



**ADDU'S APPROPRIATIONS OF GENDER  
AND HUMAN RIGHTS CULTURE**

**A Research Submitted to the University Research Council  
By the Ateneo Public Interest and Legal Advocacy Center  
( APILA )**

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## Chapter 1

### INTRODUCTION

#### ***Background of the Study***

On August 2007, nine college students of the Ateneo de Davao University were apprehended by the school's security guard for violating the school's ID policy. That same day the students were verbally reprimanded by a school administrator, to the point of being called "liars". They were not formally informed of the sanctions given to them for their violation. The next day, "wanted posters" containing pictures of said students were posted on the bulletin boards of the three entrances of the school (Atenews, 2007).

These and countless other, unreported incidents of human rights violations occur in the University campus every day. As a seat of learning, the University functions as a place where young minds are moulded to become responsible citizens, educated to respect the rights of every human being. As one goes around the campus, there is a deceptive air of calm, making it difficult to see beyond the surface environment. And yet, stories such as the one related above is only the tip of the iceberg.

The foundational principle of all Catholic social teachings is the sanctity of human life. Catholics believe in an inherent dignity of the human person. Pope Paul VI promulgated in 1965 *Gaudium et spes*, the Pastoral Constitution of the Church in the Modern World where he recognized that we are on the road to a more thorough development of human personality and to a growing discovery and vindication of our rights. There is a growing awareness of human dignity, of rights and duties that belong to everyone and cannot be taken away. This is reinforced by Pope John XXIII who also wrote that the end of colonialism and the rise of newly independent States, the protection of Workers' Rights, the new and welcome presence of women in public life, all testified to the fact that the human race was indeed entering a new phase of its history, one characterized by the conviction that all men are equal by reason of their natural dignity (*Pacem in terris* [PT], 1963).

Pope John Paul II wrote and spoke extensively on the topic of "inviolability of human life and dignity" in his watershed encyclical *Evangelium Vitae* (the Gospel of Life) released on March 25, 1995. It encapsulated the position of the Catholic Church on this matter.

The 34<sup>th</sup> Jesuit General Congregation went on to name other dimensions of the struggle for justice that now demanded attention and action; recognition and observance of the full range of human rights---economic and social rights to the basic necessities of life and well-being (health care), personal rights such as freedom of conscience, civil and political rights, rights such as development, peace and a healthy environment (Traub, George SJ, 1995). Furthermore, the Society of Jesus has acknowledged the existence of discrimination against women and called for the promotion of social justice as a requirement of faith (Jesuit GC 34) and recognized the contribution of women to the

Society of Jesus as they worked alongside many women. Significantly, the conclusion of the 34<sup>th</sup> General Congregation of the Jesuits is an earnest request for the members of the Society to regard this solidarity with women as integral to their mission (*ibid*, 384).

In the Philippines, the government has ratified almost all UN Human Rights Instruments adopted by the UN General Assembly such as the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Protection of Migrant Workers Rights and Their Families (CPMW) and International Covenant on the Elimination of Racial Discrimination (ICERD), among others, which are all in the promotion and recognition of human dignity. These, over and above domestic legislations in the Philippines that promote the value and respect for human dignity, are embodiments of the State's bold investment to lasting and sustainable peace.

In Mindanao, the Ateneo de Davao University is situated strategically in the city which is home to a number of dynamic initiatives meant to further the advances made in the area of human rights, women's empowerment and political democratization in the aspect of strengthening grassroots participation in public affairs. However, there is a recognized limitation among institutions in the island in addressing socio-political, ethico-legal and eco-cultural issues imbued with developmental, cultural, gender and rights-based perspectives. ADDU, being committed to the promotion of social justice, gender equality, good governance the creation of wealth and its equitable distribution, is now being challenged to cultivate a culture of human rights and gender responsiveness among the members of its community to better address the needs of the communities it serves.

This research takes its inspiration from the recently approved ADDU Vision-Mission Statement. It states among others that *"The Ateneo de Davao University is a Catholic, Jesuit and Filipino University. As a university, it is a community engaged in excellent instruction and formation, robust research, and vibrant community service (ADDU VM Statement).*

*But what, first, is a human rights culture?*

Roosevelt's definition of it being "freedom from fear and freedom from want" is similar to a definition of human rights and thus of a human rights culture. Thus, a human rights culture is where people are free from fear and want. These freedoms, encoded by very specific and very detailed norms and standards, were translated into law on the international and national levels (Koenig, 2003).

A human rights culture --as defined by a multitude of norms and standards-- is a way of life, politically, morally and legally -- a way of life guided by the human rights framework.

Former General Secretary of the UN, Boutros Boutros-Ghali, said at the opening of the Vienna Conference on Human Rights in 1993, that "a human rights culture is where human rights are recognized as birth rights."

Thus, the definition given by what was then the Human Rights Center in Geneva (predecessor of the Office of the High Commissioner on Human Rights): "a major objective of the world campaign is to build up a universal culture of human rights, one that clearly recognizes that human rights are inherent to the human person without any distinction as to race, colour, sex, language, religion, political or other opinion, natural or social origin, property, birth or other status (p.23)."

*So what is culture?* It is the aggregate of the expressions and of the expectations of our society from us—defining our behaviour, our reaction, our relationships, our being in the world. And when it enables us to belong in dignity and without humiliation, it is a culture of human rights.

One major objective of the Decade of Human Rights Education (HRE) is to weave, develop and enable people through learning about human rights to critic and change their society by creating and living in a culture of human rights, one in which the human rights framework provides a guideline and a tool for problem solving and conflict resolution of political, civil, economic, cultural and social concerns and issues, of peace and human security, for women and men alike, and where it is clearly recognized by all those elected to rule their people and/or governing bodies, as well as by the citizenry, that all human rights are inherent to all women, men, youth and children without any distinction as to race, colour, sex, language, religion, political or other opinion, natural or social origin, property, birth or other status. And that the laws, policies resources and relationships are guided by human rights.

Thus, one of the basic objectives of this research will be to create an awareness and deepen the knowledge for people to weave a human rights culture, resulting in profound changes in how individuals view relationships in all matters. Such a culture would make human rights as a part of the lives of individuals as are language, customs, the arts, faith. In this culture, human rights would be seen as the job of "someone else", but the obligation and duty of all (Lasso, 1997).

### ***Framework of Analysis***

In the attempt to analyze the human rights and gender responsiveness culture of Ateneo de Davao University, Caren Levy's "Web of Institutionalization" becomes a useful tool in identifying how the fundamental principles of human rights and gender find life in every aspect of the institutional processes.

The "Web of Institutionalization" is both a diagnostic and operational framework for the institutionalization or mainstreaming of gender and even human rights in policy, planning and practice. In Levy's institutionalization framework, there are thirteen elements through which gender and human rights can be mainstreamed.

The expression of power in each of these elements is understood not only as visible products and practices of organizations, but also in the invisible values and motivations which influence and shape these more tangible outputs of organizations. In this sense,

underlying each element is a series of organizational cultures' associated with the organizations relating to the element (Levy, 1996).

According to Levy, "these elements are not merely a listing of variables or entry points." She sees them as a web, in the sense that they are linked and interrelated in a particular way and ultimately they re-enforced each other. Sustained institutionalization of gender [and human rights] issues requires the co-existence of all elements. Putting into place one or a group of elements will almost certainly be unable to sustain gender [and human rights] as a regular part of development practice in the long term (1996).

### ***The Elements in the Web of Institutionalization***

In Levy's framework, the elements do not necessarily flow in a particular sequence. Hence, one may start analyzing from any of the elements since organizations exist in specific contexts and may vary over time or as circumstances alter.

First of the elements is *men and women's experiences and their interpretation of realities*. This refers to the narratives of men and women on their personal encounters with their own realities relevant to gender and human rights issues. Among many others, this may include their experiences of discrimination, bullying, stereotypes, violence, working conditions, access and control to resources.

To promote the institutionalization of a gender perspective, the expression of the gender interests related to women and men's gender roles, access to and control over resources and gender needs, must go beyond the level of random discussion. It is the *pressure of these political constituencies* that is critical to ongoing institutionalization.

However, the pressure of political constituencies is not enough. For sustained gender institutionalization, women and men have to be able to elect and/or actively engage with *representative political structures* within the formal political system. Otherwise their interests remain outside of formal politics.

To the extent that political constituencies and representative political structures can exert influence, through lobbying or direct action, gender [and human rights] issues can be translated into *political commitment*. Political commitment, refers to the public articulation of a political intent or stand.

However, political commitment is not enough. The same must be translated into a *policy*. This policy must further be transformed into more tangible and concrete operationalization through its conscientious implementation without neglecting the content and process of arriving at it. Political commitment also needs to be translated into *resources* to support policy. Allocation of funds to support the commitments becomes imperative in mainstreaming gender and human rights in order to support strategic programs and even infrastructures.

The allocation of resources and the organization of policy for gender [and human rights] integration depend fundamentally on the *mainstream location of responsibility* for

gender [and human rights] issues. The clarity of mainstream responsibility for gender [and human rights] issues will reinforce and support gender integrated policy making and resource allocation.

However, clarity of responsibility for gender issues and the making and implementing of gender [and human rights] policy needs to be reinforced by rights based and gender responsive *procedures*. Procedures are the 'routinized' daily activities associated with different points of the program/project cycle of an organization or the rules governing actions within or between organizations and individuals.

Both policy and the interpretation of procedures will be limited without the appropriate *staff development*. In this discussion, staff development refers to two aspects: on the one hand, training in gender and human rights policy and planning skills for all professionals, both women and men; and on the other, equal opportunities for women and men as workers in the organization.

Effective staff development, particularly training to integrate gender [and human rights] into the skills and practices of practitioners, requires a clear *methodology*. 'Clear' methodology implies methodology which has a clear rationale for the integration of gender into development practice as well as tools for operationalizing gender [and human rights] issues in the work of practitioners.

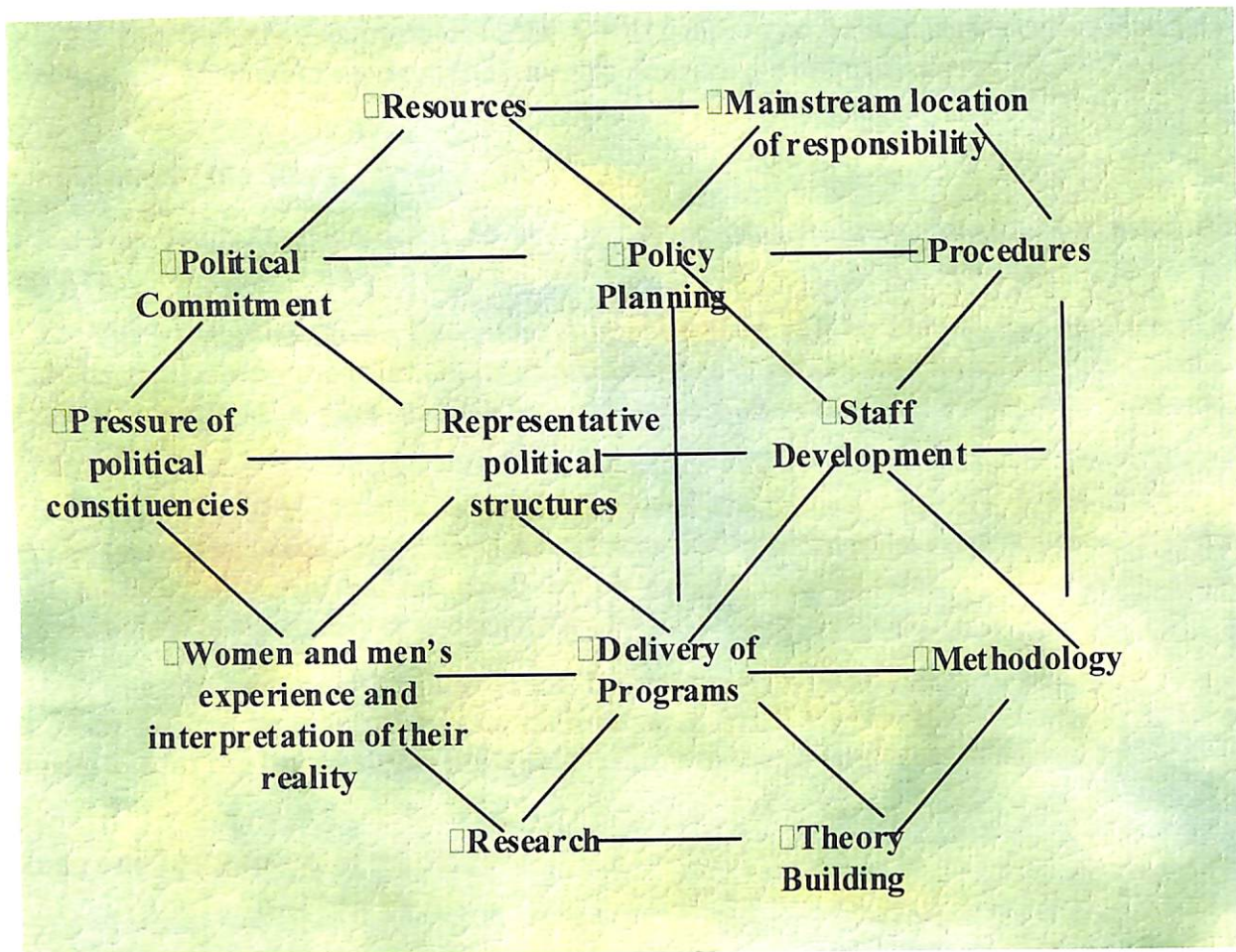
However, ultimately if staff development through an appropriate methodology does not result in the actual '*delivery*' of programs and projects which meet the needs of women and men, then all development interventions are unsuccessful and certainly the institutionalization of a gender perspective in development activities has also failed. This may include actual instruction and community engagement initiatives.

Effective '*delivery*' of programs and projects must be able to respond to the dynamic reality of women and men's experience and interpretation of that changing reality. '*Applied*' research can be a critical reinforcing element in this case.

Finally, '*applied*' research, in its examination of practice, also contributes to the accumulation of knowledge about the integration of gender in the practice of policy and planning. In other words, it contributes to *theory-building* around gender and human rights as variables in development policy and planning which inter-relates with the development of methodology.

As a diagnostic tool, the web is one of the techniques in the gender diagnosis component of the gender policy and planning methodology. The starting point of the gender diagnosis is related to the needs of the user.

**Figure 1. Web of Institutionalization**



### ***Objectives of the Study***

In general, this study aims to document the appropriations of ADDU of gender and human rights culture in its institutional life. Specifically, it hopes to:

- 1) Gather literatures from Catholic Social Thought, Jesuit Documents and State Laws regarding the different expressions of gender and human rights;
- 2) Determine the gender and human rights appropriations of ADDU in the following thematic areas:
  - a. Health;
  - b. Education;
  - c. Religion; and
  - d. Employment
- 3) Cross analyze the indicators in the above-mentioned themes with the following human rights principles:
  - a. Participation
  - b. Accountability

- c. Non-discrimination
- d. Transparency
- 2. Identify existing gaps in the ADDU gender and human rights culture; and
- 3. Formulate recommendations to address the identified gaps

### ***Significance of the Study***

This study is significant to the following stakeholders for the corresponding reasons:

The Ateneo de Davao University Administration will be able to use data from this study particularly on the extent of its appropriations of gender and human rights culture in order to identify the gaps in policies and service delivery and stage interventions, if necessary.

