

# SALIGAN Batas

## DOLE releases SSA Guidelines for Informal Workers

**T**he Department of Labor and Employment (DOLE) has released the guidelines for how the Safe Spaces Act protects (a) workers in the informal economy, (b) domestic workers or kasambahay, and (c) workers in establishments employing 10 or fewer, in Department Order (D.O.) No. 230-21, issued in November 2021.

Republic Act No. 11313, or the Safe Spaces Act, is a law that penalizes acts of gender-based sexual harassment in streets and public spaces, online, in workplaces, and in educational and training institutions.

Workers may file their complaints for gender-based sexual harassment (GBSH) before any of the government authorities below whose jurisdiction covers the place where the act of GBSH was committed.



- DOLE Attached Agencies
- DOLE Regional, Provincial, Field, or Satellite Offices
- PNP Women and Children's Desk Barangay Anti-Sexual Harassment (ASH) Desk, Kasambahay Desk, or other similar desks established in the LGU
- Commission on Human Rights
- Public Attorney's Office
- Provincial or City Prosecutor
- Other law enforcement agencies

Workers in the informal economy who are victims of GBSH may now also file their complaints directly before the said government authorities. The "informal economy" is defined as "all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements."

Any GBSH complaints that involve children should be reported to the Department of Social Welfare and Development within 90 working days. *(turn to page 2)*

## WHAT'S INSIDE?

BARMM  
Transition  
Slowed Down by  
Pandemic  
(PAGE 3)

Peoples' Plan  
Approach...  
(PAGE 4)

Wages and  
Related Benefit  
of Pakyaw  
Workers  
(PAGE 6)

BCW Paralegals  
Reflect on 23  
Years of  
Advocacy  
(PAGE 10)

## DEVELOPMENT IN LAW

***DOLE releases SSA Guidelines for Informal Workers*****Domestic Workers or Kasambahay**

Domestic workers may also file GBSH complaints directly before the same government authorities. Their employers should provide them with adequate assistance in filing the complaints, even if the act is committed by an individual other than the employer or members of the employers' household.

Employers are expected to familiarize themselves with the Safe Spaces Act, its implementing rules and regulations (IRR), and DOLE D.O. No. 230-21 and are required to include in the employment contract the following stipulations:

- The *kasambahay* shall be protected from GBSH in the workplace, and
- The *kasambahay* shall be given access to internet connectivity as part of the right to access to outside communication.
- Concerned private employment agencies are also tasked to provide brief orientations to the *kasambahay* and their employers on the laws and related issuances such as local ordinances, provide assistance to the

*kasambahay* in filing GBSH complaints if the offender is the employer or a member of the employer's household, and require that the employment contract contain the above stipulations.

**Employers of 10 Workers or Fewer**

Establishments that do not employ more than 10 workers are required to create a committee on decorum and investigation (CODI) that will investigate and address GBSH complaints. If the creation of the CODI is not feasible, the establishment's occupational safety and health (OSH) committee may serve as the CODI.

Workers who are employed in said establishments should file any GBSH complaints before the CODI, but in the absence of a CODI or if the offender is a member of the CODI, workers may also file their complaints before the government authorities. The filing or the resolution of a GBSH complaint by the CODI does not preclude the victim from filing before the appropriate government authorities.

In addition to creating a CODI, such establishments are required to do the

following:

- Disseminate or post in a conspicuous place in the workplace copies of the Safe Spaces Act, its IRR, and DOLE D.O. No. 230-21
- Conduct anti-sexual harassment seminars and orientations on the said laws or adopt similar measures to prevent GBSH in the workplace
- Carry out the functions of the CODI as provided by law
- Develop and disseminate a code of conduct or workplace policy in consultation with the employees and in accordance with the guidelines
- Report confirmed instances of GBSH and coordinate with concerned government authorities and ensure that the victim receives prompt and appropriate assistance



## DEVELOPMENT IN LAW

***BARMM Transition Slowed Down by Pandemic***

**R**epublic Act No. 11593, signed by President Duterte on October 28, 2021, postponed the first parliamentary elections in the BARMM, in effect extending the term of the region's caretaker government, the Bangsamoro Transition Authority (BTA) until 2025.

The Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao (OLBARMM) provides for a parliamentary system of government for BARMM, within the unitary presidential form of government of the Philippines. The aim is to set up a properly functioning parliamentary system within the Bangsamoro that would be faster and more flexible because there is an ideally harmonious legislative and executive branches with less

worry about overcoming each other's checks and balances.<sup>1</sup> The BTA was created and mandated as the interim government in the BARMM during the transition period. This includes the setting up of offices and other institutions necessary for the continued functioning of government and delivery of social services in the BARMM, as well as those necessary for the smooth operations of the first elected Bangsamoro Government.<sup>2</sup>

### **Transition Realities and Challenges**

Towards the last quarter of 2020, the MILF leadership started advocating for a longer transition period after a local peace advocacy group, the Mindanao Peoples Caucus, recommended postponing the elections in a "mid-term assessment" of the political transition. The non-governmental cited the BTA's inevitable birthing pains as one reason to give it more time, but also drew public attention to the challenges the pandemic had created.

Indeed, the BTA had to deprioritize institution-building in order to spearhead relief operations in the region while dealing with periodic lockdowns and steering a less operational Bangsamoro Parliament. The MILF's campaign for an extension eventually gained traction among national policymakers.<sup>3</sup>

Another reason for the proposed extension is the delay in the adoption of the BARMM Electoral Code. At present, only a draft of the electoral code exists as it is one of the most contentious legislations being discussed in the interim parliament. The delay is partly attributed to the ongoing pandemic, as the BTA had to reduce the number of parliamentary sessions to discuss the legislation, and had even fewer opportunities to consult communities and local officials in the region due to travel restrictions.

While there were differing views and oppositions to the proposal to extend the BTA and postpone the elections until 2025, Philippine Congress passed the law



Seal of BARMM

1 Id.

2 The Bangsamoro Revised Transition Plan, 2019 – 2022.

3 Engelbrecht, G. (2021, October 29). The Philippines: Three More Years for the Bangsamoro Transition. Retrieved February 15, 2022, from International Crisis Group: <https://www.crisisgroup.org/asia/south-east-asia/philippines/philippines-three-more-years-bangsamoro-transition>

which was signed by the President.

### **Outcomes of the BTA Extension**

Extending the transition period should bring a breathing space to BARMM after more than a year of political uncertainty. This is a much needed time for the BTA to complete its plans and programs ducking a hasty election that could have resulted in a fragmented

political landscape.

The BARMM's Chief Minister and MILF Chairperson Ahod "Al Haj Murad" Balawag Ebrahim promised that all Bangsamoro people "stand to benefit" from the extension, stressing the MILF's aim to be inclusive.<sup>4</sup>

The three-year extension should be sufficient for the MILF-led interim government to develop capable institutions, pass contentious priority legisla-

tive ations, and implement programs and projects that are needed by the people in BARMM.

This is in the hope that this new political entity does not again become another expensive failed experiment like its predecessor. The delay in the parliamentary elections should enable budding political parties in BARMM to enhance their respective competencies and to better articulate their political vision.<sup>5</sup>

### **ADVOCACY UPDATES**

## ***Peoples' Plan Approach: Empowering the Collective to Inclusive and Sustainable Human Settlements***

**I**t has been thirty years since the passage of Republic Act 7279 or the Urban Development and Housing Act (UDHA), a legislative milestone which championed the rights of the underprivileged and the homeless citizens in urban and resettlement areas. While there may have been gains and successes, the implementation of the law is also rife with challenges and gaps, in particular the lack of genuine and adequate consultation with communities to be relocated and the people's participation in the urban develop-

ment process.

