lesbian relationships:

Contrary to petitioner’s submission that the foregoing disquisition in *Garcia* was a mere *obiter dictum*, the Court notes that one of the issues raised in *Garcia* is the supposed discriminatory and unjust provisions of [Republic Act No.] 9262 which are likewise violative of the equal protection clause. The foregoing discussion of the Court as to the applicability of the law to lesbian relationships is clearly a resolution of the particular issue raised in *Garcia* and not a mere *obiter dictum* or an opinion of the Court. The statement of the Court that “[t]here is likewise no merit to the contention that [Republic Act No.] 9262 singles out the husband or father as the culprit” further amplifies that the issue of whether [Republic Act No.] 9262 only applies to male perpetrators was indeed raised in the said case.⁴⁸ (Citation omitted)

Thus, when *Jacinto* said that the law likewise applies to lesbian relationships, this was in response to the petition in *Garcia* as it shows that the law is indeed not discriminatory.

Republic Act No. 9262 seeks to protect women from the various

⁴⁴ G.R. No. 250627, December 7, 2022 [Per J. Inting, Third Division].

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

forms of violence they endure in their private relationships. The nature of this social legislation is to empower women who find themselves in situations where they are left vulnerable to their abusers who are their intimate partners. The dynamics within the intimate relationship of two people, with all its intricacies, difficulties, and power play, is the context within which the law places the violence it penalizes. Aside from being a gender-based issue, violence against women is necessarily a power issue:

It is true that numerous literature relate violence against women with the historically unequal power relations between men and women, leading to domination over and discrimination against the latter. Sociologists cite the 18th-century English legal tradition on the “rule of thumb” giving husbands the right to beat their wives with a stick no thicker than a thumb. In America, women were regarded as property until the latter half of the 19th century with marital violence considered a husband’s privilege and men, as of right, exercised physical domination over women.

The perspective portraying women as victims with a heritage of victimization results in the unintended consequence of permanently perceiving all women as weak. “This has not always been accepted by many other strands in the Feminist Movement.

As early as the 70s, the nationalist movement raised questions on the wisdom of a women’s movement and its possible divisive effects, as “class problems deserve unified and concentrated attention [while] the women question is vague, abstract, and does not have material base.”

In the early 80s, self-identifying feminist groups were formed. The “emancipation theory” posits that female crime has increased and has become more masculine in character as a result of the women’s liberation movement.

Feminism also has its variants among Muslims. In 2009, *Musawah* (“equality” in Arabic) was launched as a global movement for equity and justice in the Muslim family. It brought together activists, scholars, legal practitioners, policy makers, and grassroots women and men from all over the world. Their belief is that there cannot be justice without equality, and its holistic framework integrates Islamic teachings, universal human rights, national constitutional guarantees of equality, and the lived realities of women and men.

There is now more space to believe that portraying only women as victims will not always promote gender equality before the law. It sometimes aggravates the gap by conceding that women have always been dominated by men. In doing so, it renders empowered women invisible; or, in some cases, that men as human beings can also become victims.

In this light, it may be said that violence in the context of intimate relationships should not be seen and encrusted as a gender issue; rather, it is a power issue.⁴⁹ (Citations omitted)

⁴⁹ J. Leonen, Concurring Opinion in *Garcia v. Drilon*, 712 Phil. 44, 169–171 (2013) [Per J. Perlas-Bernabe, *En Banc*].

Thus, understanding women's struggle only as a gender issue might present a simplistic understanding as it fails to paint a complete picture of why this phenomenon occurs. The oppression of women is a result of the patriarchal view that women are proper subjects of dominance. Their oppression is not simply because they are women and that their oppressors are always men. Some women, because gender is a cultural issue, can also imbibe the patriarchal culture that other women are reduced to weak objects when they are in intimate relationships. That a woman is subjected to violence because of this view, no matter the identity the perpetrator, is sufficient to trigger the law's protection.

To quote the Regional Trial Court's Order:

The purpose of [Republic Act No.] 9262 is to protect and rescue women and their children from distinct and unique forms of violence known as [Violence Against Women and Their Children]. It is the distinctiveness and uniqueness of [Violence Against Women and Their Children] that sets it apart from other crimes. [Violence Against Women and Their Children] owes its distinctiveness to the domestic, private, hidden and invisible relationships from which these forms of violence emanate and gain significant uniqueness.