Members of the Ateneo de Davao University community; faculty, staff and students will be given information as to current practices that may not be in compliance with gender and human rights norms; for them to be enlightened, to seek improvement should improvement be necessary in order to become better duty bearers.

Outlying communities outside the University will also be able to benefit indirectly as, once gender and human rights culture is in place within the University, it is not impossible for the University to bring said culture to the communities it serves.

### ***Scope and Limitations of the Study***

This study will determine Ateneo de Davao University's appropriations of gender and human rights culture, among the members of its community. It will involve the two (2) campuses, namely, Jacinto and Matina, in Davao City.

Moreover, the appropriations articulated in this study cover only the existing conditions as of the research period, that is from 2012 to 2013, although some of the responses refer to some efforts, practices, policies and programs in the past.

### ***Operational Definition of Terms***

- 1) **Appropriation** – the extent with which the University community has embraced and/or absorbed the desired norms concerning gender and human rights in its existing culture.
- 2) **Gender** – sensitivity and respect for the role of women, would also include extent with which the University community has afforded opportunities for women equal and/or commensurate with those of men; components among others are access, welfare, conscientization, participation and control.

- 3) **Human Rights**- compliance with and/or respect for human rights principles including but not limited to participation, accountability, non-discrimination and transparency.
- 4) **Culture** – the aggregate or sum total of the beliefs, customs, practices, social behaviour exhibited by members of the University community; refers to how individuals within the community concerned related towards one another; would also include policies and norms currently in place.
- 5) **Catholic Social Thought** - covers not only the encyclicals of the Roman Catholic Church but also other documents and even public pronouncements of the Church's leadership on human rights and gender.
- 6) **Jesuit documents** - include the commitments of the Society of Jesus through its General Congregations and other written and verbal issuances on human rights and gender.
- 7) **State laws** - refer to the United Nations Conventions on human rights and gender ratified by the Philippine government as well as the enactments from the Philippine legislature relevant to human rights and gender.

## Chapter 2

### REVIEW OF RELATED LITERATURE

#### ***A. Human Rights and Gender Equity from the Jesuit Documents***

Ten years after the closing of the second Vatican Council, Jesuit delegates from around the world gathered at the 32<sup>nd</sup> General Congregation (GC), to consider how the Society of Jesus was responding to the deep transformation of all life that was called for and launched by Vatican II.

After much prayer and deliberation, the Congregation slowly realized that the entire Society of Jesus in all its many works was being invited by the Spirit of God to set out on a new direction. The overriding purpose of the Society of Jesus, namely "the service of faith," must also include "the promotion of justice." This new direction was not confined to those already working with the poor and marginalized in what was called "the social apostolate." Rather, this commitment was to be "a concern of their whole life and a dimension of all their apostolic endeavours. So central to the mission of the entire Society was this union of faith and justice that it was to become the "integrating factor" of all the Society's works, and it in this light that every work, including educational institutions be evaluated.

The 1971 Synod of Bishops, *Justice in the World*, had prophetically declared, "Action on behalf of justice and participation in the transformation of the world fully appear to us as a constitutive dimension of the preaching of the gospel, or, in other words, of the church's mission for the redemption of the human race and its liberation from every oppressive situation," but few of the delegates in GC 32 knew what this meant in their concrete circumstances. Many of them were ignorant of matters pertaining to justice and injustice.

Earlier in 1966, Father Arrupe had pointed out to the Latin American Provincials how the socio-economic situation throughout the continent contradicted the Gospel, and "from this situation rises the moral obligation of the Society to rethink all its ministries and every form of its apostolate to see if they really offer a response to the urgent priorities which justice and social equity call for."

Perhaps the incomprehension or reluctance of some of delegates was one reason why GC 32 finally took a radical stand. The General Congregation coined the formula, "the service of faith and the promotion of justice," and used it adroitly to push every Jesuit work and every individual Jesuit to make a choice, providing little leeway for the fainthearted. Many inside and outside the Society were outraged by the "promotion of justice." As Father Arrupe rightly perceived, his Jesuits were collectively entering upon a more severe way of the cross, which would surely entail misunderstandings and even opposition on the part of civil and ecclesiastical authorities, many good friends, and some of their own members. Today this option has become integral to the Jesuit identity, to the awareness of their mission, and to their public image in both Church and society.

Fr. Kolvenbach, in a conference on the commitment to justice in American Jesuit higher education on October 2000, examined the phrase "the service of faith and the promotion of justice."

***The service of faith.*** From its origins in 1540 the Society has been officially and solemnly charged with "the defense and the propagation of the faith." In 1995, the Congregation reaffirmed that the defense and propagation of the faith is a matter of to be or not to be, even if the words

themselves can change. Faithful to the Vatican Council, the Congregation wanted preaching and teaching not to proselytize, not to impose our religion on others, but rather to propose Jesus and his message of God's Kingdom in a spirit of love to everyone.

Just as the Vatican had abandoned the name "*Propaganda Fidei*", GC 32 passed from propagation to service of faith. But why "the service of faith"? The Congregation itself answers this question by using the Greek expression "*diakonia fidei*,"

It refers to Christ the suffering Servant carrying out his "*diakonia*" in total service of his Father by laying down his life for the salvation of all. Thus, for a Jesuit, "not just any response to the needs of the men and women of today will do. The initiative must come from the Lord labouring in events and people here and now. God invites us to follow Christ in his labours, on his terms and in his way." Christ's mission of service hence has theological and ethical dimensions.

***The promotion of justice.*** It has to be remembered that a General Congregation is not a scientific academy equipped to distinguish and to define, to clarify and to classify. In the face of radically new apostolic needs, it chose to inspire, to teach and even to prophesy. In its desire to be more incisive in the promotion of justice, the Congregation avoided traditional words like charity, mercy, or love, unfashionable words in 1975. Neither philanthropy nor even development would do. The Congregation instead used the word "promotion" with its connotation of a well-planned strategy to make the world just.

Since Saint Ignatius wanted love to be expressed not only in words but also in deeds, the Congregation committed the Society to the promotion of justice as a concrete, radical but proportionate response to an unjustly suffering world. Fostering the virtue of justice in people was not enough. Only a substantive justice can bring about the kinds of structural and attitudinal changes that are needed to uproot those sinful oppressive injustices that are a scandal against humanity and God.

This sort of justice requires an action-oriented commitment to the poor with a courageous personal option.

Just as in "*diakonia fidei*" the term faith is not specified, so in the "promotion of justice," the term justice also remains ambiguous. It includes both socio-economic justice, on one hand, and the justice of the Gospel, the other hand. A stand in favour of social justice that was almost ideological, and simultaneously a strong option for "that justice of the Gospel which embodies God's love and saving mercy" were both indispensable.

## **Mission and Justice**

As discussed above *promotion of justice is an integral part of the Jesuit mission.* This flows from faith and brings to a deeper faith. GC 34 intends the Jesuits to journey on towards ever fuller integration of the promotion of justice into their lives of faith.

***New dimensions of justice.*** GC 34 considers the struggle for justice as having a progressive and gradually unfolding historic character as it confronts the changing needs of specific cultures and times. Previous congregations have called attention to the need to work for structural changes in the socio-economic and political orders as an important dimension of the promotion of justice. GC 34 introduces a new awareness of the other dimensions of this struggle for justice: respect for the dignity of the human person created in the image of God underlies the growing international consciousness of the full range of human rights.

**Implementation.** “The promotion of justice requires before all else our own continuing personal conversion—finding Jesus Christ in the brokenness of our world, living in solidarity with the poor and the outcast, so that we can take up their cause under the standards of the Cross.”

### **Mission and Culture<sup>1</sup>**

Pope Paul II wrote that the “split between the Gospel and culture is without a doubt *the tragedy of our time*. More recently, Pope John Paul II has presented inculturation as one of the fundamental aspects of the Church’s total evangelizing mission and points to the mutuality between the Gospel and the culture it engages. The Christian message is to be open to all cultures, bound to no single culture and made accessible to every human person through a process of inculturation, by which the Gospel introduces something new into the culture and the culture brings something new to the richness of the Gospel.

“Through inculturation the Church makes the gospel of Jesus Christ incarnate in different cultures, into their own community. She transmits to them her own values, at the same time taking the good elements that already exist in them and renewing them from within.”

*Jesuit Mission and Culture.* “Our mission of the service of faith and the promotion of justice must be broadened to include, as integral dimensions, proclamation of the Gospel, dialogue, and the evangelization of culture, “ (GC 34, D 2, n. 20). *Justice, dialogue and the evangelization of culture are inseparable.*

This is rooted in the mysticism flowing from the experience of Ignatius, which directs the Society simultaneously towards the mystery of God and the activity of God in his creation. For Ignatius, all solidarity with human beings and every engagement with the created world cannot be authentic without a discovery of God who is actively present in the world, labouring to bring it to perfection so that the world comes, finally, to be fully *in* God.

Hence, the mission of the Society, in service to the Crucified and Risen Christ, is directed to the ways in which Jesus makes his presence felt in the diversity of human cultural experiences, thus the Gospel is to be presented as Christ’s explicitly liberating presence.

The mission will include dialogue as integral dimension. “Ours must be a dialogue born out of respect for people, especially the poor, in which we share their cultural and spiritual values and offer our own cultural and spiritual treasures. Our service of the Christian faith must never disrupt the best impulses of the culture in which we work, nor can it be an alien imposition from outside. It is directed towards working in such a way that the line of development springing from the heart of a culture leads it to the Kingdom.”

GC 34 brings a simple criterion from the Ignatian tradition in the exercise of this mission. The ministry of evangelizing culture will be a ministry of consolation when it is guided by ways that bring to light the character of God’s activity in those cultures, and which strengthens our sense of divine mystery. But efforts will be misguided and even destructive, when our activity runs contrary to the grain of his presence in the cultures which the Church addresses, or when we claim to exercise sole proprietorial rights over the affairs of God.

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<sup>1</sup> “Culture” means the way in which a group of people live, think, feel, organize themselves, celebrate and share life. In every culture, there are underlying systems of values, meanings, and views of the world, which are expressed, visibly, in language, gestures, symbols, rituals and styles.

This intuition is what has led Jesuits to adopt such a positive approach to the religions and cultures in which they work. It is also what prompted Jesuits outside Europe to express a profound respect for indigenous cultures.

Particularly at the present time, when the sensitive quality of so many indigenous cultures is threatened by powerful pressures, GC 34 wants to recover a reverence for culture.

The process of inculturation is difficult yet progressive.

“Inculturation is the incarnation of Christian life and of the Christian message in a particular cultural context, in such a way that this experience not only finds expression through elements proper to the culture in question, but becomes a principle that animates, directs, and unifies culture, transforming it and remaking it so as to bring about a “new creation.”

***Change and hope.*** It is part of the Jesuit tradition to be involved in the transformation of every human culture, as human beings begin to reshape their patterns of social relations, their cultural inheritance, their intellectual projects, their critical perspectives on religion, truth and morality, their whole scientific and technological understanding of themselves and the world in which they live.

Jesuits commit themselves to accompany people, indifferent contexts, as they and their culture make difficult transitions; and commit to develop the dimension of an inculturated evangelization within our mission of the service of faith and the promotion of justice.

GC 34 considers some perspectives in inculturated evangelization:

- Recognize the complexities of achieving a fully inculturated evangelization within the life of a people
- Recognize that our world is increasingly aware of the rights as well as the diversity of cultures, and that each cultural group is properly asserting the qualities of its heritage. We need to respect these diverse cultures in their self-affirmation and to work along with them creatively.
- Recognize that the salvific work of God’s revelation is already present in every culture and that God will bring it to completion.
- Remember that we do not directly “evangelize cultures;” we evangelize people in their cultures.
- Recognize that every large culture contains within it a range of ethnic cultures and new sub-cultures which are often ignored.
- All of our works take place in a particular setting with positive and negative features which the gospel must touch. Hence, the call to inculturated evangelization is not simply for those working in a land other than their own.
- Need to listen carefully when people say that the Gospel does not speak to them.

## **Guidelines**

The following guidelines are offered to further the ability to promote inculturation:

- Option for the poor should reach out also to their cultures and values, often based on a rich and fruitful tradition. This will permit a creative and mutual respect within societies, and the promotion of a more fertile cultural and religious atmosphere.
- The lifestyle of Jesuit communities should bear credible witness to the counter-cultural values of the Gospel so that our service of faith can effectively transform the patterns of local culture.
- Our and spirituality commitment to social justice and ongoing human development must focus on transforming the cultural values which sustain an unjust and oppressive social order.
- Each stage of formation programmes should root us in the cultures of the people served. They should focus on sharing the life and experience of those people, and on trying to understand the culture from within.
- There must be an integration of the dynamic of inculturation and the apostolic renewal both of Jesuits and of those who work with us. This is essential for our own conversion of heart, and for a rediscovery of the freshness of the gospel through its dialogue with culture.
- An experience of a culture other than our own will help us grow into a vision more open to what is universal and more objective about our own native cultures.
- Our educational institutions, in particular have a crucial role to play in linking Christian faith to the core elements in contemporary and traditional culture.
- Commit ourselves to the creation of genuinely “local churches” which can contribute to the richness of the universal communion of the Church of the laity. We will also look for ways of creating indigenous theology, liturgy, and of promoting the right and freedom of peoples to encounter the Gospel without being alienated from their own culture
- Draw upon a range of cultural experience in its ministries and to promote an inter-cultural dialogue, contributing in this way to the Church’s mission, at the service of God’s plan to bring together all peoples into the communion of his Kingdom (Eph 1:10; 2 Cor 5:19).

### **Jesuit Mission and Interreligious dialogue**

Vatican II has exhorted all Catholics to a dialogue which will acknowledge, preserve and promote the spiritual and moral goods found in other religions, and the values in their society and culture” in order “to join hands with them to work towards a world of peace, liberty, social justice and moral value. The Holy Father has repeatedly asked Jesuits to make interreligious dialogue an apostolic priority for the 3<sup>rd</sup> millennium.

In a world where Christians comprise less than 20% of the population, it is imperative that the Society collaborate with others to achieve common goals. In the context of the divisive, exploitative and conflictual roles that religions, including Christianity have played in history, dialogue seeks to develop the unifying and liberating potential of all religions, thus showing the relevance of religion for well-being, justice and world peace. Above all there is a need to relate positively to believers of other religions because they are our neighbours; the common elements of

our religious heritages and our human concerns force us to establish ever closer ties based on universally accepted ethical values.

Dialogue is “an activity with its own guiding principles, requirements and dignity. And it should never be made a strategy to elicit conversions.” To be religious today is to be interreligious in the sense that a positive relationship with other believers of other faiths is a requirement in a world of religious pluralism.

