Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's Refworld website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the Knowledge and Information Management Unit.

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Immigration and Refugee Board of Canada

3 February 2017

Philippines: Treatment of unwed and single mothers and their children, including treatment of unwed and single mothers when their children are outside the country (2015-February 2017)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Legislation

Sources indicate that in 2000, Republic Act (RA) 8972, the Act Providing for Benefits and Privileges to Solo Parents and Their Children, Appropriating Funds Therefor and for Other Purposes [also known as the Solo Parents’ Welfare Act of 2000] was enacted (Philippines 15 Jan. 2017; UP CWGS 13 Jan. 2017), in order to "address ... issues concerning single parents in general, and single mothers in particular" (ibid.). RA 8972 is attached to this Response (Attachment 1).

In correspondence with the Research Directorate, Carina Javier, the President of the United Solo Parents of the Philippines [1] and President of the Department of Social Welfare and Development’s (DSWD) Central Office Solo Parent Employees Organization [2], stated that RA 8972 "specifies the development of a comprehensive package of social services" for solo parents, including, among others, "trainings on livelihood skills, basic business management, value orientation and the provision of seed capital or job placement; counselling, parent effectiveness service... behaviour management, health care" (Javier 11 Jan. 2017). According to the same source, for working solo parents, the law provides further measures, including: a flexible work schedule adapted to the needs of solo parents, protection against work discrimination, an additional seven day annual parental leave, scholarship programs, "allocation in housing projects" and "liberal terms of payment" on government low-cost housing projects, and medical assistance (ibid.). The same source indicated that RA 8972 does not include penalties for those who violate the law (ibid. 13 Jan. 2017).

In addition, Sec. 13 (c) of RA 9710, the Act Providing for the Magna Carta of Women, states the following:

Sec. 13 (c) Expulsion and non-readmission of women faculty due to pregnancy outside of marriage shall be outlawed. No school shall turn out or refuse admission to a female student solely on the account of her having contracted pregnancy outside of marriage during her term in school. (Philippines 2009)

RA 9710 is attached to this Response (Attachment 2).

In correspondence with the Research Directorate, the National Chair of the Democratic Socialist Women of the Philippines (DSWP), a federation of 157 women’s organizations totalling 40,000 members that implements programs to address women-related issues in the Philippines (DSWP n.d.), stated that "because there is no divorce law [in the Philippines], it is usually the case that women hardly get [financial] assistance from the father of their children" (ibid. 13 Jan. 2017). Sources similarly indicate that the law does not provide
for divorce in the Philippines (UN 26 Oct. 2016, para. 33; US 13 Apr. 2016, 27), or that "divorce is illegal" (Freedom House 2016).

Without providing further detail, the DSWP National Chair stated that the Family Code of the Philippines "still ha[s] discriminatory provisions that favor the father over the mother in decision making regarding family affairs," including in situations when the couple has separated (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

1.1 Implementation

Without providing further detail, a "position paper" written by the United Solo Parents of the Philippines indicates the following:

- The DSWD … consolidated the results of the Solo Parents Survey at the Local Government Unit (LGU) Level. Initial results for nine regions showed that … 21,266 [solo parents] were provided services. (DSWD-Protective Services Bureau data as of 2012)
- Services provided include counselling; provision of financial, emergency, medical and burial assistance; livelihood and skills enhancement, scholarship and educational grants, legal, [health] assistance and temporary shelter. (United Solo Parents of the Philippines n.d., bold in original)