Hence, the need to lobby for policies where the affected families and beneficiaries have a say in the development of housing plans that will not only address their needs but is in consonance with the accepted standards of adequate housing. Thus, under Republic Act 11201 or the Department of the Human Settlements and Urban Development Act, the People's Plan Approach has been defined and recognized in the government's housing and resettlement

policies.

### **What is a People Plan's Approach?**

It is community-led and community-driven approach to housing and resettlement developed from the practices of homeowners' associations (HOAs), people's organizations (POs), non-government organizations (NGOs), and other civil society organizations (CSOs). It puts premium on the collective participation of informal settler families (ISFs) and underprivileged and homeless citizens in

<sup>4</sup> Id.

<sup>5</sup> Id.



public and socialized housing and resettlement involving their communities, from planning to construction and to estate management.

The People's Plan Approach is a rights-based approach to participation in governance and adequate shelter. It empowers the beneficiaries to identify their own needs and recommend solutions, given the circumstances that is unique to their communities.

At present, CSOs, POs and HOAs are lobbying with the Department of Human Settlements and Urban Development, Department of the Interior and Local Government and Presidential Commission for the Urban Poor for an instrument that will provide guidelines on adopting the People's Plan Approach in all housing projects and resettlement activities undertaken by the government involving ISFs and underprivileged and homeless citizens. It seeks to cover all ongoing and future housing projects and resettlement activities undertaken or have been adopted by the National Government or by the local government units (LGUs).

Under the proposed policy, all housing projects and

resettlement activities to be undertaken by the National Government or the LGUs are mandated to adopt the People's Plan approach. The beneficiaries or beneficiary associations shall take the lead in the formulation of the People's Plan which shall conform to the zoning ordinances of the LGUs having jurisdiction over the proposed site of the housing project or resettlement area. It shall also abide by the policy of the least displacement under UDHA where resettlement will be undertaken only when on-site development is not feasible. Finally, the People's Plan shall comply with the standards of adequate housing on:

(1) security of tenure,  
 (2) availability of services, materials, facilities and infrastructure,  
 (3) affordability,  
 (4) habitability,  
 (5) accessibility,  
 (6) location, and  
 (7) cultural adequacy, as outlined in the United Nations Committee on Economic, Social and Cultural Rights General Comment No. 4 on The Right to Adequate Housing.

**The People's Plan will include plans on the following:**

1. Social preparation;  
 2. Site selection;

3. Land acquisition and security of tenure;  
 4. Site development;  
 5. Housing unit design, construction, and materials;  
 6. System of allocation of housing units;  
 7. Water and power supply and distribution;  
 8. Transportation and access to primary roads;  
 9. Community health, sanitation, and security;  
 10. Access to safe and healthy food and drinking water;  
 11. Waste management including wastewater collection, composting, and recycling;  
 12. Climate change adaptation;



13. Disaster risk reduction and management;  
 14. Self-help development and capacity-building;  
 15. Livelihood programs;  
 16. Facilities and spaces for

children, senior citizens, and PWDs;  
 17. Facilities and spaces for recreation, leisure, sports, and social activities;  
 18. Financial, community savings, and payment collection schemes;  
 19. Payment of applicable taxes;  
 20. Estate management;  
 21. Project implementation

and timeline; and  
 22. Resettlement actions and procedure.

Technical and legal assistance as well as trainings and capacity-building activities will be provided to help the beneficiaries in the formulation and implementation of their People's Plans. Implement-

ing the People's Plan Approach will be a step closer to the sustainable development goal of inclusive, safe, resilient and sustainable human settlements, and building safer and secure communities envisioned under the Philippine Development Plan of 2017-2022. ■

## DEVELOPMENT IN JURISPRUDENCE

### *Wages and Related Benefit of Pakyaw Workers*

**P**akyaw (also spelled “pakyao,” “pakiao,” or “pakiaw”), a word borrowed from Hokkien<sup>1</sup> is a work arrangement whereby a worker is paid by results or on piece-rate basis.<sup>2</sup> In other words, a pakyaw worker is one who is not paid by the hour. Instead, they are paid for each piece of work accomplished. The arrangement is especially common in the informal economy, as in peeling garlic for sale to retailers or cleaning plastic bottles in junkshops. Because of this, pakyaw work is often associated with a lack of protection from our labor laws that is otherwise enjoyed by workers in the formal economy. Several questions might be raised:

Is the arrangement legal?  
 What rights and privileges are pakyaw workers entitled to?