A lesbian who maltreats . . . her female partner physically, psychologically, economically cannot be any different from a male perpetrator of [Violence Against Women and Their Children] or a mother-in-law who conspires with her daughter-in-law's partner to commit [Violence Against Women and Their Children] against her. The same object of [Republic Act No.] 9262's protective mandate is given succor—the woman.

The violence is as distinctive and unique as those that make [Violence Against Women and Their Children committed by men] deserving of this special attention. Indeed, to exclude lesbians from the protective mantle of [Republic Act No.] 9262 would . . . create an artificially and arbitrarily privileged section of domestic violence that is exempt from scrutiny when other facets of domestic violence somehow similarly situated would otherwise be ordinarily prosecuted as such.


To be sure, while intersectionality would better inform the distinctiveness and uniqueness of lesbian relationships, the same impunity, invisibility, and imbalanced power relationships that characterize [Violence Against Women and their Children committed by men] and [what Republic Act No.] 9262 aims to eradicate also infect and afflict lesbian relationships. As experts have put it, abusive tactics can be used in any relationship, regardless of gender.⁵⁰

ACCORDINGLY, the Petition for Review is **DENIED**. The August 24, 2018 Decision of the Court of Appeals in CA-G.R. SP No. 151014 is **AFFIRMED**. The Regional Trial Court of Quezon City, Branch 229 is

⁵⁰ *Rollo*, pp. 84–85.

ordered to proceed with the trial of Criminal Case No. R-QZN-16-10244-CR with utmost dispatch.

SO ORDERED.

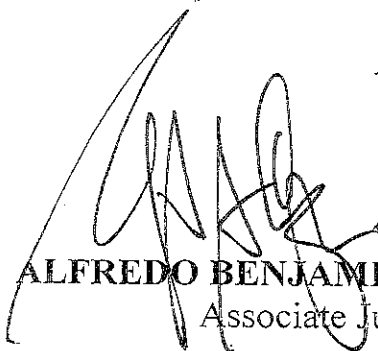


MARVIC M.V.F. LEONEN
Senior Associate Justice

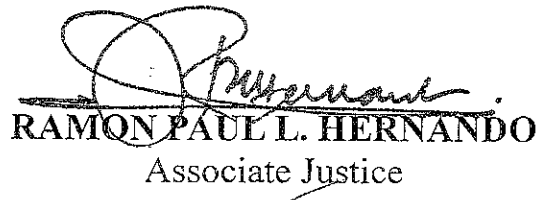
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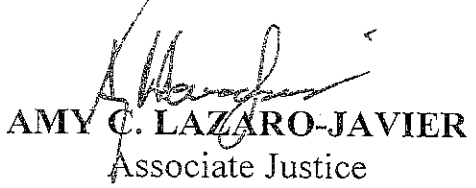
ALEXANDER G. GESMUNDO
Chief Justice



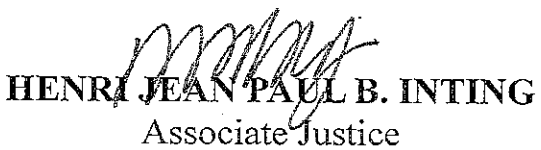
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



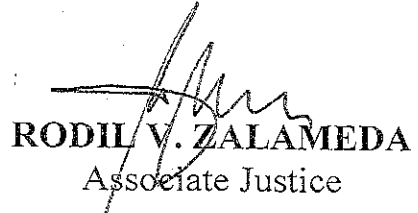
RAMON PAUL L. HERNANDO
Associate Justice



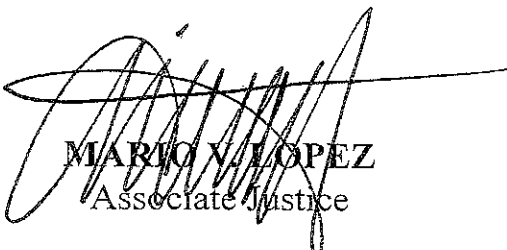
AMY C. LAZARO-JAVIER
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