DSWP stated that the legislation on solo parents is not properly implemented (DSWP 13 Jan. 2017). Similarly, an article by the Philippine Information Agency (PIA), an agency that "serves the Presidency and the Executive Branch" by, among other duties, information gathering and dissemination (PIA n.d.), cites the DSWD Secretary as indicating that "we admit that there are limitations in implementation and monitoring of the law" (ibid. 25 Aug. 2016). Javier indicated that programs under the law should be implemented by LGUs, but "each LGU has a different interpretation of the law, hence, while some LGUs are responsive to the situation of their solo parent constituents, [the] majority are not" (Javier 13 Jan. 2017). She further reported that she receives, "[a]lmost daily … messages from solo parents in distress because they could not access these services stated under RA 8972" (ibid.). According to a May 2014 article written by Javier and published on Rappler.com, a Philippines-based "social news network where stories inspire community engagement and digitally fuelled actions for social change" (Rappler.com n.d.), only a few LGUs, "notably the province of Bulacan, and Naga City, Camarines Sur offer concrete programs for solo parents and their children, ranging from livelihood assistance to scholarship programs" (ibid. 11 May 2014). The same source explains that "some [LGUs] – especially in the remote and rural areas – are not even aware of [RA 8972]. This prevents them from implementing the programs and services as specified in the law" (ibid.).

An August 2016 PIA article cites Javier as stating that the United Solo Parents of the Philippines had received complaints from single parents that they had difficulty applying for solo parent IDs [3], because some LGUs asked for documents which are not needed, such as voters ID, or because the person responsible for single parents' issues in the LGU was absent (PIA 25 Aug. 2016). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Javier also reported the following issues regarding the implementation of specific provisions of RA8972:

- The provisions on access to low-cost housing and government housing projects "are not properly implemented";
- The availability of assistance for solo parents whose income falls below the poverty threshold depends on the LGU of the solo parent's residence;
- Single parents "in some private firms" are denied the right to the seven-day parental leave; and
- Single parents are not able to access medical assistance (Javier 13 Jan. 2017).

In addition, in correspondence with the Research Directorate, the Child Rights Governance Director at the Philippines Country Office of the international NGO Save the Children, a non-profit that "strive[s] to give children an environment in which their human rights and needs are respected and protected" (Save the Children n.d.), stated that programs designed for solo parents are "not visible in government budgets" and that "there appears to be no specific mechanisms or process to monitor, assess or report on [RA 8972's] implementation" (Child Rights Governance Director 12 Jan. 2017).

Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Treatment by Society
According to DSWP, being a single or unwed mother in the Philippines carries "some stigma" (DSWP 13 Jan. 2017). Similarly, an article in Bayanihan, a "Filipino-Australian community newspaper" in New South Wales (Espinosa Jan. 2013, 91), cites the DSWD Assistant Secretary as stating that "we ... need to remove the stigma of being a solo parent" (Bayanihan 7 Nov. 2016). According to the National Chair of DSWP, in the rural regions of the Philippines, "the stigma is stronger than in urban areas" (DSWP 13 Jan. 2017). In correspondence with the Research Directorate, a representative of the University of the Philippines Center for Women’s and Gender Studies (UP CWGS) stated that

[ anecdotal evidence show[s] that many single mothers in the country have experienced discrimination in school, the workplace and other institutions mainly due to the stigma that being a single/unwed mother brings. (UP CWGS 13 Jan. 2017)

DSWP also indicated that single mothers are subject to discrimination by their employer (DSWP 13 Jan. 2017). Based on studies conducted by DSWD and the University of the Philippines National Institute of Health, as well as personal interactions with solo parents (Javier 13 Jan. 2017), Carina Javier explained that, [e]ven though most employers state that they do not discriminate, it is often a giant red flag when an applicant is a single mother. The employer often assumes the hiring of a single mother can adversely affect the company ... [through] loss of time on the job from problems with child care, calls received during working hours, loss of concentration on the job when the child is ill and sick days taken when the child cannot go to child care providers. (ibid. 11 Jan. 2017)

In correspondence with the Research Directorate, a representative of the NORFIL Foundation, a non-profit organization dedicated to "championing the cause and welfare of children, youth, women and families in need" (NORFIL Foundation n.d.), stated that