On the first question, the arrangement is not illegal. In fact, the Labor Code of the Philippines explicitly recognizes pakyaw work as a valid form of work arrangement. The answer to the second question, however, is not as simple.

In the first place, to be entitled to many of the rights and privileges granted by our labor laws, a pakyaw worker must be an employee. It bears emphasizing that a pakyaw work arrangement does not necessarily make a worker a

non-employee. This was the ruling of the Supreme Court in the classic case of *Dy Keh Beng v. International Labor and Marine Union of the Philippines*,<sup>3</sup> decided in 1979, five years after the promulgation of the Labor Code. In fact, even before the Labor Code, the Court had already said in 1949 that the arrangement does not necessarily take out a worker from the coverage of employment laws. This was the ruling in *Sunripe Coconut Products Co., Inc. v. Court of Industrial Relations*,<sup>4</sup> with which Justice Gregorio Perfecto concurred in this wise:

*We believe that judicial notice can be taken of the fact that the so-called*

1 Ambeth R. Ocampo, ‘Buwisit,’ ‘pakyaw’—Hokkien in our language, *Inquirer.net*, January 22, 2020, available at <https://opinion.inquirer.net/126790/buwisit-pakyaw-hokkien-in-our-language>.

2 Labor Code, art. 101. *Philippine Land-Air-Sea Labor Union v. Court of Industrial Relations*, G.R. No. L-14656, November 29, 1960, 110 PHIL 176-181

3 G.R. No. L-32245, May 25, 1979, 179 PHIL 131-139.

4 G.R. No. L-2009, April 30, 1949, 83 PHIL 518-526.

*“pakyaw” system mentioned in this case, as generally practiced in our country, is, in fact, a labor contract between employers and employees, between capitalists and laborers. Under this system, the workers continue in the economic category of contract laborers. They do not acquire the character of owners or managers of an independent enterprise. The system is practiced only in labor contracts.<sup>5</sup>*

Thus, whether or not a pakyaw worker is an employee is determined according to the same test used for other workers, i.e. the four-fold test. This was the test applied by the Supreme Court in *David v. Macasio*,<sup>6</sup> wherein the employer argued that the worker was not his employee as he engaged the latter on pak-yaw basis. The Court said:

*To determine the existence of an employer-employee relationship, four elements generally need to be considered, namely: (1) the selection and engagement of the employee; (2) the payment of wages; (3) the power of dismissal; and (4) the power to control the employee's conduct. These elements or indicators comprise the so-called “four-fold” test of employment relationship. Macasio's relationship with David satisfies this test.<sup>7</sup>*

However, being an employee does not automatically entitle a pakyaw worker to all the rights and privileges enjoyed by other kinds of employees. Article 82 of the Labor Code identifies “workers who are paid by results” as an exception to the provisions of Title I of Book III of the Labor Code. The title provides for the normal hours of work, meal periods, weekly rest periods, overtime pay, night shift differential, rest day pay, holiday pay, and service incentive leaves. Article 82 reads:

**ARTICLE 82. Coverage.**—*The provisions of this Title shall apply to employees in all establishments and undertakings whether for profit or not, but not to government employees, managerial employees, field personnel, members of the family of the employer who are dependent on him for support, domestic helpers, persons in the personal service of another, and **workers who are paid by results** as determined by the Secretary of Labor in appropriate regulations.*

*As used herein, “managerial employees” refer to those whose primary duty consists of the management of the establishment in which they are employed or of a department or subdivision*