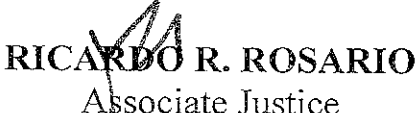
RODIL V. ZALAMEDA
Associate Justice



MARIO V. LOPEZ
Associate Justice



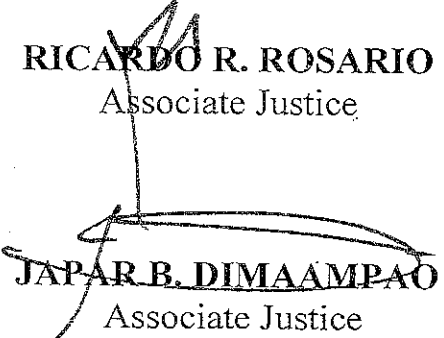
SAMUEL H. GAERLAN
Associate Justice



RICARDO R. ROSARIO
Associate Justice



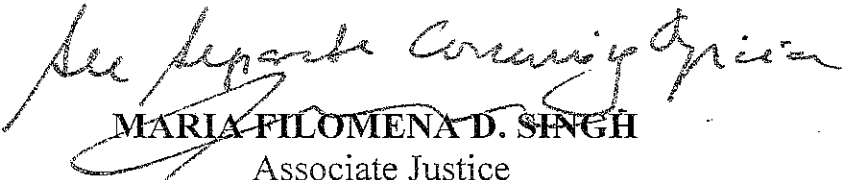
JHOSEP V. LOPEZ
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice

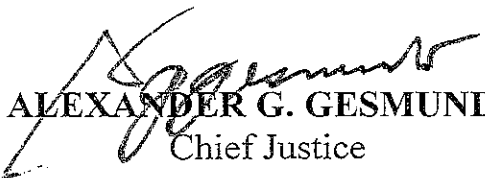

JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the court.

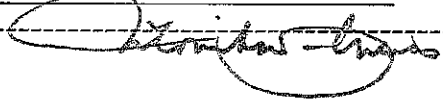

ALEXANDER G. GESMUNDO
Chief Justice

EN BANC

G.R. No. 242133 – ROSELYN AGACID Y DEJANIO, Petitioner, v. PEOPLE OF THE PHILIPPINES, Respondent.

Promulgated:

April 16, 2024

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CONCURRING OPINION

SINGH, J.:

I fully concur with the *ponencia* of Senior Associate Justice Marvic M.V.F. Leonen.

The question of whether women may be considered as offenders under Republic Act No. 9262, or the Anti-Violence Against Women and Their Children Act (**Anti-VAWC Act**), has already been answered by the Court.

In *Garcia v. Drilon (Garcia)*,¹ the Court ruled that “clearly, the use of the gender-neutral word ‘person’ who has or had a sexual or dating relationship with the woman encompasses even lesbian relationships.”²

Similarly, in *Jacinto v. Fouts (Fouts)*,³ the Court has had the opportunity to determine whether a woman in a lesbian relationship may be charged under Republic Act No. 9262 as an offender, and the Court applied *Garcia*, affirming that women may be offenders under Republic Act No. 9262.

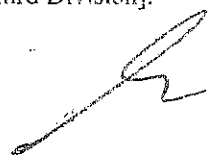
In this case, the petitioner’s appeal is also anchored on the assertion that as a woman, the charge against her for violation of Section 5(a) of Republic Act No. 9262 should be quashed.

To support her appeal, petitioner argues: firstly, that the pronouncement in *Garcia* as to the applicability of Republic Act No. 9262 to lesbian relationship is a mere *obiter dictum*; and secondly, the intent of the law can

¹ *Garcia v. Drilon*, 712 Phil. 44, (2013) [Per J. Perlas-Bernabe, *En Banc*].

² *Id.* at 104.

³ *Jacinto v. Fouts*, G.R. No. 250627, December 7, 2022 [Unsigned Resolution, Third Division].



only be read to mean that its protection covers women from the abusive acts of men, not fellow women.⁴

Applying *Garcia* and *Fouts*, the Petition must fail.