[p]overty encourages women and girls in the rural areas to seek employment in the city. When they get into trouble of being single and pregnant, some employers reject and send them away. Some become subject of violence in their families and [are] thrown out of their homes. ... In general these mothers are ostracized by their families, their communities and by society. (ibid. 26 Jan. 2017)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Treatment by Authorities

The information in the following paragraph was provided by the DSWP National Chair in correspondence with the Research Directorate:

Single mothers, when dealing with the police, are "easy targets of discrimination and abuse" by the police "because of the absence of a husband who can otherwise 'defend' the woman." (DSWP 13 Jan. 2017) When it comes to the judicial system,

there are instances when [women] are subjected to sexist treatment by opposing counsel, sometimes even by the judge. ... [S]ingle moms are prone to be subjected to such treatment because of their status and the stigma still attached to it. They are easier to discredit on "morality" grounds. Sometimes, their personal lives are scrutinized to make it appear that they are "bad women." This can particularly be true in relation with rape and sexual harassment cases. (ibid.)

Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.1 State Efforts

Without providing further detail on the legislative schedule, sources indicated that bills have been filed in the House of Representatives and the Senate to amend the current legislation on solo parents (UP CWGS 13 Jan. 2017; Philippines 15 Jan. 2017) which give additional benefits to solo parents (ibid.). The article in Bayanihan indicates that according to the DSWD Assistant Secretary, the proposed amendments to the existing Solo Parents’ Welfare Act enjoy the “all-out support” of the DSWD (Bayanihan 7 Nov. 2016). Similarly, a PIA article cites the DSWD Secretary as stating that amendments “[were] included as a priority legislative measure under the DSWD Legislative Agenda for the 17th Congress” (PIA 18 Sept. 2016). Information on the passing of the bills or their implementation could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Treatment When Children Are Outside the Country
The DSWP National Chair stated that, in her opinion, whether a single mother's children reside in another country has no bearing on her treatment by state authorities or society, because "millions of Filipinos work... outside the country," so "the Philippine society is used to families being separated by distance" (DSWP 13 Jan. 2017). Similarly, in correspondence with the Research Directorate, an official from the Philippine Commission on Women stated that, for a single mother whose children are outside the country, "the same treatment should be afforded to her, at least de jure" (Philippines 15 Jan. 2017).

Further and corroborating information on how single mothers are treated when their children are outside the country could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5. Treatment of Children of Single Mothers

In its 2009 Consideration of Reports Submitted by States Parties under Article 44 of the Convention [of the Rights of the Child] on the Philippines, the UN Committee on the Rights of the Child expresses its concern at the fact that the Philippines has not yet addressed the situation of children born out of wedlock, who still face discriminatory practices such as their classification as "illegitimate" and their restricted right to inherit. (UN 22 Oct. 2009)

Similarly, the Child Rights Governance Director indicated that "there is no specific protection in the law for children born out of wedlock," and "[t]hese children are still labelled as 'illegitimate' under existing laws" (Child Rights Governance Director 12 Jan. 2017). According to Executive Order No. 209, the Family Code of the Philippines,

Art. 176. Illegitimate children shall use the surname and shall be under the parental authority of their mother, and shall be entitled to support in conformity with this Code. The legitime of each illegitimate child shall consist of one-half of the legitime of a legitimate child. Except for this modification, all other provisions in the Civil Code governing successional rights shall remain in force. (Philippines 6 July 1987)

Executive Order No. 209 is attached to this Response (Attachment 3).

The Child Rights Governance Director indicated that changes in the law allow children who are considered illegitimate to take the name of their biological fathers (Child Rights Governance Director 12 Jan. 2017). However, in correspondence with the Research Directorate, a representative of UNICEF Philippines specified that in order for this to be possible, the father "has to endorse an affidavit of recognition" (UN 17 Jan. 2017). Rule 3 of the Revised Implementing Rules and Regulations of Republic Act No. 9255 (An Act Allowing Illegitimate Children to Use the Surname of Their Father, Amending for the Purpose Article 176 of Executive Order No. 209, Otherwise Known as the "Family Code of the Philippines"), adopted in 2016, states the following:

Rule 3. What to File

The following documents shall be filed at the LCRO [Local Civil Registry Office] or PFSP [Philippine Foreign Service Post] for registration:

3.1 Affidavit of Admission of Paternity
3.2 Private Handwritten Instrument
3.3 Affidavit to Use the Surname of the Father (Philippines 2016).