*thereof, and to other officers or members of the managerial staff.*

*“Field personnel” shall refer to non-agricultural employees who regularly perform their duties away from the principal place of business or branch office of the employer and whose actual hours of work in the field cannot be determined with reasonable certainty. [Emphasis supplied.]*

A plain reading of the provision would lead one to conclude that pakyaw workers are not entitled to any of the rights and privileges provided by Title I of Book III of the Labor Code. This would be an incomplete and inaccurate conclusion according to the Supreme Court. In *David*,<sup>8</sup> the Court had occasion to interpret Article 82 in relation to its counterpart provisions in the Omnibus Rules Implementing the Labor Code (IRR). The Court observed that the provisions of the IRR on holiday pay and service incentive leaves actually merge “field personnel” and workers paid by results under a similar item of exception, to wit:

**RULE IV  
Holidays with Pay**

*SECTION 1. Coverage. — This rule shall apply to all employees except:*

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<sup>5</sup> Id.

<sup>6</sup> G.R. No. 195466, [July 2, 2014], 738 PHIL 293-318.

<sup>7</sup> Id.

<sup>8</sup> Id.

(e) Field personnel **and other** employees whose time and performance is unsupervised by the employer including those who are engaged on task or contract basis, purely commission basis, or those who are paid a fixed amount for performing work irrespective of the time consumed in the performance thereof.

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**RULE V  
Service Incentive  
Leave**

SECTION 1. Coverage. — This rule shall apply to all employees except:

As used herein, "managerial employees" refer to those whose primary duty consists of the management of the establishment in which they are employed or of a department or subdivision

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(d) Field personnel **and other** employees whose performance is unsupervised by the employer including those who are engaged on task or contract basis, purely commission basis, or

those who are paid a fixed amount for performing work irrespective of the time consumed in the performance thereof; [Emphases supplied.]

Taking from an earlier decision<sup>9</sup> that applied ejusdem generis, a rule of statutory construction, on the provision on service incentive leaves, the Court said:

In short, the payment of an employee on task or pakyaw basis alone is insufficient to exclude one from the coverage of SIL and holiday pay. **They are exempted from the coverage of Title I (including the holiday and SIL pay) only if they qualify as "field personnel."** The IRR therefore validly qualifies and limits the general exclusion of "workers paid by results" found in Article 82 from the coverage of holiday and SIL pay.

This is the only reasonable interpretation since the determination of excluded workers who are paid by results from the coverage of Title I is "determined by the Secretary of Labor in appropriate regulations."<sup>10</sup>

Notably, the exemption of pakyaw workers from night shift differential is similarly worded under the IRR.<sup>11</sup>

The provisions of the IRR with respect to overtime pay are not, however, similarly worded. Instead, they identify pakyaw workers as an exception that is separate from "non-agricultural field personnel":

**RULE I  
Hours of Work**

SECTION 1. General statement on coverage. — The provisions of this Rule shall apply to all employees in all establishments and undertakings, whether operated for profit or not, except to those specifically exempted under Section 2 hereof.

SECTION 2. Exemption. — The provisions of this Rule shall not apply to the following persons if they qualify for exemption under the conditions set forth herein:

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(e) **Workers who are paid by results, including those who are paid on piece-work, "takay," "pakiao" or task basis, and other non-time work** if their output rates are in accordance with the standards prescribed under Section 8, Rule VII, Book Three of these regulations, or where such rates have been fixed by the Secretary of Labor

9 Cebu Institute of Technology v. Ople, G.R. Nos. L-58870, L-68345, L-69224-5, 70832, 76521, 76596, December 18, 1987, 240 PHIL 591-656.  
10 David v. Macasio, supra note 6.  
11 Omnibus Rules Implementing the Labor Code (1989), Book III, Rule II, § 1 (e).



and Employment in accordance with the aforesaid Section.

(f) **Non-agricultural field personnel** if they regularly perform their duties away from the principal or branch office or place of business of the employer and whose actual hours of work in the field cannot be determined with reasonable certainty.<sup>12</sup> [Emphases supplied.]