The Society has to foster the four-fold dialogue recommended by the Church:

- 1) *Dialogue of life*
- 2) *Dialogue of action*
- 3) *Dialogue of religious experience*
- 4) *Dialogue of theological exchange.* This type of dialogue can more easily be carried on with religions which have written tradition. However, the dialogue with indigenous religions is equally important. These religions express a sense of the divine and the transcendent which must be “approached with great sensitivity, on account of the spiritual and human values enshrined in them.” They play an important role in creating ecological harmony and human equality and have developed a great variety of expression and ways of communicating religious experience through devotional practises, rituals, dance and songs.

### **Guidelines**

GC 34 provides the following guidelines for an orientation for developing a culture of dialogue:

“Deep respect for everything that has been brought about in human beings by the Spirit who blows where he wills.” We will seek to be enriched by the spiritual experiences and ethical values, theological perspectives and symbolic expressions of other religions.

Requires the deepening of our own Christian faith and commitment since real dialogue takes place only between those rooted in their own identity. This needs a solid foundation in philosophy and theology, with a spherical focus on the person and the mystery of Jesus Christ.

### **Formation**

- Closer acquaintance with the beliefs and practises of other religions must be given through special course and actual involvement in a pluralistic milieu;
- Strengthen the mystical dimension of Christian faith and Jesuit spirituality in encounter with the spiritual traditions of others.

Proclamation of the Gospel must be:

- sensitive to the religious and cultural background of those to whom it is addressed
- attentive to the signs of the times
- Theological reflections must

- dwell on the significance in God's plan of the different religious traditions and the experiences of those who find in their spiritual nourishment
- Has to explore the meaning of the Christ-event in the context of the spiritual evolution of humanity articulated in the history of religions?
- Commitment to justice demands that we
- share in the life and struggles of the poor and
- work with believers of other religions in creating basic human communities founded on truth and love.
- In social action, collaborate with them
- in the prophetic denunciation of the structures of injustice
- and in the creation of a world of justice, peace and harmony
- Our *social and cultural centers* will
- Identify and promote the liberating dynamics of the local religions and cultures, and
- Initiate common projects for the building of a just social order.

Our educational institutions will conscientize student on the value of interreligious collaboration and instill in them a basic understanding of and respect for the faith vision of the members of the diverse local religious communities, while deepening their own faith response to God.

Pastoral service will prepare our Christian communities for dialogue. For "we are all children of God and we must all work together in harmony for the mutual benefit of all. The Church is a "community in pilgrimage journeying with people of other faiths towards the Kingdom that is to come."

## **Conclusion**

In a world characterized by religious pluralism, Jesuits have a special responsibility to promote interreligious dialogue. The Ignatian vision of reality provides the spiritual inspiration and ministerial grounding for this urgent task. It opens our eyes to the incomprehensible mystery of God's salvific presence. The contemplation of God labouring in all things helps us to discern the divine spirit in religion and cultures. The Kingdom meditation enables us to understand history as God's history with us. The Jesuit heritage of creative response to the call of the Spirit in concrete situations of life is an incentive to develop a culture of dialogue in our approach to believers of other religions.

## **Ecumenism**

The signs of the times give stark proof of the fact that a faith doing justice must necessarily lead to ecumenical and interreligious dialogue and cooperation. In many parts of the world, it is precisely religious divisions that are a force contributing to injustice, violence, and even warfare. In situations of conflict, often fuelled by historic confessional hostilities, ecumenism calls us to pardon and to love as essential components of a Gospel-inspired struggle for justice and reconciliation. As

peoples move towards ever-closer political, economic, social and cultural unity, and as nations once divided by centuries of hatred and conflict form a new supra-national economic and political structures, the historic divisions of Christianity may represent a flagrant counter-witness to the Gospel message.

Thus GC 34 reaffirms the Society's commitment to ecumenism.

"Ecumenism is not only a specific work for which some Jesuits must be trained and missioned; it is a new way of being a Christian. It tries to be more than just honest and being fait; it attempts to work disinterestedly in the service of truth. It seeks to see things from the other's point of view and to take seriously the other's critique of one's own communion and its historic errors and failings. Like Ignatius' preamble to the Spex, it seeks to put the best interpretation on what the other says and does. In a word, ecumenism seeks what unites rather than what divides; seeks understanding rather than confrontation; seeks to know a specific work for which some Jesuits must be trained and missioned; it is a new way of being a Christian. It tries to be more than just honest and being fait; it attempts to work disinterestedly in the service of truth. It seeks to see things from the other's point of view and to take seriously the other's critique of one's own communion and its historic errors and failings. Like Ignatius' preamble to the Spex, it seeks to put the best interpretation on what the other says and does. In a word, ecumenism seeks what unites rather than what divides; seeks understanding rather than confrontation; seeks to know, understand, and love other as they wish to be known and understood, with full respect for their distinctiveness, through the dialogue of truth, justice, and love."

In choosing the path of ecumenism, the Society is responding not only to its discernment of the signs of the times, but to the repeated calls of the Church. It is also responding, with even greater urgency today, to the exigencies of the ministry of faith and justice.

Consequently, GC 34

- Reaffirms the concrete proposals of GC 31, Decree 26, and nn. 9-14 concerning the practice of ecumenism.
- Draws attention to the recent norms of congregation for Catholic Education for courses in ecumenism and Eastern Christian studies
- Recommends an attentive fostering of ecumenical sensitivity in all Jesuit ministries.

## **Jesuit and the Situation of Women**

### **Introduction**

GC 33 made a brief mention of the "unjust treatment and exploitation of women." It was part of a list of injustices in a context of new needs and situations which Jesuits are called to address in the implementation of their mission. GC 34 considers this issue more specifically and substantially. With the general rise in consciousness concerning this issue, there is a greater awareness than before that it is indeed a central concern of any contemporary mission which seeks to integrate faith and justice. It has a universal dimension in that it involves men and women everywhere, and to increasing extent, it cut across barriers of land and culture.

## **The Situation**

The dominance of men in their relationship with women has found expression in many ways. It has included discrimination against women in educational opportunities, the disproportionate burden they are called upon to bear in family life, paying them lesser wage for the same work, limiting their access to positions of influence when admitted to public life and, sadly, but only too frequently, outright violence against women themselves

This situation, however, has begun to change chiefly because of the critical awakening and courageous protest of women themselves. But many men, too, have joined women in rejecting attitudes which offend against the dignity of men and women alike. Nonetheless, we still have with us the legacy of systematic discrimination against women. It is embedded within the economic, social and political, religious and even linguistic structures of our societies. It is often part of an ever deeper cultural prejudice and stereotype. Many women, indeed, feel that men have been slow to recognize the full humanity of women. They often experience a defensive reaction from men when they draw attention to this blindness.

The prejudice against women, to be sure, assumes different forms in different cultures. Sensitivity is needed to avoid using any one, simple, and measurement of what occurs as discrimination. But it is nonetheless, a universal reality. Further, in many parts of the world, women already cruelly disadvantaged because of war, poverty, migration or race, often suffer a double advantage precisely because they are women. There is a "feminization of poverty" and a distinctive "feminine face of oppression."

## **The church addresses the situation**

Church social teaching has reacted strongly against this continuing discrimination and prejudice. Pope John Paul II in particular, has called upon all men and women of goodwill, especially Catholics, to make the essential equality of women a lived reality. This is a "genuine sign of the times." We need to join with inter-church and interreligious groups in order to advance this social transformation.

Church teaching certainly promotes the role of women within the family, but it also stresses the need of their contribution in the church and in public life. It draws upon the text of Genesis, which speaks of men and women created in the image of god (Gn 1:27) and the prophetic praxis of Jesus in his relationship with women. These sources call us to change our attitudes and work for a change of structures. The original plan of God was for a loving relationship of respect, mutuality and equality between men and women, and we are called to fulfill this plan. The tone of this ecclesial reflection on Scripture makes it clear that there is urgency in the challenge to translate theory into practice not only outside, but also within, the Church itself.

## **Response of the Jesuits**

In GC 34, the Society of Jesus accepts this challenge and considers it their responsibility for doing what they can as men and as a male religious order. They make no pretension nor claim to speak for women. However, they do speak out what they "have learned from women about ourselves and our relationship with them."

In making this response Jesuits are being faithful, in the changed consciousness of our times, to their mission: the service of faith, of which the promotion of justice is an absolute requirement. They respond, too, out of the acknowledgment of their own limited but significant influence as Jesuits and as male religious within the church. Furthermore, they are conscious of

the damage to the People of God brought about in some cultures by the alienation of women who no longer feel at home in the Church, and who are not able with integrity to transmit Catholic values to their families, friends and colleagues.

**Conversion.** In response, Jesuits first ask God for the grace of conversion. They recognize that they have been part of a civil and ecclesial tradition that has offended against women. And, like many men, they have a tendency to convince themselves that there is no problem. However, unwittingly, they have often contributed to a form of clericalism which has reinforced male domination with an ostensibly divine sanction. By making this declaration they wish to react personally and collectively, and do what they can to change this situation.

**Ways forward.** GC 34 specifies more concretely some ways in which the Jesuits may better respond to this challenge to their lives and mission. There is noted the need for a real delicacy in their response. Thus, the recognition to be careful not to interfere in a way that alienates the culture; rather they must endeavour to facilitate a more organic process of change. They should adopt a pedagogy that does not drive a further wedge between men and women who in certain circumstances are already under great pressure from other divisive socio-economic forces.

In the first place, all Jesuits are invited to listen carefully and courageously to the experience of women. "Many women feel the men simply do not listen to them. There is no substitute for such listening. More than anything else it will bring about change. Without listening, action in this area, no matter how well-intentioned is likely to by-pass the real concerns of women and to confirm male condescension and reinforce male dominance." Listening, in a spirit of partnership and equality is the most practical response to do, and is the foundation for mutual partnership to reform unjust structures.

Secondly, all Jesuits are invited, as individuals and through their institutions to align themselves in solidarity with women. The practical ways of doing this will vary from place to place and from culture to culture. Some examples are:

- Explicit teaching of the essential equality of women and men in Jesuit ministries, especially in schools, colleges and universities;
- Support for liberation movements which oppose the exploitation of women and encourage their entry into political and social life;
- Specific attention to the phenomenon of violence against women;
- Appropriate presence of women in Jesuit ministries and institutions;
- Genuine involvement of women in consultation and decision-making in Jesuit ministries;
- Respectful cooperation with female colleagues in shared projects;
- Use of appropriately inclusive language in speech and official documents;
- Promotion of the education of women and, and in particular, the elimination of all forms of illegitimate discrimination between boys and girls in the educational process.

GC 34 though has recognized that not all answers to the issues surrounding a new, more just relationship between women and men have been found, or are satisfactory to all. It may be anticipated that some other questions about the role of women in civil and ecclesial society will undoubtedly mature over time. Jesuits hope to participate in clarifying these questions and in

advancing the underlying issues of justice. The change of sensibilities which this involves will inevitably have implications for Church teaching and practice. In this context GC 34 asks Jesuits to live, as always, with the tension involved in being faithful to the teachings of the Church and at the same time trying to read accurately the signs of the times.

**Conclusion.** GC 34 concludes by giving thanks for all that has already been achieved through the costly struggle for a more just relationship between women and men. It expresses its gratitude to women for the lead they have given, and continue to give. But above all it commits the Society in a more formal and explicit way to regard this solidarity with women as integral to their mission. It hopes that in this way the whole Society will regard this work for reconciliation between women and men in all its forms as integral to its interpretation of Decree 4 of GC 32 for contemporary times. It recognizes that a reflective and sustained commitment to bring about this respectful reconciliation can flow only from our God of love and justice who reconciles all and promises a world in which *“there is neither Jew nor Greek, there is neither slave nor free, there is neither male or female, for you are all one in Christ Jesus” (Galatians 3:28)*.

### **Jesuit Mission in Education**

GC 34 states that

“Jesuits have been engaged in university teaching, research and scholarly publication almost since the foundation of the Society. Jesuits try to enter into the languages and discourses of their inherited or emerging cultures. They attempt to discover, shape, renew or promote human wisdom, while at the same time respecting the integrity of disciplined scholarship. Ignatius was aware of the wide cultural impact of universities as institution and chose to send Jesuits there, as places where a more universal good might be achieved.”

But profound changes and rapid development have influenced and affected Jesuit education since the time of Ignatius. Government regulations or the influence of other outside agencies affect various aspect of school life, including the course of study and the textbooks that are used; in some countries the policies of the government or high cost threaten the very existence of private education. Students and many parents seem, in many cases, to be concerned only with the academic success that will gain entrance to university studies, or only with those programs that will help to gain employment. There has been a significant increase in the size of the student body in most Jesuit schools, and at the same time a decline in the number of Jesuits working in those schools. In addition, the course of studies has been altered by modern advances in science and technology: the addition of scientific course has resulted in less emphasis on the humanistic studies traditionally emphasized in Jesuit education.

Such changes present a great challenge. In response, GC34 encourages the Jesuits to continue to work hard, with imagination and faith to maintain and even strengthen the specific character of each of their institutions both as *Jesuit* and as *a university*. There is a need to be consciously on guard that both the noun “university” and the adjective “Jesuit” always remain fully honoured.

“The noun guarantees a commitment to the fundamental autonomy, integrity and honesty of a university, precisely as a university: a place of serene and open search for and discussion of the truth. It also points to the mission proper to every university—its dedication to research, teaching and the various forms of service that correspond to its cultural mission—as the indispensable horizon and context for a genuine preservation, renewal and communication of knowledge and human values.”

The adjective "Jesuit" is affirmed, no less strongly. This presupposes the authentic participation in the basic Jesuit identity and mission. The adjective Jesuit requires that the university act in harmony with the demands of the service of faith and promotion of justice found in Decree 4 of GC 32.

Even before GC 32, Father Arrupe had already fleshed out the meaning of "*diakonia fidei*" for educational ministries when he told the 1973 International Congress of Jesuit Alumni of Europe: "Today our prime educational objective must be to form men for others; men who will live not for themselves but for God and his Christ – for the God-man who lived and died for all the world; men who cannot even conceive of love of God which does not include love for the least of their neighbours; men completely convinced that love of God which does not issue in justice for men is a farce."

Father Ignacio Ellacuría, in his 1982 convocation address here at Santa Clara University, eloquently expressed his conviction in favour of the promotion of justice in the educational apostolate:

"A Christian university must take into account the Gospel preference for the poor. This does not mean that only the poor study at the university; it does not mean that the university should abdicate its mission of academic excellence – excellence needed in order to solve complex social problems. It does mean that the university should be present intellectually where it is needed: to provide science for those who have no science; to provide skills for the unskilled; to be a voice for those who do not possess the academic qualifications to promote and legitimate their rights."

These two statements show the same concern to go beyond a disincarnate spiritualism or a secular social activism if the educational apostolate is to be renewed in word and in action at the service of the Church in a world of unbelief and of injustice.

The purpose of Jesuit education then is to "form men and women for others." This was reiterated by Fr. Kolvenbach in his 1989 address at Georgetown University to a gathering of Jesuits and non-Jesuits in Jesuit colleges and universities in the United States:

"The Society of Jesus has always sought to imbued students with values that transcend the goals of money, fame and success. We want graduates who will be leaders concerned about society and the world in which they live. We want graduates who desire to eliminate hunger and conflict in the world and who are sensitive to the need for more equitable distribution of the world's goods. We want graduates who seek to end sexual and social discrimination and who are eager to share their faith to others. In short, we want our graduates to be leaders-in-service. That has been the goal of Jesuit education since the 16<sup>th</sup> century. It remains so today."