This is an occasion to stress the underpinnings of the application of Republic Act No. 9262 in lesbian relationships. I reiterate my position in my concurring opinion in *Fouts*.⁵

At the onset, it is important to note that there is no ambiguity in the law. Violence against women and their children is defined under Section 3(a) of Republic Act No. 9262 as follows:

"Violence against women and their children" refers to 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, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. (Emphasis supplied).⁶

Where the law is clear, there is no room for interpretation; there is only room for application.⁷ The terms "any person" and "the person" should be given their plain and ordinary meaning. They literally pertain to a person without any qualification as to this person's gender, gender expression, or sexual preference. To be sure, Section 3 (a) also contains the phrase "against a woman who is his wife, former wife . . ." The use of the pronoun "his" is not meant to qualify "any person" as male. It should be noted that under Philippine law, same-sex marriages are not recognized and, thus, only men and women can legally marry.⁸ This is the context within which the phrase "his wife, former wife" was used.

In any case, an inquiry into the legislative intent behind the Anti-VAWC Act also supports the view that Republic Act No. 9262 includes lesbian relationships. During the meeting of the Bicameral Conference Committee Meeting on the Disagreeing Provisions of Senate Bill No. 2723 and House Bill Nos. 6054 and 5516, the following discussion confirmed the

⁴ Draft *ponencia*, p. 3.

⁵ *Jacinto v. Fouts*, G.R. No. 250627, December 7, 2022 [Unsigned Resolution, Third Division].

⁶ Republic Act No. 9262 (2004) Anti-Violence Against Women and their Children Act of 2004.

⁷ *Dubongco v. Commission on Audit*, 348 Phil. 367, 378 (2019) [Per J. Reyes Jr., *En Banc*].

⁸ FAMILY CODE, art. 1.

Congressional intent to extend the protection of the Anti-VAWC Act to women in lesbian relationships:

REP. ABAYON.

May I just have a clarification here, Madam Chair, because there might be a case that will be brought before the courts. *I just want to clarify whether we are really strict on the definition under letter (e) because the words used is "husband and wife." Does that mean that this refers only to a man and a woman or woman-to-woman would be included?* Because this might—we should know here what is really our interpretation. Because if we really consider that a woman-to-woman relationship can still be called as husband and wife relationship, then there might be no more problem in the interpretation brought before the court. So, the intent here of the legislators should be stated in the journal in this Bican so that there would be no wrong interpretation in the course of a case that might be filed later.

....

REP. SARENAS.

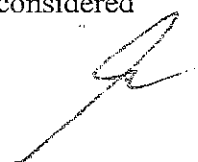
Madam Chair, I don't know. *If just for the record we could say that lesbian relationships are included because we are using the conjunctive word "or" and therefore "or" are romantically involved over time and on a continuing basis. So, that would cover because we do know women's crisis centers' report that there are many abuses done against women by their lesbian partner. So, it is not limited to husband and wife by the mere fact that we're using the conjunctive "or" so the that lesbian relationship would already be covered by the parties that are romantically involved over time in a continuing basis. If for the record, we are agreed on that it is not. It's a little vague but it should cover.*

REP. ANGARA-CASTILLO.

No, as a matter of fact, Madam Chair, if you look at Section 3, that is the way it was defined by the Senate, "committed by any person against." Meaning to say, any person can be a man or a woman. The offender can refer to a man or a woman. That's why it can be covered. So we don't touch it, it's covered.

REP. ABAYON.

No, no, Madam Chair, we have to clarify here. Because the way I look at it, the Senate version does not seem to cover such woman-to-woman relationship. Which is which now? So that *when a case is brought before the court, there might be a problem on this definition because a husband and wife*—And then, if we refer to the dictionary, a husband is always a man, but there are cases which is now woman-to-woman which a woman would act as a man and which in our ordinary parlance will be considered



as a husband insofar as that woman partner is concerned. *So, we have to clarify here so that there will be no problem anymore when a case is brought before the court on the issue of definition. So, what is really our legislative intent, to cover or not?* So, we have to be consistent here. The Senate would agree on the coverage, then I think we have no more problem on that because when the journal of the bicam will be taken up and part of the intent will be the pivotal point that the court will decide, then there will be no more issue. So, that's why I want to clarify it here. What is really our intent?