This notwithstanding, jurisprudence currently applies the same rule for pakyaw workers in holiday pay and service incentive leaves to overtime pay. This is the import of the ruling of the Supreme Court in *A. Nate Casket Maker v. Arango*,<sup>13</sup> which awarded overtime pay to pakyaw workers.

The same cannot be said of 13th month pay which is governed not by the Labor Code but by PD No. 851. Unlike the other benefits, 13th month pay is not an entitlement that may be claimed by pakyaw workers. As cited in *A. Nate Casket Maker*, the Supreme Court explained in David:

*The governing law on 13th month pay is PD No. 851. As with holiday and SIL pay,*

*13th month pay benefits generally cover all employees; an employee must be one of those expressly enumerated to be exempted. Section 3 of the Rules and Regulations Implementing P.D. No. 851 enumerates the exemptions from the coverage of 13th month pay benefits. Under Section 3 (e), “employers of those who are **paid on . . . task basis, and those who are paid a fixed amount for performing a specific work, irrespective of the time consumed in the performance thereof**” are exempted.*

*Note that unlike the IRR of the Labor Code on holiday and SIL pay, Section 3 (e) of the Rules and Regulations Implementing PD No. 851 exempts employees “paid on task basis” without any reference to “field personnel.” This could only mean that insofar as payment of the 13th month pay is concerned, the law did not intend to qualify the exemption from its coverage with the requirement that the task worker be a “field personnel” at the same time. [Citations omitted; emphasis in the original.]*

In summary, a pakyaw work arrangement does not automatically remove a worker from the protection of our labor laws. If a pakyaw

worker is an employee, then they are entitled to holiday pay, service incentive leaves, night shift differential, and even overtime pay unless they are also, at the same time, field personnel. They are not, however, entitled to 13th month pay under PD No. 851. ■



<sup>12</sup> Omnibus Rules Implementing the Labor Code (1989), Book III, Rule I, § 1-2.

<sup>13</sup> G.R. No. 192282, October 5, 2016, 796 PHIL 597-617.

## FEATURE STORY

***BCW Paralegals Reflect on 23 Years of Advocacy***

**C**ommunity legal empowerment is at the core of SALIGAN's strategies for social change. It is especially true in combatting violence against women and children. When SALIGAN established its Bicol office in 1991, it has worked with various civil society organizations to work on various issues and to engage with local government units. In 1999, to coincide with the organization of women advocates in Naga City by the Naga City People's Council, SALIGAN conducted its first paralegal formation program among 50 members of the Barangay Council for Women (BCW). The paralegals were involved in the advocacy for the passage of the Naga City Ordinance No. 2000-012 creating the Naga City Council for Women (NCCW), which institutionalized the role of the BCWs in the 27 barangays. Over the years, the BCW paralegals were active both in national and local advocacies on women's rights and gender equality. Their involvement in the communities led to a genuine implementation of the R.A. 9262. Here are the stories of some of the BCW Paralegals of Naga City.

**Nelia Bergancia-Salapico**

Ate Nel, a fervent advocate for transparency in governance and community work, was one of the pioneers of BCW Paralegals. Now 70 years old, Ate Nel could still recall, with spark in her eyes, her acts of initiative and bravery in defying popular opinion and effecting scrutiny of local participation and governance. She had the youthful fire to make a point while supporting it with a stack of proof of her experiences. Long before being trained as a paralegal by SALIGAN, Ate Nel had already been serving the public by being a kagawad at Barangay Tinago, Naga City. After her term, she became the secretary of the same barangay and was then consistently a part of its Lupon. She then became part of the Naga City People's Council, which gave her more opportunities to attend trainings and seminars, which inspired her more to participate in people's organizations (POs) rather than go back to politics. When SALIGAN's paralegal formation program started to kick off in Naga City, Ate Nel was one of the pioneers to participate and become part of the Barangay Council for Women Paralegals.