He asked: "But what do we mean by Jesuit education? To answer that, to establish Jesuit identity, we must link our work in education with the Ignatian spirituality that inspires it." Then he mentioned a few Ignatian themes that enlighten and give impetus to the works done in higher education:

*The Ignatian Worldview is*

- World-affirming
- Comprehensive

- Faces up to sin
- Places emphasis on freedom
- Stresses the essential need for discernment
- Altruistic
- Gives ample scope to intellect and affectivity in forming leaders.

He then speaks of the essential characteristics of Jesuit education under six headings:

- Jesuit education is value-oriented.
- Jesuit education requires an interdisciplinary approach and includes theological wisdom.
- Jesuit education requires inter-apostolic initiatives with those who work full-time in the direct promotion of justice and with those in the social and pastoral ministries.
- Jesuit education recognizes international concerns and requires international collaboration.
- Jesuit education is part of the Church's mission of evangelization.
- Jesuit education believes in and furthers the mission of the Society of Jesus, which is the "service of faith through the promotion of justice."

The 1986 *Characteristics of Jesuit Education* lists 28 "characteristics" as its main headings in its table of content; yet it discusses many other points within these main subheadings. Each of these characteristics arose from the spirituality and historical background of Jesuit schools through the centuries. Fr. Kolvenbach though made use only of six sub-headings; yet he spoke of many other important points crucial to Jesuit education.

It has to be noted that many of these various "essential" characteristics are closely linked to each other. None of these characteristics of Jesuit education is really completely separate and distinct from the others; each one supports each other and all together they make up Jesuit education

Fr. Antonio Samson in his talk on *Translating Jesuit Charism into Core Values of Jesuit Schools: Issues and Challenges* during the week-long seminar-workshop on *Ignatian Spirituality and Education* attempted a summary of core characteristics of Jesuit education in the Philippines today making use of only three headings.

**A. "Jesuit education has for its prime objective the formation of men and women for others"**

Fr. Samson quoted what the late Fr. General Pedro Arrupe had said in his 1973 address to the International Congress of Jesuit Alumni in Europe:

"Today our prime educational objective must be to form men [and women] for others; men [and women] who will live not for themselves but for God and his Christ—for the God-man who lived and dies for the world; men [and women] who cannot even conceive of love of God which does not include love for the least of their neighbours; men [and women] completely convinced that love of God which does not issue in justice for men is farce."

Fr. Samson also made mention of Fr. O'Malley who wrote how in the humanist tradition out of which the first Jesuit schools arose there was a very strong ideal of service, especially in assuming leadership roles in politics, church and other institutions. The humanist tradition had readily adopted Cicero's saying, "we are not born for ourselves alone."

The Jesuits, hence, embraced school work because it was a work of mercy wherein the students were led to become better people and were encouraged to a better living out of their Christianity. "The proper education of youth will mean improvement of the world."

Fr. O'Malley put this in other words. While all schools sought the truth (Harvard's motto is simply *Veritas*), the motto of Jesuit schools may be a phrase from Paul's Letter to the Ephesians, "doing the truth in love." Truth is pursued not for itself but to be lived. The motto of Xavier University, from the Gospel according to St. John, is "*Veritas liberabit vos*. The truth will make you free."

Eventually Jesuit education leads to action. In their humanist tradition and background, the early Jesuits spoke of *pietas*, character building or personal formation, and of Christianitas, the learning and living out of their Christian faith. Fr. Arrupe spoke of forming men and women for others, following the model and example of Christ himself.

Father Kolvenbach spoke of Jesuit education being valued-oriented, with the understanding that values must be anchored in the "head," the "heart" and the hand." He adds: "It is here especially that the promotion of justice in the name of the Gospel can become tangible and transparent. For it must guide and inspire the lawyer and the politician, the sociologist, the artist, the author, the philosopher and the theologian. I am talking about curriculum, about courses, about research—which means that we are talking about faculty, about us and our lay colleagues, and our boards of trustees."

Fr. Samson further asked series of questions:

"Have our schools taken additional and effective efforts to make Jesuit education possible or accessible to the disadvantaged? While our schools remain open to all classes of society, but due to the exigencies of tuition, etc., these same schools have in reality been much less accessible to the poor, has the education we offer had a strong perspective of justice, such that while we educate all we also teach all to learn and grow in the special love of Christ for the poor? Have we kept concern for social problems as an important criterion or challenge to faculty and students in decision-making? Have our schools made special efforts to assure the faculty and staff hired have a better understanding of this central focus of the mission of the Jesuits and of their schools? And have the schools offered continuing programs for all to grow in the Jesuit character of our schools? Are all Jesuits and lay faculty convinced of the centrality of this justice-thrust in the Mission-Vision of each school?"

He added:

"We have been speaking of 'forming men and women for others' in our Jesuit schools these past twenty years or so. Do we have better measures of our success or lack of success in 'forming men and women for others,' of forming 'men and women with competence, compassion and commitment'? Again do we have consensus in the school regarding this goal of the school?"

**B. "Jesuit education pursues excellence in its work of formation and witnesses to excellence"**

A Jesuit school pursues academic excellence and seeks to fully develop its faculty and students.

"This criterion of excellence is applied to all areas of school life. The aim is the fullest possible development of every dimension of the person, linked to the development of a sense of values and a commitment of service of others which gives priority to the needs of the poor and is willing to sacrifice self-interest in the promotion of justice. The pursuit of academic excellence is appropriate in a Jesuit school, but only within the larger context of human excellence."

This becomes very important in the Philippine context as we are all so concerned about the lack of quality education. Have Jesuit schools been recognized and noted for their pursuit of academic excellence? Have students and faculty been motivated to work harder and to do more?

This pursuit of excellence is a clear consequence of Ignatian insistence of the *magis*, on the more, for the better service of God and his Church and for the greater glory of God?

While our schools are generally considered of good academic quality, where they are, are we satisfied with their present level of academic quality? Are teachers academically qualified? How present and relevant is the research in each school? And outreach or extension work?

Are Jesuit schools satisfied with the work their students and faculty give? Can they do or demand more?

**C. "Jesuit education proposes Christ as the model of human life"**

Jesuit education must not lose sight of its spiritual dimension. A Jesuit school assists people to better know reverence and serve God. Campus ministry, the liturgical life and the religious education or theology program at a Jesuit school are all aimed to a better understanding, appreciation and practice of the faith and of service of God by following the example and life of Jesus Christ.

Have Jesuit schools produced graduates outstanding in virtue, in honesty, in probity? Have Jesuit schools affected the level of morality in their regions? Have Jesuit schools produced vocations to the Society of Jesus, to the priesthood and the religious life?

Do the faculty and staff recognize the centrality of witnessing and teaching Christ in our schools?

Fr. Kolvenbach has summarized well these three central characteristics in the letter he has written in response to the ex-officio letter of Fr. Samson as Assistant to the Provincial for Education on January 1998:

"The *raison d'être* of Christian institutions, and therefore also of Jesuit institutions, is evangelization, understood in its broadest and richest sense. Every school, college and university run by Jesuits has to be instrument of evangelization. Interpreted by GC 34, evangelization for us today must embrace the three essential and integral aspects of the one mission: proclamation of faith that does justice, inculturation and interreligious dialogue. A Jesuit educational institution, therefore, has to communicate to its students the need to bear witness to Jesus Christ who calls us to contribute to nation building, make relevant Jesus' message to modern technological culture, finds /god in people of other faiths through

interreligious dialogue, confront tissues of poverty, injustice and human rights, and build human communities and Christian communities imbued with the values of the Kingdom.”

None of this is possible unless we place Jesus Christ the God-made-man who came to save the lost at the centre of the life of the school, at the center of lives of the faculty and staff and of the lives of the students: this is the reality of our reflection on Jesus Christ as leader. This is not easy...and yet so necessary if our schools today are to remain faithful as Jesuit schools.

Moreover, this would not be possible unless we teach and challenge our students and ourselves to develop our talents and their talents to the highest level s possible: this is the reality of the magis and of our contemplation on the incarnation where we are asked to participate in the conversion and transformation of the world. This Fr. Samson considers as a real challenge for each one of us.

### Some Characteristic of Jesuit Pedagogy<sup>2</sup>

Ignatius insisted that Jesuit schools should adopt the methods of the University of Paris because he considered these to be the most effective in achieving the goals he had in mind for these schools. These methods were tested and adapted by Jesuit educators in accordance with their religious experience in the *Spiritual Exercises* and their growing practical experience in education. Many of these principles and methods are still typical of Jesuit education because they are still effective in implementing the characteristics described in the previous sections. Some of the more widely known are listed in this final section by way of example.

#### From the experience of the Spiritual Exercises:

| From SPEX  | CHARACTERISTICS OF JESUIT PEDAGOGY   |
|--|--|
| <p><u>Relationship.</u></p> <p>The quality of the relationship between the guide of the Spiritual Exercises and the person making is the model for the relationship between teacher and student.</p> | <p>Like the guide, the teacher is:</p> <p>at the service of the students,</p> <p>alert to detect special gifts or special difficulties</p> <p>personally concerned, and</p> <p>assisting on the development of the inner potential of each individual student.</p> |
| <p><u>Active role of the person making the Exercises</u></p>   | <p>This is the model for the active role of the student in</p> <p>personal study</p> <p>personal discovery and creativity.</p>   |
| <p>Progression in the <i>Exercises</i></p>   | <p>This is one source of the</p>   |

<sup>2</sup> *The Characteristics of Jesuit Education.* Ed. Jerome Aixala, S. J., 1986.

|  |   |
|--|---|
|  | <p>practical</p> <p>disciplined</p> <p>means to end approach</p>  |
| <p>"Presupposition" to the <i>Exercises</i></p>  | <p>This is the norm for establishing personal relations and good rapport</p> <p>between teachers and students,</p> <p>between teachers and school directors</p> <p>among teachers</p> <p>among students,</p> <p>and everywhere in the educational community.</p>                                  |
| <p>Many of the 'Annotations" or "suggestions for the guide to the <i>Exercises</i></p>   | <p>These are, with adaptations, suggestions to teachers in a Jesuit school.</p>   |
| <p>Analogies between methods.</p> <p>"preludes" and "points" of prayer</p> <p>"repetition" of prayer</p> <p>"application of the senses" (<i>sentir</i> for Ignatius)</p> | <p>Prelection of the course material to be covered.</p> <p>Mastery of course material through frequent and careful repetition of class work</p> <p>This is found in the stress</p> <p>on the creative and the imaginative</p> <p>on experience, motivation, appreciation and joy in learning.</p> |

**A few examples of directives from the Constitution and Ratio Studiorum:**

|   |   |
|---|---|
| <p>Curriculum is to be structured carefully in daily order, in the way that</p> <p>courses build on material covered in previous courses</p> <p>courses are related to one another.</p> | <p>Pedagogy is to include:</p> <p>analysis</p> <p>repetition</p> <p>active reflection</p> <p>and synthesis.</p> |
|---|---|

|  |   |
|--|---|
|  | Pedagogy should combine theoretical ideas with their application. |
| It is not the quantity of course material covered that is important but rather a solid, profound, and basic formation. |   |

**Conclusion**

**Purpose of a Jesuit School**

|  |  |
|--|--|
| Fr. Arrupe's <i>Our Secondary Schools Today and Tomorrow</i> "   | Fr. Kolvenbach   |
| <p>It is to assist in the formation of <i>New Persons</i>:</p> <p>Transformed by the message of Christ, who will be witnesses to his death and resurrection in their own lives.</p> <p>Have acquired, in ways proportional to their age and maturity, a way of life that is in itself a proclamation</p> <p>of the <i>charity</i> of Christ</p> <p>of the faith that comes from and leads back to Him, and</p> <p>of the justice which He announced.</p> | <p>Our ideal is the well-rounded person who is:</p> <p>Intellectually competent</p> <p>Open to growth</p> <p>Religious</p> <p>Loving</p> <p>And committed to doing justice in generous service to the people of God.</p> |
| <p>The aim of Jesuit secondary education</p> <p>has never been simply the acquisition of a store of information and skills or preparation for a career, though these are important in themselves.</p> <p>The ultimate aim of is that full growth of the person which leads to action---action that is suffused with the spirit and presence of Jesus Christ, the Man for Others.</p>   |  |

The description of the characteristics of JE is to help Jesuit schools to achieve this purpose more effectively.

The description can never be perfect, and can never be final.

But a growing understanding of the heritage of these schools, the Ignatian vision applied to education can be the impetus to

- renewed dedication to this work,
- and renewed willingness to undertake those tasks which will make it more effective.

### ***B. Human Rights and Gender Equity as Reflected in Catholic Social Thought***

Over the last hundred years since 1878, the Catholic Church has maintained a social tradition of articulating her stand against existing social injustices perpetrated by the more dominantly oppressive economic and political structures. Events in Europe during the 2<sup>nd</sup> half of the 19<sup>th</sup> century were then pointing towards an era of modernization. Existing feudalistic structures governing the economy, politics and social life were then beginning to dismantle, making way for an industrial boom which changed how people lived especially those in urban centers. Caught by influx of change that slowly defined the way of life of the people at the dawning of the age of industrialization, the church positioned herself in this emerging social climate by defining her role both as a religious and social institutions. She exercised her prophetic role by rearticulating her vision of the church, the state, and society in general, promoting a worldview which underscores the universal principle of the common good where the transcendence of God and the dignity of the person are upheld.

The human condition brought about by the advent of modernization in 19<sup>th</sup> century Europe has necessitated the church's concrete response in siding with those who have no access to the levers of power. The church has made her option to champion the cause of the poor and the marginalized, those who are often exploited by capitalists that sow unjust social practices, but excludes socialism and class struggle as legitimate principles of change. *Rerum Novarum (RN)* made such a significant leap at the height of the Europe's, as well as North America's, trend of industrialization. The mantra "*option for the poor*" can actually be traced back here! Leo XIII's landmark encyclical takes on the condition of labour, questioning the effects of industrialization which put the new emerging labour force in dire jeopardy. The existing working condition at this time was, at worse, deplorable and that these so-called workers were left with nothing to protect their rights, structurally and institutionally. This poor working class, which even included the child labour force, was just beginning to come to grips with the ill effects of expanding urbanization and the heightening impact of industrialization. The concerns of *RN* would take an even more pronounced stance as succeeding encyclicals continued to question emerging social conditions brought about by complex social realities in the decades that seen the evolution of modernization from mid-19<sup>th</sup> century to the 1<sup>st</sup> decade of the 21<sup>st</sup> century.

And so, the Church has started her more than a hundred-year social tradition, making her concerns transparent especially towards society's working class. All throughout the Church's teachings to *proclaim the Good News of salvation* and *denounce existing oppressive socio-economic structures* that beset human societies—starting with *RN* until *Caritates in Veritate (CV)*—she has established a concrete partiality in reminding the world, time and again, of the primordial worldview that puts a premium on respect for the sanctity of human life. These are often expressed in the promotion of the value of human solidarity and participation, freedom of conscience, economic and political rights, universal destination of goods, achieving a quality of moral life that is authentically

human and "humanizing," and the promotion of all human undertakings that inspire and sustain total human development and total human liberation from every oppressive socio-economic and political structures.