REP. ANGARA-CASTILLO.

Madam Chair, my reading is that based on the wording adopted by the Senate using "any person" in defining sexual — in defining violence against women and children, it will cover and it does cover both men and women. And under this "dating relationship," I do not even think that the wording here is really inconsistent with the definition of violence because you say, living as husband and wife, when a lesbian couple live together, one of them takes the role of the husband. So they live as husband and wife. But I am glad that Congressman Abayon has raised that point because *we would like to make it clear that the offender in this proposed bill can be either a man or a woman.*

THE CHAIRPERSON (SEN. EJERCITO-ESTRADA).

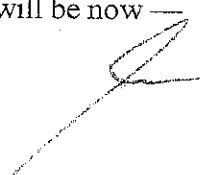
You know, in the definition of violence against women, it states here that: "refers to any act or series of acts committed by any person against a woman who is his wife"— "who is his wife"

REP. ANTONINO-CUSTODIO.

Actually, ma'am, I think it is covered by the dating relationship kasi nakalagay dito or basically ang definition natin ng "dating relationship" covers two areas: a situation where parties live as husband and wife; and then another situation where the relationship refers to the two people romantically involved over time. So I think that would cover actually—that would cover both eh. Kung ang interpretation natin dito sa definition natin but exactly the point of Congressman Abayon is for us to settle here in the bicam in order for the court when they decide on the definition kung covered ba sila or hindi, ano ang intent natin? To cover them or not. 'Yun 'yung, I think, 'yun 'yung ano natin dito.

REP. ABAYON.

Madam Chair, actually, my own interpretation here — is my own interpretation, I repeat, is really that we cover both relationships. Why? Because the definition is very clear, "or against a woman with whom the person has or had" and then we go also "or are romantically linked." So that — I just would like to clarify because this might be a cause of definition wherein a lawyer will define in the other way. That is why we really have to put this as what is really our legislative intent so that there will be now —



the decision of the courts will rely on the transcript of the journal in the event a case is brought which I believe many cases will be brought. So this now should be settled. We would like to know if the Senate will agree on the interpretation of the House on the issue.

THE CHAIRPERSON (SEN. EJERCITO-ESTRADA).

So we agree on it.

REP. ABAYON.

So, thank you for that, Madam Chair. *So this is now clear that a woman-to-woman relationship is covered as long as that woman would act as a husband and romantically linked or rather "or."* Thank you, Madam Chair. (Emphasis supplied).⁹

Conscious of the importance of legislative intent in interpreting laws, and aware of the possibility that a case may one day be filed in court claiming that the Anti-VAWC Act applies only to women in heterosexual relationships, the Bicameral Committee made it a point to record the legislative intent that the Anti-VAWC Act covers lesbian relationships. As the law is clear and the legislative intent is unequivocal, this Court cannot but read the Anti-VAWC Act in accordance with its language and intent.

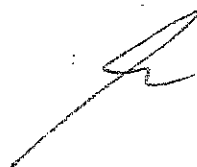
Under Section 2 of the Anti-VAWC Act, the policy behind the Anti-VAWC Act is given elucidation:

SEC. 2. Declaration of Policy. — It is hereby declared that the State values the dignity of women and children and guarantees full respect for human rights. *The State also recognizes the need to protect the family and its members particularly women and children, from violence and threats to their personal safety and security.*

Towards this end, *the State shall exert efforts to address violence committed against women and children in keeping with the fundamental freedoms guaranteed under the Constitution and the Provisions of the Universal Declaration of Human Rights, the convention on the Elimination of all forms of discrimination Against Women, Convention on the Rights of the Child and other international human rights instruments of which the Philippines is a party.* (Emphasis supplied)

As women routinely face various forms of abuse, intimate partner violence is one of the worst forms of violence and discrimination inflicted on

⁹ Committee on Youth, Women and Family Relations, Minutes of Bicameral Conference Committee Meeting on the Disagreeing Provisions of Senate Bill No. 2723 and House Bill Nos. 6054 and 5516 (2004), 13th Congress pp. 38-46.



them. It is this protection of women from intimate partner violence that is the avowed purpose of the Anti-VAWC Act. If the law was intended to cover only women who are in heterosexual relationships, that would have been discriminatory to an entire class of women who are in lesbian relationships.