It was 1999, according to Ate Nel, that people's participation was not as prevalent as it is today in the city, and there weren't a lot of accessible venues for participation. She described the community she was in, before being a paralegal, as having citizens who



Ms. Nelia Bergancia-Salapico

***For Ate Nel, paralegalism had a huge personal impact on her. It helped her and the community to build their confidence with the knowledge of how to protect not only themselves but also their fellow constituents. It served as a form of "support education" for the community. When the community found out that they had a paralegal that they could approach, the people started to be aware and empowered.***



have low awareness of the legal processes and even their own rights that they ought to protect. She was also saddened at the fact that these people had fewer opportunities to learn about the processes to legally protect themselves, as there were also limited programs and training for them to access.

Ate Nel had always been participative in local governance, and when she was trained to be a paralegal, it helped her understand legal concepts and know what she could take in order to push for her advocacies. As a paralegal, she would initiate community parents' meetings in their barangay in order to enlighten their constituents with the recent ordinances of the city. She also participated in Community Orientation Meetings on Child Rights and Anti-Corporal Management of Children. Other than these, as a paralegal, she has applied all her learnings in her duties as part of the Lupon in resolving issues brought to them and also problems encountered by their community. She considers her meeting initiatives and personal orientations to her community about ordinances and laws, especially for the protection of women and children, an opportunity to inform the people of the recent legal developments that could help them. Since Ate Nel engages more with her community at a personal level, the skills she learned from her paralegal training became effective strategies for her to pursue her advocacies, such as through a truthful and logical explanation of the VAWC law, proper composure when facing criticism, and a civilized method of conversing, interviewing, and negotiating with both the people and local officials.

Throughout Ate Nel's service as a paralegal, she realized that "knowing your subject" was the best paralegal skill she was able to use given that the people in her community came from different walks of life. Ate Nel, treasures her experience as a paralegal and continues until today to advocate for human rights, transparency in governance and resolving other issues in the community. For Ate Nel, service to the community and the people requires sacrifice, she was offered a lot of opportunities before to work with institutions and people who could pay more, but she chose to remain to be of aid to her community, and she has no regrets.

### **Leticia Punzalan**

Leticia Punzalan, now a barangay kagawad of Concepcion Grande, Naga City and one of the paralegals of SALIGAN, made great use of the skills and legal knowledge she learned during the training. She has cascaded training on women's laws in her community along with the organization during women's month celebrations in her barangay. As a women's rights' advocate, she is also involved in the strengthening of the VAW Desk and other advocacy issues, particularly on livelihood in the community, which has resulted in her barangay being named one of the awardees in the search for an outstanding VAW Desk. In engaging in the resolution of issues in her community, she has contributed to the implementation of R.A. 9262, assisted in the issuance of BPOs and facilitated barangay consultations.

Leticia narrated that when she became SALIGAN's paralegal, she was currently a barangay kagawad and as such, the training was a huge help for her since she learned from it the law and legal processes that she was able to use for barangay governance. Her experience as a barangay kagawad and an active BCW Paralegal prepared her when she became a punong barangay. She considers her leadership her greatest contribution to local governance. For Leticia, it all prepared her for a higher position to further serve and be of help to the comm-

unity. She was also able to pursue programs, projects, and activities aimed at advancing the protection of women's rights by maximizing the use of the Gender and Development Budget appropriately to address more gender issues through organized planning and the conduct of workshops and training.