***The Impact of Vatican II.*** When the *Second Vatican Council* (Vatican II) was convoked in 1962, the Church underwent a process of again rediscovering her role in the full light of faith and in peaceful dialogue with the world, particularly the modern world. The council dealt not only with the true character of the Church, but also her sense of mission in the light of Gospel truth and of faith. By situating the Church in the modern world, the bishops produced *Gaudium et Spes (GS)* which may be the most important document in the Church's social tradition. Traditionally, this document maintained the coherence of previous social documents; it expanded its organic growth in terms of its emphasis and scope. With considerable consistency, the council, through *GS*, showed its interest regarding the problem of global massive poverty. It presented itself in total awareness of the problems of the world by reading "*the signs of the times*," and reinforced the Church's role in reaching out to the world and form part of the human family to serve God and each other, as called by Christ. This revolutionary document dissected the problems of peoples in the modern world, by recognizing intellectual and technological changes creating both social and spiritual repercussions in the lives of each and every individual. These changes resulted to conflicting situations, each pulling each other in extreme polarity, that is, between wealth and poverty, between freedom and slavery, and between rich material life and spiritual poverty. But the Church, the document insisted, placed her trust in the very humanity of peoples to create a political and socio-economic order which will best uphold and serve human dignity. Perhaps what is striking in this document is that it strongly promoted the importance of marriage and family as the very foundation of a just and humane society, first emphasized in *RN*. It is through solid family background and orientation that any attainment of peace, justice, socio-economic prosperity, political stability, and cultural development is possible. Again, the Church occupies an important role in battling socio-economic and political evils, by understanding her real and proper vocation in the light of changing times and in fidelity to the teachings in the Gospel.

***Emerging Questions Pertaining to Human Rights.*** Subsumed in the church's social teachings are concerns pertaining to human rights, discussed in various degrees from *RN* to the more recent social encyclicals by Pope Benedict XVI. What is particularly noteworthy in the discussions about human rights in these encyclicals is their manner of appropriating and nuancing of the understanding of rights given the era and existing social conditions in which they were written.

For example, the era of the 1960s has been a pivotal age which defined much of what we know today about what being modern actually means. It has been such as era full of new challenges and socio-cultural and political turbulence, an era at the juncture between the old order and the new changing of the guard. Among the more notable events in the decade of the 1960s were: Escalation of the Cold War between the United States (US) and the then United Soviet Socialist Republics (USSR) which culminated in the standoff at the Cuban Missile Crisis, the escalation of the war both in Korean and in Vietnam, and the election of John F. Kennedy as the first Catholic president of the US over a popular contender, the then Vice President Richard Nixon. It was the era of television which has become the purveyor or popular culture, the era of the feminist liberation movement, the civil rights movement which galvanized the entire American nation to take one hard look at racial discrimination through the inspiration and leadership of Martin Luther King, the era of the "revolution," as it were, where the use of drugs became popular and public at that, the era of space age where both the governments of the US and USSR raised towards which can put the first man in space and in the moon. It was also the era where many colonized nations declared

independence from their colonial and imperial masters. And so in this age of the new global order, as it were, the church has been coming to grips with these seismic changes that threatened her hold on traditional beliefs and conformity to tradition itself. That she chose to convene the Vatican II at the "promptings of the spirit" only indicated that she recognized her new role in the midst of the rapidly changing socio-political and cultural climate. She, therefore, has to redefine herself according to the "signs of the times." One of the highlights of the council was that it totally redefined the church's role in view of challenges which she faced, not only as divine institution but more importantly as a human institution, called upon to reflect on the more complex realities of her time, far more complex than a century ago.

And so it with in this context the *GS*, aptly called the *Pastoral Constitution of the Church in the Modern World*, with greater clarity and purpose highlighted the rights of individuals using the following terms: That as human persons endowed with human dignity and freedom, human beings are exalted above all things, their rights and duties being inviolable and universal. And as such, everything that is essential for human beings to uphold their dignity in the life of society should be made available to them, so that they can live a life that is truly human. Individuals should have a right to food, clothing, and shelter, among others. In view of the document's emphasis on family life, individuals should have the right to choose a state of life freely and to found a family, alongside the right to education, to employment, to activity in accord with the upright norm of one's own conscience, and certainly the right to the protection of privacy, including the freedom to uphold and practice one's religion (#26, #41). *GS* reiterated the church's stands against discrimination of any kind, including sex, religion, and social condition (#29).

***Rights of Human Persons in Relation to Work.*** Since the protection of human rights formed the bedrock in Catholic social thought, and since these rights centered around the recognition of human dignity as essential to man's social nature, the church reflects on these rights insofar as they have a bearing towards the perfection of human life which every individual continues to strive for. Obviously, *RN's* concern about the condition of human labour precipitated by the deplorable working condition in mid-century Europe has tackled concrete issues related to unjust working conditions, the decline of public morality, and worker's exploitation (*RN*, #1, #2, #6). *RN* made a rundown of rights and duties of both the workers (those who belong to the working class) and the employers (those who own wealth and the means of production). Among these rights of workers are: The right to private property, right for the poor to be cared for, to possess fruits of their labour, rights of families, freedom of action, right to work, right to just wage (enough to support a family), and right to join workers associations (which uphold religious values) (#'s 5, 9, 48, 55, 62, 63, 69). Worker's duties are spelled out as the following: The duty to work well, not to harm property of employer, to refrain from violence and rioting, and to be thrifty (#30). The document then discussed the corresponding rights and duties of those who had wealth and power, which included among others: The right to own private property, not to impose crushing taxes, right to private societies (#'s 8, 9, 36, 72); and with the following corresponding duties, such as not to treat workers as slaves, to uphold dignity of workers, to let workers attend to their religious and family obligations, not to impose more work than a person's strength can endure, to pay a just wage, not to tamper with worker's savings, and to give to the poor after needs have been met (#'s 31-32).

Towards this end, *RN* enjoins public authorities and the law to safeguard the wellbeing of the poor, defend the rights of families, promote the common good, uphold the rights of workers, side by side with the promotion of the right to ownership of private properties, as well as the right of individuals to freedom of association and uphold their religious rights (*RN*, #21, #4, #51, #54, #55, #65, #69).

*Pacem in Terris* (PT) in 1962 underscores the human rights accorded to individuals as something universal and inviolable, and therefore inalienable (#11). It spells out what comprises human being's fundamental rights: The right to life, to bodily integrity and the necessary means to achieve the proper development of life such as, among others, food, clothing, shelter, medical care, rest, and, finally, the necessary social services. What should not be overlooked in PT's enumeration of rights is the right for healthcare in the event of illness and disability as a result of work, not to mention, other circumstances of life such as widowhood, old age, enforced unemployment, or because of unmitigating circumstances, deprivation of the means of livelihood.

This document spells out, in no uncertain terms, the government's role in the matter of providing suitable employment opportunities suited to the capacity of the members of the working class. It reiterates RN's call to provide suitable, equitable, and just wages enough to be able to support a family, at the same time, allowing workers a sense of responsibility in the industrial concerns where they exercise their manner of work (#64).

The right to form a worker's association, a union for that matter (first championed by RN), and as reiterated by GS (#68), is an endeavour that must truly represent the workers so that they contribute towards the economic life of society, without risk of reprisal or fear of losing their economic activity. The document underlines that through this orderly participation, which is joined to progressive economic and social formation, workers will become more aware of their function and responsibility in society for the attainment of the common good. In the same vein, *Sollicitudo Rei Socialis* (SRS) talks about "justice in employment relationship" (#33) which must be protected as a right of every worker.

***Laborem Exercens and the Spirituality of Work.*** In conjunction with the ninetieth anniversary of RN, *Laborem Exercens* (LE) was published in order to stress that despite the rather radical change in the nature and practice of human work, what remains essential to the whole meaning of work is still the human person. The underlying theme of social encyclicals down the years has been the concern for the dignity of human labour, and through this, LE ties up the traditional concern of the Church in striving for the protection of the rights of every individual whose socio-economic condition is far from desirable, as well as in fostering solidarity with the poor and the oppressed. In this encyclical, John Paul II touches on the evolving concepts of work as particularly situated in the modern world that we're living in, the conflicting interests between labour and capital, the rights of every worker, and then tied it up with the spirituality of work that equates work to the worth and value that it has in God's eyes. That work, after all, is rooted in the Gospel.

LE starts its reflection in situating the spirituality of work vis-à-vis the human person. John Paul II writes:

Man is made to be in the visible universe an image and likeness of God himself, and he is laced in it in order to subdue the earth. From the beginning therefore he is *called to work*. Work is one of the characteristics that distinguish man from the rest of creatures, whose activity for sustaining their lives cannot be called work. Only man is capable of work, and only man works, at the same time by work occupying his existence on earth. Thus work bears a particular mark of man and of humanity, the mark of a person operating within a community of persons. And this mark decides its interior characteristics; in a sense it constitutes its very nature. (*Introduction*)

The encyclical's philosophical take on human work highlights work as a reality that has a fundamental influence in shaping, as humanly as possible, the world that God has entrusted to

human beings. Work therefore, is a rational activity, and man being the subject of work. Work is a reality that has a bearing on how people live; it is a reality that can affect how human persons value it and give meaning to it. And so, *LE* continues, work is good and it is through work that human beings develop themselves as productive members of society. For *LE*, it stresses the need to define work within the sphere of rights.

“This entirely *positive and creative, educational and meritorious character of man's work* must be the basis for the judgments and decisions being made today in its regard in spheres that include *human rights*, as is evidenced by the international *declarations* on work and the many *labour codes* prepared either by the competent legislative institutions in the various countries or by organizations devoting their social, or scientific and social, activity to the problems of work” (#III, 11).

***Rights of Human Persons in Relation to Education.*** As clearly stated in *PT*, human beings have the natural right to share in the benefits of one's culture, and therefore, have the fundamental right to get a good general education, and the right to technical or professional training that is consistent with the degree of educational development in one's own country. The encyclical also mentions about the right to have an integral Christian education that inculcates moral and religious values, hand in hand with scientific and professional know-how (#153). Furthermore, it stresses the fact that the education of children is one of the primary obligations of parents (#17).

*GS*, on the other hand, calls for the education of the youth from all social backgrounds, as well the promotion of social services and family that provide for education and culture (#26, #31, #69). The education of young people is important especially in refining and honing their skills and talents. The young people, *GS* acknowledges, are such valuable resource that it is absolutely needed according to the needs of our time (#31).

*Populorum Progressio (PP)* rightly calls for the right for basic education, in consonance with economic growth. In its reflection, it affirms that economic growth is dependent upon social progress. Basic education then would have to play a role in the sense that it becomes the primary object of any plan of development. *PP* continues,

“...hunger for education is no less debasing than hunger for food: an illiterate is a person with an undernourished mind. To be able to read and write, to acquire a professional formation, means to recover confidence in oneself and to discover that one can progress along with the others” (#35).

Furthermore, *PP* expounds that in view of the existing human condition which condemned people to live a life of misery and oppression, basic education is one of the things that people strive for, “to seek to do more, know more and have more in order to be more” (#6).

***Rights of Human Persons in Relation to Health.*** *PT*, in its enumeration of human rights, cites the right of persons to be looked after in times of ill health (#11). Whereas, health, along with fixed employment, a share of responsibility without oppression of sorts, and of course, basic education, as *PP* states, is indeed one of the human strivings that matter to people, especially when they are experiencing misery, unfreedom, and oppression (#6).

*CV*, in its reflection on the link between the “right to excess” among affluent societies while many are suffering from a deprivation of access to resources, deplores the lack of food, drinkable water, basic instruction and elementary health care in areas of the underdeveloped world and on the outskirts of large metropolitan centres” (#43).

***Rights of Human Persons in Relation to Religion.*** *PT* makes it clear that human persons must be protected of his/her right in practising religion, whatever that might be, in accordance with one's freedom of conscience. Human persons, therefore, are free to manifest this freedom of religious worship both in private and public. The protection of this right to worship is fundamentally aligned with the person's dignity as a human being made in God's image and likeness, and therefore, free to acknowledge, respect, and pay homage to God appropriate to his/her religious belief (#14).

*GS* upholds this view of the right to practice one's religion according to the dictates of one's conscience, carrying with it the right to practice religion in the manner appropriate to one's religious belief, both privately and publicly (#29, #36, #53), a position taken earlier by *RN*. *SRS*, moreover, talks not only about the right of freedom to profess, but also the right to practice one's religious beliefs (#33) as a fundamental human right.

In Benedict XVI's reflection, he reiterated that Christian religion, and all religions for that matter, can certainly contribute towards development "*only if God has a place in the public realm, specifically in regard to its cultural, social, economic, and particularly its political dimensions*" (*CV*, #56). One must understand that the social tradition of the church was born out of its concern to claim "citizenship status" for the Christian religion. So therefore, to hinder one's right to profess one's religious belief in the public arena, as well as to deprive one of the "right to bring the truths of faith to bear upon public life" can bring about negative consequences for true development. Religion must be brought into the public square, he insists, as it brings about an authentic encounter between persons and their collaboration towards the progress of humanity (#53). Deprivation of this, or religious fundamentalism on the extreme, nullifies this human striving.

***The Question of Gender and Equality.*** The church has not been one to shun away from meeting the expectations of modern age, in particular her regard for women and the promotion of gender equality. In the encyclicals, the church cites the important role of women in society. In *Justice in the World (JW)*, the bishops are very affirming of the role of women when it declares that women should have their own responsibility and participation not only in the life of the church, but also in society, in general (#42). The church acknowledges that in the course of time, and conditioned by the signs of the unfolding historical events, women have started to assert their equal place in society, not just their traditional role in the household, but also in the public sphere. *GS* acknowledges that the active role that fathers play in the home is highly beneficial to their own formation, and that children, more than anything, need the nurturance of their mother in the home. But *GS* is keen on emphasizing that "this domestic role of hers must be safely preserved, though the legitimate social progress of women should not be underrated on that account" (# 52). *GS* affirms that

"women now work in almost all spheres. It is fitting that they are able to assume their proper role in accordance with their own nature. It will belong to all to acknowledge and favour the proper and necessary participation of women in the cultural life" (#60).

And since women are now in the labour force, they "must be accorded such conditions of work as are consistent with their needs and responsibilities as wives and mothers" (*PT*, #19). Such concern is re-echoed in *LE*. As the church recognizes that women in many societies have performed work in various sphere of life:

...it is fitting that they should be able to fulfil their tasks *in accordance with their own nature*, without being discriminated against and without being excluded from jobs for which they are capable, but also without lack of respect for their family aspirations and for their

specific role in contributing, together with men, to the good of society. The *true advancement of women* requires that labour should be structured in such a way that women do not have to pay for their advancement by abandoning what is specific to them and at the expense of the family, in which women as mothers have an irreplaceable role (*LE*, #19).

*PT*, on the other hand, is quick to point out that women now performed important political roles in many societies. This is perhaps more true and more evident among Christian nations, although such is also apparent in many societies that bore and bred different traditions. It is in this context, *PT* insists, that women are becoming increasingly aware of their natural dignity as human persons, worthy of human respect and love. And that far from portraying passive roles, women are now demanding their rights and duties that are accorded to them as human beings, whether their sphere of work lies in the private or public life (# 41).