The interpretation that the Anti-VAWC Act applies to both heterosexual and lesbian relationships is also consistent with the Constitutional right to the equal protection of the laws.¹⁰ Distinguishing between abused women in heterosexual relationships and abused women in lesbian relationships is not a valid classification. There are no substantial distinctions between these two classes.

Intimate partner violence is no less horrific if it occurs within lesbian relationships. Nor are women in lesbian relationships less oppressed and, thus, in need of lesser protection. Victims of intimate partner violence in same-sex relationships may have distinct experiences of abuse compared to their heterosexual counterparts but these victims similarly suffer stressors, albeit unique to their sexual minority status such as homophobia, transphobia, and in certain cases, the fear that their sexuality may be disclosed to others.¹¹

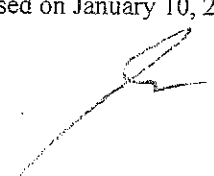
If the purpose of the Anti-VAWC Act is to protect women from one of the worst kinds of violence suffered by women in general, with the ultimate goal of aiding in eradicating gender discrimination, then the protection afforded by the law must necessarily extend to all women, regardless of gender, gender expression, and sexual orientation.

To withhold the protections afforded by the Anti-VAWC Act to women in lesbian relationships on the basis solely of the fact that their abuser is also a woman is discriminatory. It would mean that the State only affords protection to those who conform to what society regards as "normal" and, in effect, invalidates and penalizes those who are "different." This would effectively affirm to this entire class of women (as well as members of the LGBTQI community in general) that they are right to fear going to the authorities to report their abuse; that their choices are less valid and merit less protection from the law; that the law views them as less than heterosexual women. The law cannot be read in this way.

Nor should the Anti-VAWC Act be read in a manner that would allow women who abuse their same-sex partners to escape liability. Gender is

¹⁰ CONST., art. III, sec. 1.

¹¹ Adam M. Messinger, *Invisible Victims: Same-Sex IPV in the National Violence Against Women Survey*, JOURNAL OF INTERPERSONAL VIOLENCE (2011), available at <https://journals.sagepub.com/doi/epdf/10.1177/0886260510383023> (last accessed on January 10, 2023).



relevant under the Anti-VAWC Act only with respect to the gender of the victim of intimate partner violence. It is blind to the abuser's gender.

The protection of the law is triggered when a woman is the victim of intimate partner violence regardless of whether the relationship is heteronormative or not. It does not function to perpetuate the gender-based stereotype that all women have no agency and thus require protection even in instances where they commit violations of the law. The law recognizes that women have free will and are capable of independent thought and action and will, therefore, be held liable for the consequences of their acts. That, too, is gender equality.

The protections afforded by the Constitution ensure that people are free from arbitrary governmental interferences, that people are free to make choices about how they live their lives, that people are free to embark on their own manner of pursuit of happiness. Our laws and our courts guarantee these not just by preventing and penalizing acts that directly threaten fundamental freedoms; they also guarantee these by ensuring that minorities who pursue choices that do not conform to the generally accepted template of what happiness should look like are not discriminated against for these choices; and that their unique experiences are not invalidated by laws that are blind to their plight.

Also, the Court must recognize the reality of diverse family structures that foster their children and consider themselves as a family unit, including households with same-sex partners in lieu of the traditional family structure. The law protects women and their children in all these different familial structures, regardless of the gender of the abuser.

The Anti-VAWC Act is a progressive piece of legislation and should not be interpreted in a manner that would reinforce gender biases against minorities. By interpreting the Anti-VAWC Act to cover all women subject to intimate partner violence regardless of the gender, gender expression, or sexual orientation of the victim and the abuser, the Court recognizes that even women who do not conform to what is generally defined as "normal" or traditional relationship structures are protected by the law. When the law states that it protects women who are victims of domestic abuse, it protects all women without qualification.

I therefore vote to **DENY** the Petition.


MARIA FILOMENA D. SINGH
Associate Justice