*Leticia, with her best practices, continues to contribute greatly to her community by partnering with different groups and organizations, resolving issues and biases against women, and appropriate utilization of the GAD budget for programs and activities for women through organized planning and streamlining of funds for the conduct of workshops.*



Ms. Leticia Punzalan

Leticia has adopted, with her barangay, different strategies to materialize their goal, such as through the conduct of awareness-raising and education campaigns, providing opportunities for seminars and training for women's leaders, capacity building for VAW Desk Officers and workshops on planning and budgeting. Her capacity for local governance was immensely improved as she learned and became more open to understanding diverse issues in her barangay. She was able to handle these issues with gender sensitivity, especially with VAW cases, which enhanced their assistance and developed more skilled VAW Desk Officers. As for her community, Leticia observed that the VAW referral system was most effective with the barangay and with the paralegal program, making it easier to refer and report cases of abuse since, through their activities, the level of people's awareness increased as well as the sense of responsibility of barangay officials. Leticia continues to advocate for human rights especially for women through local governance as she also believes that the continued pursuance of this advocacy will lead to the elimination of violence against women and other sectors like children. Personally, paralegalism helps her to be a more effective public servant.

### **Maria Filomena Yolanda Bacares**

Maria Filomena Yolanda A. Bacares, 50 years old, graduated as a paralegal from SALIGAN in 2010. Today, she is affiliated with various organizations such as the Lakas ng Kababaihan, a volunteer at Bantay Familia, and Vice-President of the Kapisanan ng mga Barangay Kagawad ng Naga City. Before she became a paralegal, only a few in her community had the courage to report even though they were experiencing abuse.

She has participated in activities by the Lalaki laban sa Karahasan to encourage women's rights advocacy among men and in the endeavors of Bantay Familia and Women's Organization. As a women's advocate and part of BCW, Kgd. Filomena often encounters women suffering from abuse, which she would always commit to assist.



Filomena focuses most on her advocacy for women's rights through her functions as the VAW Desk Officer for Barangay Santa Cruz, Naga City. In fact, she and her barangay were consistently recognized as the most outstanding VAW Desk in the city which made other localities not just from Naga City visit their barangay to look through their best practices especially in the implementation of the VAW Desk. Other than their admirable practices



Ms. Maria Filomena Yolanda Bacares

*For Filomena, the paralegal program not only improved her capacity to serve the people, but it also transformed their community as a whole.*



in addressing community issues, especially those caused by abuse, and the implementation of policies, Filomena's practice of proficient use of their GAD budget through organized and practical planning of activities and expenses is her best contribution to the implementation of local policies. She has achieved all of this with her barangay through having an orderly barangay assembly wherein constituents are encouraged to put forward their issues, take immediate action on incident reports, and boost the active participation of the people in barangay programs. The paralegal program helped greatly in primarily promoting peace and security in Filomena's barangay.

### **Jinky Reforsado**

Jinky Reforsado, Secretariat of Naga City Council for the Welfare and Protection of Children (NCCWPC) and Children's Affairs Office, had the same observation as other paralegals before she participated in the program, wherein people were less aware and sensitive of the issues within the community and available remedies for them. This was one of the reasons why, during her term as a barangay kagawad and at the same time a paralegal in the community, she participated in various paralegal seminars and trainings to be well-trained in the handling of VAWC cases and other family issues. She also organized open forums and free legal counseling for victims of abuse in partnership with other organizations. She also conducted seminars for husbands and wives on VAWC and improved the functionality of the VAW Desk in the barangay.

According to Jinky, the paralegal program was a big help as it expedited the processing of cases since they became more knowledgeable of the legal processes and, most of all, they could appraise the victims of their rights properly, thus giving the latter more courage knowing that someone was listening to them.

*In her community, the paralegal program became effective in minimizing the number of abused women, and it particularly empowered women and children. In sum, for Jinky, the program was a success as it focused more on empowering communities where societal issues actually originate.*

The BCW paralegals trained by SALIGAN from 1999 to the present continue to advocate for human rights, especially those of women and children, in each of their barangays. Their training strengthened their sense of leadership and equipped them with the ability to serve and educate people wherever they go and whatever they do. ■



Ms. Jinky Reforsado



**SALIGAN**

SENTRO NG ALTERNATIBONG  
LINGAP PANLEGAL



(+63)(2)4266001 LOC.  
4858-4860



WWW.SALIGAN.ORG



SALIGAN@SALIGAN.ORG



/SALIGAN.ALAC

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