The church is consistent in her defence against the rights of every human being, particularly women, especially when they are the object of abuse. *GS* expounds that

"whatever is opposed to life itself, such as any type of murder, genocide, abortion, euthanasia or wilful self-destruction, whatever violates the integrity of the human person, such as mutilation, torments inflicted on body or mind, attempts to coerce the will itself; whatever insults human dignity, such as subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution, the selling of women and children... all these things and others of their like are infamies indeed" (#27).

**Deprivation of Human Rights as a Form of Poverty.** It should be noted that while human societies grapple with the perennial questions of equality, freedom, justice, and truth, hand in hand with the nagging questions about poverty, powerlessness, oppression, war and violence, and moral decadence, the church also directs her attention to power struggles both in the micro and macro level. In *SRS*, the church ponders on the adverse effect of the global economies typifying the economic models of the eighties. These different economies inflicted disastrous effects on the lives of peoples globally, both in developed and developing countries. John Paul II refers to the moral dimension of development, mentioning "*structural sins*" as responsible for providing obstacles to total human development. In similar vein, *Centesimus Annus (CA)*, written during the centennial anniversary of *RN*, takes a swipe at both the excesses of liberal capitalism and Marxist collectivism (#42, #33, #19, #41).

But perhaps, one of the glaring social issues that have elicited a thorough discussion in the compendium of Catholic social thought is its reflection on poverty. Poverty, as it has evolved in the church's social thought, has come to mean an institutionalized form of violence, and a result of structural sins which has gripped many developing nations into the cycle of debt from multilateral financial institutions. The church is clear in her reflection that authentic human development goes beyond the sphere of economic development (*JW*, #32). And it advocates for an integral form of development that encompasses all spheres of human life, from the political, social, economic, cultural and the religious aspects. This is something echoed earlier by *PP* when it insists that development cannot be simply related to economic growth, but that it has to be whole which encompasses the good of every human person (#14). While *JW* adds to the list of those who are poor to include the migrants, the refugees, those persecuted for their faith, people whose rights are restricted, political prisoners, and orphans, it also connotes that people who have no voice in the political process, people who are politically deprived to change their situation are those who are considered to be marginalized.

In the grammar of *human rights*, SRS takes on an added view, pondering the question if “the denial or the limitation of human rights - as for example the right to religious freedom, the right to share in the building of society, the freedom to organize and to form unions, or to take initiatives in economic matters - do these not impoverish the human person as much as, if not more than, the deprivation of material goods? And is development which does not take into account the full affirmation of these rights really development on the human level?” (#15; #42). SRS elevates the concern on rights by coining the terms “the right of individual nations” by saying that nations that are deprived of their subjectivity, to exercise their sovereignty, are nations that are considered to be deprived and marginalized (# 15).

In one of the most often quoted line from *JW*, the Synod of Bishops in the Medellin in Columbia declares this in 1971:

Action on behalf of justice and participation in the transformation of the world fully appear to us as a constitutive dimension of the preaching of the Gospel, or, in other words, of the Church's mission for the redemption of the human race and its liberation from every oppressive situation.

With these words (“*redemption of the human race and its liberation from every oppressive situation*”), it is evident that Catholic social thought has so much to offer the modern world in the exercise of human rights and the promotion of a culture that is sensitive to the aspirations of many, as regard gender equality and equity.

### **C. Human Rights and Gender Equity According to State Laws and International Conventions**

There are four areas of concern in the application of non-discrimination of gender and enjoyment of human rights in the academic community of the Ateneo de Davao University. These areas include (1) education; (2) employment; (3) health; and (4) religion. The legal bases in the behavioral awareness, recognition, and application of gender and human rights come from the following: (1) 1987 Philippine Constitution; (2) International Covenant on Economic, Social, and Cultural Rights (ICESCR); (3) International Covenant on Civil and Political Rights (ICCPR); (4) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); (5) Universal Declaration of Human Rights (UDHR); (6) Republic Act 9710, “Magna Carta of Women”; (7) Batas Pambansa 232, “Education Act of 1982”; (8) Republic Act 7877, “Anti-Sexual Harassment Act of 1995”; and (9) Republic Act 8972, “Solo Parent Welfare Act of 2000”.

### **Legal Bases for the application of non-discrimination of gender and enjoyment of human rights in Education**

Specifically, the legal bases for education are enumerated in Article II Section 17<sup>3</sup> and Article XIV, Sections 2<sup>4</sup> and Sections 5<sup>5</sup> of the 1987 Philippine Constitution. These

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<sup>3</sup> Article II, Section 17. The State shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development.

<sup>4</sup> Article XIV, Section 2. The State shall xxx (3) Establish and maintain a system of scholarship grants, student loan programs, subsidies, and other incentives which shall be available to deserving students in both public and private schools, especially to the underprivileged; (4) Encourage non-formal,, informal, and indigenous learning systems, as

provisions provide that education must be prioritized, schools offer a system of scholarship grants, encourage formal, non-formal, and indigenous learning systems, provide adult citizens, disabled, out-of-school youth vocational efficiency and other skills, and respect academic freedom and the right of teachers to professional development.

The Court in International School Alliance of Educators (ISAE) v. Quisumping, et al<sup>6</sup> finds no substantial distinction between locally-hired teachers and foreign-hired teachers in the matter of their assigned work. Discrimination happens when their difference is not fully established and explained.

If an employer accords employees the same position and rank, the presumption is that these employees perform equal work. This presumption is borne by logic and human experience. If the employer pays one employee less than the rest, it is not for that employee to explain why he receives less or why the others receive more. That would be adding insult to injury. The employer has discriminated against that employee; it is for the employer to explain why the employee is treated unfairly.

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While we recognize the need of the School to attract foreign-hires, salaries should not be used as an enticement to the prejudice of local-hires. The local-hires perform the same services as foreign-hires and they ought to be paid the same salaries as the latter. For the same reason, the "dislocation factor" and the foreign-hires' limited tenure also cannot serve as valid bases for the distinction in salary rates. The dislocation factor and limited tenure affecting foreign-hires are adequately compensated by certain benefits accorded them which are not enjoyed by local-hires, such as housing, transportation, shipping costs, taxes and home leave travel allowances.

Where college students believe that enrollment for the succeeding semester is a given and the school has no power to refuse them readmission for exercising their freedom of speech and peaceable assembly, the Court in Non, et al v Danes, et al<sup>7</sup> held that

This is a case that focuses on the right to speech and assembly as exercised by students *vis-a-vis* the right of school officials to discipline them. ... While the highest regard must be afforded the exercise of the rights to free speech and assembly, this should not be taken to mean that school authorities are virtually powerless to discipline students. ... But it must be repeatedly emphasized that the contract between the school and the student is not an ordinary contract. It is imbued with public interest, considering the high priority given by the Constitution to education and the grant to the State of supervisory and regulatory powers over all educational institutions [See Art. XIV, secs. 1-2, 4(1)].

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well as self-learning, independent, and out-of-school study programs particularly those that respond to community needs; and (5) Provide adult citizens, the disabled, and out-of-school youth with training in civics, vocational efficiency, and other skills.

<sup>5</sup> Article XIV, Section 5. xxx (2) Academic freedom shall be enjoyed in all institutions of higher learning. xxx

(4) The State shall enhance the right of teachers to professional advancement. Non-teaching academic and non-academic personnel shall enjoy the protection of the State. xxx

<sup>6</sup> G. R. No. 128845 (2000).

<sup>7</sup> G. R. No. 89317 (1990).

Articles 13<sup>8</sup> and 15<sup>9</sup> of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) provide that every human person has a right to education, that higher education is equally accessible to all, and that everyone has the right to take part in cultural life, and to enjoy the benefits of scientific progress, and protection of the moral and material interests of the products of any scientific, literary, or artistic production.

Articles 19,<sup>10</sup> 21,<sup>11</sup> 24,<sup>12</sup> 26<sup>13</sup> and 27<sup>14</sup> of the International Covenant on Civil and Political Rights (ICCPR) enumerate the rights of every human person to hold opinions without interference, to freedom of expression, to peaceful assembly, to protection, and to enjoy their own culture.

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<sup>8</sup> Article 13. (1) The State Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace. (2) The State Parties to the present Covenant recognize that, with a view to achieving the full realization of this right: (a) Primary education shall be compulsory and available free to all; (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education; (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education; (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education; (e) The development of a system of schools at all levels shall be actively pursued an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved. (3) The State Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions

<sup>9</sup> Article 15. (1) The State Parties to the present Covenant recognize the right of everyone to literary or artistic production of which he is the author. (2) The steps to be taken by the State Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture. (3) The State Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity. xxx

<sup>10</sup> Article 19. (1) Everyone shall have the right to hold opinions without interference. (2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, or in the form of art, or through any other media of his choice.

<sup>11</sup> Article 21. The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (order public), the protection of public health or morals or the protection of the rights and freedom of others.

<sup>12</sup> Article 24. (1) Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

<sup>13</sup> Article 26. All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

<sup>14</sup> Article 27. In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities, shall not be denied the right in community with the others members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language

Articles 13<sup>8</sup> and 15<sup>9</sup> of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) provide that every human person has a right to education, that higher education is equally accessible to all, and that everyone has the right to take part in cultural life, and to enjoy the benefits of scientific progress, and protection of the moral and material interests of the products of any scientific, literary, or artistic production.

Articles 19,<sup>10</sup> 21,<sup>11</sup> 24,<sup>12</sup> 26<sup>13</sup> and 27<sup>14</sup> of the International Covenant on Civil and Political Rights (ICCPR) enumerate the rights of every human person to hold opinions without interference, to freedom of expression, to peaceful assembly, to protection, and to enjoy their own culture.

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<sup>8</sup> Article 13. (1) The State Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace. (2) The State Parties to the present Covenant recognize that, with a view to achieving the full realization of this right: (a) Primary education shall be compulsory and available free to all; (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education; (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education; (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education; (e) The development of a system of schools at all levels shall be actively pursued an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved. (3) The State Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions

<sup>9</sup> Article 15. (1) The State Parties to the present Covenant recognize the right of everyone to literary or artistic production of which he is the author. (2) The steps to be taken by the State Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture. (3) The State Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity. xxx

<sup>10</sup> Article 19. (1) Everyone shall have the right to hold opinions without interference. (2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, or in the form of art, or through any other media of his choice.

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The court in Philippine Association of Colleges and Universities v. Secretary of Education<sup>15</sup> explains,

Why should not the State prohibit the use of textbooks that are illegal, or offensive to the Filipinos or adverse to governmental policies or educationally improper? What's the power of regulation and supervision for? But those trained to the investigation of constitutional issues are likely to apprehend the danger to civil liberties, of possible educational dictatorship or thought control, as petitioners' counsel foresee with obvious alarm. Much depends, however, upon the execution and implementation of the statute. Not that constitutionality depends necessarily upon the law's effects.

Articles 1,<sup>16</sup> 3,<sup>17</sup> 5,<sup>18</sup> and 10<sup>19</sup> of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) point to family education, for women's access to study and opportunities to scholarship and other study grants, the reduction of female student drop-outs, and opportunities for women to participate actively in sports and physical education.

Articles 5,<sup>20</sup> 6,<sup>21</sup> 7,<sup>22</sup> 10,<sup>23</sup> 19,<sup>24</sup> 26,<sup>25</sup> and 27<sup>26</sup> of the Universal Declaration of Human Rights (UDHR) speak of an education of full equality to a fair and public hearing, to the

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<sup>15</sup> G. R. No. L-5279 (1955).

<sup>16</sup> Article 1. For the purpose of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, civil or any other field.

<sup>17</sup> Article 3. State Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

<sup>18</sup> Article 5. State Parties shall take all appropriate measures: (a) To modify the social and cultural pattern of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women; (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

<sup>19</sup> Article 10. State Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women: (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

<sup>20</sup> Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

<sup>21</sup> Article 6. Everyone has the right to recognition everywhere as a person before the law.

<sup>22</sup> Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

<sup>23</sup> Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

enjoyment of a right to freedom of opinion and expression, an education directed to the full development of the human personality, and to a protection of the moral and material interests of one's scientific, literary, or artistic production.

Sections 13<sup>27</sup>, 14<sup>28</sup>, 16<sup>29</sup>, 24<sup>30</sup>, 28,<sup>31</sup> 29<sup>32</sup>, and 32<sup>33</sup> of Republic Act 9710, "Magna Carta of Women" focus on equal access and elimination of discrimination of women in

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<sup>24</sup> Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

<sup>25</sup> Article 26. (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. xxx

<sup>26</sup> Article 27. (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author

<sup>27</sup> Section 13. Equal Access and Elimination of Discrimination in Education, Scholarships, and Training. – (a) The State shall ensure that gender stereotypes and images in educational materials and curricula are adequately and appropriately revised. Gender-sensitive language shall be used at all times. Capacity-building on gender and development (GAD), peace and human rights, education for teachers, and all those involved in the education sector shall be pursued toward this end. Partnerships between and among players of the education sector, including the private sector, churches, and faith groups shall be encouraged. (b) Enrollment of women in nontraditional skills training in vocational and tertiary levels shall be encouraged. (c) Expulsion and non-readmission of women faculty due to pregnancy outside o 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.

<sup>28</sup> Section 14. Women in Sports. – The State shall develop, establish, and strengthen programs for the participation of women and girl-children in competitive and noncompetitive sports as a means to achieve excellence, promote physical and social well-being, eliminate gender-role stereotyping, and provide equal access to the full benefits of development for all persons regardless of sex, gender identity, and other similar factors.

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Schools, colleges, universities, or any other learning institution shall take into account its total women student population in granting athletic scholarship. There shall be a pro rata representation of women in the athletic scholarship program based on the percentage o women in the whole student population.

<sup>29</sup> Section 16. Nondiscriminatory and Nonderogatory Portrayal of Women in Media and Film. – The State shall formulate policies and programs for the advancement of women in collaboration with government and nongovernment media-related organizations. It shall likewise endeavor to raise the consciousness of the general public in recognizing the dignity of women and the role and contribution of women in the family, community, and the society through the strategic use of mass media.

For this purpose, the State shall ensure allocation of space, airtime, and resources, strengthening programming, production, and image making those appropriately present women's needs, issues, and concerns in all forms of media, communication, information dissemination, and advertising.

The State, in cooperation with all schools of journalism, information, and communication, as well as the national media federations and associations, shall require all media organizations and corporations to integrate into their human resource development components regular training on gender equality and gender-based discrimination, create and use gender equality guidelines in all aspects of management, training, production, information, dissemination, communication, and programming, and convene a gender equality committee that will promote gender mainstreaming as a framework and affirmative action as a strategy, and monitor and evaluate the implementation of gender equality guidelines.

<sup>30</sup> Article 24. Right to Education and Training. – The State shall ensure the following: (a) xxx; (b) Gender-sensitive training and seminars; and (c) Equal opportunities in scholarships based on merit and fitness, especially to those interested in research and development aimed towards women-friendly farm technology.

education, scholarships, and training, in sports, and the sensitivity of regular schools to Moro and indigenous practices.