The Revised Implementing Rules and Regulations of Republic Act No. 9255 are attached to this Response (Attachment 4).

Concerning treatment of children of single mothers by authorities, the Director at Save the Children, without providing further detail, stated that, "[w]hile there is no outright discrimination [by state authorities], the fact that there is no specific package of services for these children means that their specific concerns and situation are not considered or addressed" (Child Rights Governance Director 12 Jan. 2017).

Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Concerning treatment by society, sources stated that children of single mothers face discrimination by some schools or teachers (Javier 13 Jan. 2017; Child Rights Governance Director 12 Jan. 2017). According to the Child Rights Governance Director,

[t]here are still reports of children [of single/unwed mothers] experiencing bullying in school or in the community although these incidences are not documented. ... Some educational institutions, especially private
schools, still require the marriage certificate of their parents for admission. I have heard of some private
schools not admitting children of parents who are not married in church. (ibid.)

Further and corroborating information could not be found among the sources consulted by the Research
Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the
Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as
to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in
researching this Information Request.

Notes

[1] United Solo Parents of the Philippines is an "umbrella organization of 14 associations dedicated to single
parents throughout the Philippines" (InterAksyon.com 23 Aug. 2016).

[2] DSWD is a government agency in the Philippines that aims "[t]o develop, implement and coordinate social
protection and poverty reduction solutions for and with the poor, vulnerable and disadvantaged" (Philippines
n.d.). The Central Office Solo Parents Employees Organization [also known as Central Office Solo Parents
Support Group] "was organized in response to the needs of solo parent-employees in the Department as part
of the implementation of RA 8972" in February 2004 (Rappler.com 11 May 2014).

[3] PIA cites the DSWD Secretary as stating that "[i]t is clear in the law that all legitimate solo parents ...
should be issued IDs so they can access the benefits integrated here" (PIA 25 Aug. 2016).

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Javier, Carina A. 11 January 2017. Correspondence with the Research Directorate.

NORFIL Foundation. 26 January 2017. Correspondence from a representative to the Research Directorate.


Philippines. 15 January 2017. Philippine Commission on Women (PCW). Correspondence from an official to the
Research Directorate.

Illegitimate Children to Use the Surname of Their Father, Amending for the Purpose Article 176 of Executive
Order No. 209, Otherwise Known as the "Family Code of the Philippines"). [Accessed 31 Jan. 2017]

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Philippine Information Agency (PIA). 18 September 2016. "Amendments to Solo Parents' Welfare Act Part of
Additional Sources Consulted

**Oral sources:** Asian Women's Human Rights Council; Buhay Foundation for Women and Girl-Child; Gabriela Women's Party; Institute for Social Studies and Action; Institute of Women's Studies, St Scholastica's College; Pinay Single Moms Organization; Plan International Philippines; Senator of the Philippines; Solo Parents Association Philippines; Women’s Rights Movement of the Philippines.

**Internet sites, including:** Amnesty International; Asian Human Rights Commission; BBC; CNN Philippines; ecoin.net; Factiva; Fédération internationale des ligues des droits de l'homme; Human Rights Quarterly; Human Rights Watch; inquirer.net; IRIN; Journal of Refugee Studies; Manila Bulletin; Manila Standard; newsdesk.org; Organisation for Economic Co-operation and Development; Philippines News Agency; philippinestoday.net; RFI; Radio Free Asia; UN – Development Programme, Human Rights Council, Refworld, UN Women.

Attachments