Section 5<sup>34</sup>, Sections 9<sup>35</sup>, 10<sup>36</sup>, and 11<sup>37</sup> of Batas Pambansa 232, "Education Act of 1982" point to the rights of students, school personnel in school and the special rights and/or privilege of the teaching or academic staff.

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<sup>31</sup> Article 28. Recognition and Preservation of Cultural Identity and Integrity. – The State shall recognize and respect the rights of Moro and indigenous women to practice, promote, protect and preserve their own culture, traditions, and institutions and to consider these rights in the formulation and implementation of national policies and programs. To this end, the State shall adopt measures in consultation with the sectors concerned to protect their rights to their indigenous knowledge systems and practices, traditional livelihood, and other manifestations of their cultures and ways of life; provided, that these cultural systems and practices are not discriminatory to women.

<sup>32</sup> Article 29. Peace and Development. - The peace process shall be pursued with the following considerations: (a) Increase the number of women participating in discussions and decision-making in the peace process, including membership in peace panels recognizing women's role in conflict-prevention and peace-making and in indigenous system of conflict resolution; (b) xxx; (c) xxx; (d) Include the peace perspective in the education curriculum and other educational undertakings; and (e) xxx.

<sup>33</sup> Article 32. Protection of Girl-Children. – (a) xxx; (b) xxx; (c) xxx; (d) xxx; (e) Sensitivity of regular schools to particular Moro and indigenous practices, such as feasting in the month of Ramadan, choice of clothing (including the wearing of hijab), and availability of halal food shall be ensured.

<sup>34</sup> Section 5. Declaration of Policy and Objectives. – It is likewise declared government policy to foster, at all times, a spirit of shared purposes and cooperation among the members and elements of the educational community, and between the community and other sectors of society, in the realization that only in such an atmosphere can true goals and objectives of education be fulfilled. (1) xxx. (2) Promote and safeguard the welfare and interest of students by defining their rights and obligations, according them privileges, and encouraging the establishment of sound relationships between them and the other member of the school community. (3) xxx. (4) Extend support to promote the viability of those institutions through which promote the viability of those institutions through which parents, students, and school personnel seek to attain their educational goals

<sup>35</sup>Section 9. Rights of Students in School. - In addition to other rights, and subject to the limitation prescribed by law and regulations, and student and pupils in all schools shall enjoy the following rights: (1) The right to receive, primarily through competent instruction, relevant quality education in line with national goals and conducive to their full development as person with dignity. (2) The right to freely choose their field of study subject to existing curricula and to continue their course therein up to graduation, except in cases of academic deficiency, or violation of disciplinary regulations. (3) The right to school guidance and counseling services for decisions and selecting the alternatives n fields of work suited to his potentialities. (4) The right of access to his own school records, the confidentiality of which the school shall maintain and preserve. (5) The right to the issuance of official certificates, diplomas, transcript of records, grades transfer credentials and other similar documents within thirty days from request. (6) The right to publish a student newspaper and similar publications, as well as the right to invite resource persons during assemblies, symposia and other activities of similar nature. (7) The right to free expression of opinions and suggestions, and to effective channels of communication with appropriate academic channels and administrative bodies of the school or institution. (8) The right to form, establish, join and participate in organizations and societies recognized by the school to foster their intellectual, cultural, spiritual and physical growth and development, or to form, establish, join and maintain organizations and societies for purposes not contrary to law. (9) The right to be free from involuntary contributions, except those approved by their own organizations or societies.

<sup>36</sup> Section 10. Rights of all School Personnel. – In addition to other rights provided for by law, the following rights shall be enjoyed by all school personnel: (1) The right to free expression of opinion and suggestions, and to effective channels of communication with appropriate academic and administrative bodies of the school or institution. (2) xxx. (3) xxx. (4) xxx.

<sup>37</sup> Section 11. Special Rights and/or Privileges of Teaching or Academic Staff. – Further to the rights mentioned in the preceding Section, every member of the teaching or academic staff shall enjoy the following rights and/or privileges: (1) xxx. (2) The right to intellectual property consistent with applicable laws. (3) Teachers shall be

Sections 3<sup>38</sup> and 4<sup>39</sup> of Republic Act 7877, "Anti-Sexual Harassment Act of 1995" define sexual harassment in work, education, or training-related environment and the duty of the employer or head of office in instances when sexual harassment happens.

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deemed persons in authority when in the discharge of lawful duties and responsibilities, and shall, therefore, be accorded due respect and protection. (4) Teachers shall be accorded the opportunity to choose alternative career lines either in school administration, in classroom teaching, or others, for purposes of career advancement.

<sup>38</sup> Section 3. *Work, Education or Training -Related, Sexual Harassment Defined.* - Work, education or training-related sexual harassment is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said Act. (a) In a work-related or employment environment, sexual harassment is committed when: (1) The sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms of conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee; (2) The above acts would impair the employee's rights or privileges under existing labor laws; or (3) The above acts would result in an intimidating, hostile, or offensive environment for the employee. (b) In an education or training environment, sexual harassment is committed: (1) Against one who is under the care, custody or supervision of the offender; (2) Against one whose education, training, apprenticeship or tutorship is entrusted to the offender; (3) When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or consideration; or (4) When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

Any person who directs or induces another to commit any act of sexual harassment as herein defined, or who cooperates in the commission thereof by another without which it would not have been committed, shall also be held liable under this Act.

<sup>39</sup> Section 4. *Duty of the Employer or Head of Office in a Work-related, Education or Training Environment.* - It shall be the duty of the employer or the head of the work-related, educational or training environment or institution, to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment. Towards this end, the employer or head of office shall:

(a) Promulgate appropriate rules and regulations in consultation with and jointly approved by the employees or students or trainees, through their duly designated representatives, prescribing the procedure for the investigation of sexual harassment cases and the administrative sanctions therefor.

Administrative sanctions shall not be a bar to prosecution in the proper courts for unlawful acts of sexual harassment.

The said rules and regulations issued pursuant to this subsection (a) shall include, among others, guidelines on proper decorum in the workplace and educational or training institutions. (b) Create a committee on decorum and investigation of cases on sexual harassment. The committee shall conduct meetings, as the case may be, with officers and employees, teachers, instructors, professors, coaches, trainors, and students or trainees to increase understanding and prevent incidents of sexual harassment. It shall also conduct the investigation of alleged cases constituting sexual harassment.

In the case of a work-related environment, the committee shall be composed of at least one (1) representative each from the management, the union, if any, the employees from the supervisory rank, and from the rank and file employees.

In the case of the educational or training institution, the committee shall be composed of at least one (1) representative from the administration, the trainors, instructors, professors or coaches and students or trainees, as the case may be.

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In Narvasa v. Sanchez,<sup>40</sup> the Court explains,

We disagree with the CA that neither corruption, clear intent to violate the law or flagrant disregard of an established rule attended the incident in question. RA<sup>14</sup> 7877, the Anti-Sexual Harassment Act of 1995, took effect on March 5, 1995. Respondent was charged with knowledge of the existence of this law and its contents, more so because he was a public servant. His act of grabbing petitioner and attempting to kiss her without her consent was an unmistakable manifestation of his intention to violate laws that specifically prohibited sexual harassment in the work environment. Assuming *arguendo* that respondent never intended to violate RA 7877, his attempt to kiss petitioner was a flagrant disregard of a customary rule that had existed since time immemorial – that intimate physical contact between individuals must be consensual. Respondent’s defiance of custom and lack of respect for the opposite sex were more appalling because he was a married man. Respondent’s act showed a low regard for women and disrespect for petitioner’s honor and dignity.

The Court in Rayala v. Office of the President, et al<sup>41</sup> explains that the mere offer or request is sufficient to consummate the offense of sexual harassment.

It is true that this provision calls for a "demand, request or requirement of a sexual favor." But it is not necessary that the demand, request or requirement of a sexual favor be articulated in a categorical oral or written statement. It may be discerned, with equal certitude, from the acts of the offender. Holding and squeezing Domingo’s shoulders, running his fingers across her neck and tickling her ear, having inappropriate conversations with her, giving her money allegedly for school expenses with a promise of future privileges, and making statements with unmistakable sexual overtones – all these acts of Rayala resound with deafening clarity the unspoken request for a sexual favor.

Lastly, Section 9<sup>42</sup> of Republic Act 8972, “Solo Parent Welfare Act of 2000” enumerates the educational benefits of either male or female solo parent.

### **Legal Bases for the application of non-discrimination of gender and enjoyment of human rights in Employment**

Article II, Sections 14,<sup>43</sup> and 18<sup>44</sup> of the 1987 Philippine Constitution defines the role of women in nation-building and the protection of labor. Article III, Section 8<sup>45</sup> assures

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The employer or head of office, educational or training institution shall disseminate or post a copy of this Act for the information of all concerned.

<sup>40</sup> G. R. No. 169449 (2010).

<sup>41</sup> G. R. No. 155840 (2008).

<sup>42</sup> Section 9. *Educational Benefits.* - The DECS, CHED and TESDA shall provide the following benefits and privileges: (1) Scholarship programs for qualified solo parents and their children in institutions of basic, tertiary and technical/skills education; and (2) Nonformal education programs appropriate for solo parents and their children. The DECS, CHED and TESDA shall promulgate rules and regulations for the proper implementation of this program.

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labor to form or organize. Article XIII, Section 3<sup>46</sup> provides full protection to labor and Section 14<sup>47</sup> focuses on protection for working women.

The Court in PT&T v. NLRC and Grace de Guzman<sup>48</sup> explains that the civil status of a female employee should not be a ground for termination.

[PT&T's] policy is not only in derogation of the provisions of Article 136 of the Labor Code on the right of a woman to be free from any kind of stipulation against marriage in connection with her employment, but it likewise assaults good morals and public policy, tending as it does to deprive a woman of the freedom to choose her status, a privilege that by all accounts inheres in the individual as an intangible and inalienable right.<sup>38</sup> Hence, while it is true that the parties to a contract may establish any agreements, terms, and conditions that they may deem convenient, the same should not be contrary to law, morals, good customs, public order, or public policy.<sup>39</sup> Carried to its logical consequences, it may even be said that petitioner's policy against legitimate marital bonds would encourage illicit or common-law relations and subvert the sacrament of marriage.

The Court in Holy Child Catholic School v. Hon. Patricia Sto. Tomas, et al<sup>49</sup> citing University of the Philippines v. Ferrer-Caleja<sup>50</sup> states that membership in a union of both teaching and non-teaching is not questionable. The right of the employees to form and join unions shall have been met.

It will be recalled that in the U.P. case, there were two contending unions, the Organization of Non-Academic Personnel of U.P. (ONAPUP) and All U.P. Workers Union composed of both academic and nonacademic personnel of U.P. ONAPUP sought the conduct of certification election among the rank-and-file non-academic personnel only while the all U.P. Workers Union sought the conduct of certification election among all of U.P.'s rank-and-file employees

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<sup>44</sup> Section 18. The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.

<sup>45</sup> Section 8. The right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law shall not be abridged.

<sup>46</sup> Section 3. The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all. It shall guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law. They shall be entitled to security of tenure, humane conditions of work, and a living wage. They shall also participate in policy and decision-making processes affecting their rights and benefits as may be provided by law.

The State shall promote the principle of shared responsibility between workers and employers and the preferential use of voluntary modes in settling disputes, including conciliation, and shall enforce their mutual compliance therewith to foster industrial peace.

The State shall regulate the relations between workers and employers, recognizing the right of labor to its just share in the fruits of production and the right of enterprises to reasonable returns to investments, and to expansion and growth.

<sup>47</sup> Section 14. The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation.

<sup>48</sup> G. R. No. 118978 (1997).

<sup>49</sup> G. R. No. 179146 (2013).

<sup>50</sup> 211 SCRA 451.

covering academic and nonacademic personnel. While the Supreme Court ordered a separate bargaining unit for the U.P. academic personnel, the Court, however, did not order them to organize a separate labor organization among themselves. The All U.P. Workers Union was not directed to divest itself of its academic personnel members and in fact, we take administrative notice that the All U.P. Workers Union continue to exist with a combined membership of U.P. academic and non-academic personnel although separate bargaining agreements is sought for the two bargaining units. Corollary, private respondent can continue to exist as a legitimate labor organization with the combined teaching and non-teaching personnel in its membership and representing both classes of employees in separate bargaining negotiations and agreements.

The International Covenant on Economic, Social, and Cultural Rights (ICESCR) itemizes the right of everyone to work and to the enjoyment of just and favorable conditions of work, the right to form and join trade unions, the right to social security in Articles 6<sup>51</sup>, 7<sup>52</sup>, 8<sup>53</sup> and 9<sup>54</sup>.

Articles 22<sup>55</sup> and 27<sup>56</sup> of the International Covenant on Civil and Political Rights (ICCPR) tell of the right to freedom of association with others and the right to enjoy their own culture.

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<sup>51</sup> Article 6. (1) The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right. (2) xxx

<sup>52</sup> Article 7. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular: (a) Remuneration which provides all workers, as a minimum, with: (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant; (b) Safe and healthy working conditions; (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence; (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

<sup>53</sup> Article 8. (1) The States Parties to the present Covenant undertake to ensure: (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others; (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations; (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others; (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country. (2) xxx. (3) xxx.

<sup>54</sup> Article 9. The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

<sup>55</sup> Article 22. (1) Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. (2) xxx. (3) xxx.

<sup>56</sup> Article 27. In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

Articles 11<sup>57</sup> and 11 (2) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) deal with every human person's right to work and freedom from discrimination by reason of marriage.

Articles 7<sup>58</sup>, 20<sup>59</sup>, and 23<sup>60</sup> of the Universal Declaration of Human Rights (UDHR) reiterate the common rights in relation to employment: equality and non-discrimination, right to freedom of opinion and expression, peaceful assembly and association, and work.

In Chavez v. Gonzales,<sup>61</sup> the Court emphasized freedom expression and formation of opinions. The Court also stressed the importance of the media to present an unbiased presentation of thoughts and opinions.

Burke once called the Press the *Fourth Estate* in the Parliament. This is because its ability to influence public opinion made it an important source in the governance of a nation. It is considered one of the foundations of a democratic society. One sign of its importance is that when a tyrant takes over a country, his first act is to muzzle the press. **Courts should therefore be wary in resolving cases that has implication on the freedom of the press** -- to the end that the freedom will never be curtailed absent a recognized and valid justification.

In fine let it be said that the struggle for freedom of expression is as ancient as the history of censorship. From the ancient time when Socrates was poisoned for his unorthodox views to the more recent Martial Law Regime in our country, the lesson learned is that censorship is the biggest obstacle to human progress. Let us not repeat our sad history. Let us not be victims again now and in the future.

In Philippine Blooming Mills Employment Organization et al v. Philippine Blooming Mills Co. Inc.<sup>62</sup> the Court explains,

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<sup>57</sup> Article 11. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: (a) The right to work as an inalienable right of all human beings; (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment; (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training; (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work; (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave; (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

<sup>58</sup> Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

<sup>59</sup> Article 20. (1) Everyone has the right to freedom of peaceful assembly and association. (2) No one may be compelled to belong to an association.

<sup>60</sup> Article 23. (1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment. (2) Everyone, without any discrimination, has the right to equal pay for equal work. (3) Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. (4) Everyone has the right to form and to join trade unions for the protection of his interests.

<sup>61</sup> G. R. No. 168338 (2008).

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<sup>61</sup> G. R. No. 168338 (2008).

The rights of free expression, free assembly and petition, are not only civil rights but also political rights essential to man's enjoyment of his life, to his happiness and to his full and complete fulfillment. Thru these freedoms the citizens can participate not merely in the periodic establishment of the government through their suffrage but also in the administration of public affairs as well as in the discipline of abusive public officers. The citizen is accorded these rights so that he can appeal to the appropriate governmental officers or agencies for redress and protection as well as for the imposition of the lawful sanctions on erring public officers and employees.

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In the hierarchy of civil liberties, the rights of free expression and of assembly occupy a preferred position as they are essential to the preservation and vitality of our civil and political institutions; and such priority "gives these liberties the sanctity and the sanction not permitting dubious intrusions."

Sections 18<sup>63</sup>, 22<sup>64</sup>, and 27<sup>65</sup> of Republic Act 9710, "Magna Carta of Women" point to the special leave benefits for women and their right to decent work and to social protection. Lastly, Sections 6<sup>66</sup>, 7<sup>67</sup>, and 8<sup>68</sup> of Republic Act 8972, "Solo Parent Welfare Act of 2000" offer flexible work schedule, prevention of work discrimination, and parental leave for both male and female employees.

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<sup>62</sup> G. R. No. L-31195 (1973).

<sup>63</sup> Section 18. Special Leave Benefits for Women. - A woman employee having rendered continuous aggregate employment service of at least six (6) months for the last twelve (12) months shall be entitled to a special leave benefit of two (2) months with full pay based on her gross monthly compensation following surgery caused by gynaecological disorders.

<sup>64</sup> Section 22. Right to Decent Work. - The State shall progressively realize and ensure decent work standards for women that involve the creation of jobs of acceptable quality in conditions of freedom, equity, security, and human dignity. (a) Decent work involves opportunities for work that are productive and fairly remunerative as family living wage, security in the workplace, and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns organize, participate in the decisions that affect their lives, and equality of opportunity and treatment for all women and men. (b) The State shall further ensure: (1) Support services and gears to protect them from occupational and health hazards taking into account women's maternal functions; (2) Support services that will enable women to balance their family obligations and work responsibilities including, but not limited to, the establishment of day care centers and breast-feeding stations at the workplace, and providing maternity leave pursuant to the Labor Code and other pertinent laws; (3) Membership in unions regardless of status of employment and place of employment; and (4) Respect for the observance of indigenous peoples' cultural practices even in the workplace.

<sup>65</sup> Section 27. Social Protection. - (a) The Social Security System (SSS) and the Philippine Health Insurance Corporation (PhilHealth) shall support indigenous and community-based social protection schemes; (b) xx; (c) xxx; (d) xxx; (e) xxx

<sup>66</sup> Section 6. *Flexible Work Schedule*. - The employer shall provide for a flexible working schedule for solo parents: Provided, That the same shall not affect individual and company productivity: *Provided, further*, That any employer may request exemption from the above requirements from the DOLE on certain meritorious grounds.

<sup>67</sup> Section 7. *Work Discrimination*. - No employer shall discriminate against any solo parent employee with respect to terms and conditions of employment on account of his/her status.

## **Legal Bases for the application of non-discrimination of gender and enjoyment of human rights in Health**

Article II Sections 15<sup>69</sup>, Article XIII, Sections 11<sup>70</sup>, and Article XV Section 3<sup>71</sup> of the 1987 Philippine Constitution aim to protect and promote everyone's right to health, to a balanced and healthful ecology, and to an integrated and comprehensive approach in health development.

The State implemented RA 8282, "An Act Further Strengthening the Social Security System Thereby Amending for This Purpose, Republic Act No. 1161, As Amended, Otherwise Known as the Social Security Law." Section 9<sup>72</sup> of the said law requires all employees to a compulsory coverage with the SSS from the first day of his/her employment, regardless of employment status. The law provides this benefit for the covered employees: Retirement benefits, Monthly Pension, Dependent's Pension, Death Benefits, Permanent Disability Benefits, Funeral Benefit, Sickness Benefit, and Maternity Leave Benefit. Furthermore, the Labor Code of the Philippines provides sufficient provisions to ensure the health and well-

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<sup>68</sup> Section 8. *Parental Leave.* - In addition to leave privileges under existing laws, parental leave of not more than seven (7) working days every year shall be granted to any solo parent employee who has rendered service of at least one (1) year.

<sup>69</sup> Section 15. The State shall protect and promote the right to health of the people and instill health consciousness among them.

<sup>70</sup> Section 11. The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all people at affordable cost. There shall be priority for the needs of the underprivileged, sick, elderly, disabled, women, and children. The State shall endeavor to provide free medical care to paupers.

<sup>71</sup> Section 3 (2). The State shall defend: (1) xxx; (2) The right of children to assistance, including proper care and nutrition and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development; (3) xxx; (4) xxx.

<sup>72</sup> Section 9. *Coverage.* - (a) Coverage in the SSS shall be compulsory upon all employees not over sixty (60) years of age and their employers: *Provided*, That in the case of domestic helpers, their monthly income shall not be less than One thousand pesos (P1, 000.00) a month: *Provided, further*, That any benefit already earned by the employees under private benefit plans existing at the time of the approval of this Act shall not be discontinued, reduced or otherwise impaired: *Provided, further*, That private plans which are existing and in force at the time of compulsory coverage shall be integrated with the plan of the SSS in such a way where the employer's contribution to his private plan is more than that required of him in this Act, he shall pay to the SSS only the contribution required of him and he shall continue his contribution to such private plan less his contribution to the SSS so that the employer's total contribution to his benefit plan and to the SSS shall be the same as his contribution to his private benefit plan before the compulsory coverage: *Provided, further*, That any changes, adjustments, modifications, eliminations or improvements in the benefits to be available under the remaining private plan, which may be necessary to adopt by reason of the reduced contributions thereto as a result of the integration, shall be subject to agreements between the employers and employees concerned: *Provided, further*, That the private benefit plan which the employer shall continue for his employees shall remain under the employer's management and control unless there is an existing agreement to the contrary: *Provided, finally*, That nothing in this Act shall be construed as a limitation on the right of employers and employees to agree on and adopt benefits which are over and above those *Provided* under this Act; (b) Spouses who devote full time to managing the household and family affairs, unless they are also engaged in other vocation or employment which is subject to mandatory coverage, may be covered by the SSS on a voluntary basis; (c) Filipinos recruited by foreign-based employers for employment abroad may be covered by the SSS on a voluntary basis.

being of the employees, more specifically Articles 132,<sup>73</sup> 135.<sup>74</sup> Section 13<sup>75</sup> of RA 4119 or "An Act To Further Amend Certain Sections Of Act Numbered Thirty-Four Hundred And Twenty-Eight, Otherwise Known As The Workmen's Compensation Act, As Amended" provides additional benefits to an employee.

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<sup>73</sup> Article 132. Facilities for women. The Secretary of Labor and Employment shall establish standards that will ensure the safety and health of women employees. In appropriate cases he shall by regulations, require any employer to: (a) Provide seats proper for women and permit them to use such seats when they are free from work and during working hours, provided they can perform their duties in this position without detriment to efficiency; (2) To establish separate toilet rooms and lavatories for men and women and provide at least a dressing room for women; (3) To establish a nursery in a workplace for the benefit of the women employees therein; and (d) To determine appropriate minimum age and other standards for retirement or termination in special occupations such as those of flight attendants and the like.

<sup>74</sup> Article 135. Discrimination Prohibited. – It shall be unlawful for any employer to discriminate against any woman employee with respect to terms and conditions of employment solely on account of her sex. The following are acts of discrimination: (a) Payment of a lesser compensation including wage, salary or other form of remuneration and fringe benefits, to a female employee as against a male employee, for work of equal value; and (b) Favoring a male employee over a female employee with respect to promotion, training opportunities, study and scholarship grants solely on account of their sexes. xxx

<sup>75</sup> Section 13. Services, appliances and supplies. Immediately after an employee has suffered an injury or contracted sickness and during the subsequent period of disability, the employer or insurance carrier shall provide the employee with such services, appliances and supplies as the nature of his disability and the process of his recovery may require: and that which will promote his early restoration to the maximum level of his physical capacity.

The word 'services' used herein shall include medical, surgical, dental, hospital and nursing attendance and treatment as well as the proper fitting and training in the use of appliances and the necessary training for purposes of rehabilitation; 'appliances' shall include crutches, artificial members and other devices of the same kind, and the replacements or repairs of such artificial members or such devices unless the replacement or repair is made necessary by the lack of proper care by the employee; and 'supplies' shall include medicines, as well as medical, surgical and dental supplies.

In case the employer or insurance carrier cannot furnish the aforementioned services, appliances and supplies promptly, the injured or sick employee may acquire the same at the expense of the employer or insurance carrier.

If it is shown before the Commission or its authorized representatives that the injured or sick employee voluntarily refused to accept without justifiable cause, the services, appliances and supplies provided by the employer or insurance carrier or voluntarily obstructed without justifiable cause the giving of such services, appliances and supplies, such refusal or obstruction shall be construed as a waiver of all or part of his rights to the same and in this case the employer or insurance carrier shall be liable only for the disability of any nature that would have ensued if the injured or sick employee had accepted the services, appliances and supplies tendered by the employer or insurance carrier: Provided, however, That the refusal as well as the kind of disability that would have been the result of the injury or illness if the injured or sick person had accepted such services, appliances and supplies shall set forth in an affidavit made within twenty-four hours after such refusal by the physician or other person called to render such services or furnish such appliances or supplies. What shall constitute justifiable cause shall be determined by the representative of the Commission who may, on his own initiative, determine the necessity, character and sufficiency of any service, appliance and supplies furnished by the employer or insurance carrier or acquired by the employee himself at the employer's or insurance carrier's expense, and order a change of such service, appliance and supplies when in his judgment such change is desirable or necessary.

No claim for such services, appliances or supplies shall be valid and enforceable against the employer or insurance carrier unless the attending physician or other person concerned, within twenty days following the first treatment, attendance, or furnishing of supplies and thereafter within the same period following every treatment, attendance, or furnishing of supplies, furnish the employer or insurance carrier and the Commission a report of such injury and treatment on a form prescribed by the Commission.

The liability of an employer or insurance carrier for the aforementioned services, appliances and supplies shall not be affected by the fact that his employee was disabled through the fault or negligence of a third party."

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The word 'services' used herein shall include medical, surgical, dental, hospital and nursing attendance and treatment as well as the proper fitting and training in the use of appliances and the necessary training for purposes of rehabilitation; 'appliances' shall include crutches, artificial members and other devices of the same kind, and the replacements or repairs of such artificial members or such devices unless the replacement or repair is made necessary by the lack of proper care by the employee; and 'supplies' shall include medicines, as well as medical, surgical and dental supplies.

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If it is shown before the Commission or its authorized representatives that the injured or sick employee voluntarily refused to accept without justifiable cause, the services, appliances and supplies provided by the employer or insurance carrier or voluntarily obstructed without justifiable cause the giving of such services, appliances and supplies, such refusal or obstruction shall be construed as a waiver of all or part of his rights to the same and in this case the employer or insurance carrier shall be liable only for the disability of any nature that would have ensued if the injured or sick employee had accepted the services, appliances and supplies tendered by the employer or insurance carrier: Provided, however, That the refusal as well as the kind of disability that would have been the result of the injury or illness if the injured or sick person had accepted such services, appliances and supplies shall set forth in an affidavit made within twenty-four hours after such refusal by the physician or other person called to render such services or furnish such appliances or supplies. What shall constitute justifiable cause shall be determined by the representative of the Commission who may, on his own initiative, determine the necessity, character and sufficiency of any service, appliance and supplies furnished by the employer or insurance carrier or acquired by the employee himself at the employer's or insurance carrier's expense, and order a change of such service, appliance and supplies when in his judgment such change is desirable or necessary.

No claim for such services, appliances or supplies shall be valid and enforceable against the employer or insurance carrier unless the attending physician or other person concerned, within twenty days following the first treatment, attendance, or furnishing of supplies and thereafter within the same period following every treatment, attendance, or furnishing of supplies, furnish the employer or insurance carrier and the Commission a report of such injury and treatment on a form prescribed by the Commission.

The liability of an employer or insurance carrier for the aforementioned services, appliances and supplies shall not be affected by the fact that his employee was disabled through the fault or negligence of a third party."

In Biscarra v. Republic of the Philippines (Bureau of Forestry) and the Workmen's Compensation Commission,<sup>76</sup> the Court explains Section 13 in the following manner.

As will be seen from this law, it imposes upon the employer the obligation "to provide the employee with such services, appliances and supplies as the nature of his disability and the process of his recovery may require; and that which will promote his early restoration to the maximum level of his physical capacity." "This law does not provide a maximum either as to the amount to be paid or the time within which such rights may be availed of. To sustain, therefore, the proposition that petitioner's disability being total and permanent, respondent's liability to furnish him with further medical and hospital expenses is terminated, would, in effect, qualify Section 13, supra, by adding what is not provided in the law or subtracting what is therein embodied which is legally impermissible. This would constitute "judicial that This Court, therefore, shall limit itself to the clear intendment of the law.

In Cebu Portland Cement Co. v. WCC, et al,<sup>77</sup> the Court held that

It may be observed that the law, in imposing on the employer the obligation to provide medical attendance to an injured or sick employee, unlike those provisions relating to compensation for disability (Secs. 14, 16, 17 and 18 of Act No. 3428, as amended) does not provide maximum either in the amount to be paid or the time period within which such right may be availed of by the employee. On the contrary the law imposes on the employer the obligation to 'provide the employee with such medical surgical, and hospital services and supplies as the nature of the injury or sickness may require.' *The implication is that, such medical expenses as may be necessary within the work-connected injury or sickness ceases, may be charged against the employer. In the United States, from where our labor compensation law, is derived the two kinds of benefits for physical injury or sickness are, like in our law, treated differently. The wage-loss payments based on the concept of disability are invariably limited in both amount and duration while payments of medical benefits, that is, hospital and medical expenses occasioned by any work-connected injury regardless of wage-loss or disability, vary in the different states of the Union. In twelve states such benefits are unlimited as to duration and amount; in nineteen, the preliminary limits are subject to extension by the administrative agency for indefinite periods as the case warrants; in eight, there are fixed limits subject to extension for limited additional periods; and in nine, there are fixed limits with no provision for extension (Arthur Larson on The Law of Workmen's Compensation.' Vol. 2 [1952], p. 82). In construing the compensation act's provision requiring the employer to furnish medical surgical and hospital services reasonably required to cure or relieve the employee from the effects of the injury', it was there held that its the absence of express statutory authority, this court is powerless to place a definite limitation upon the time such medical surgical and hospital services shall be rendered in any particular case, (W., J Newman v. Industrial Commission, 187 N.E. 137, 353 Ill. 190, 88 A.L.R. 1188). This was based on the theory that workmen's compensation acts are a humane law of a remedial nature, and wherever construction is permissible, their language should be*

<sup>76</sup> G. R No. L-43425 (1980).

<sup>77</sup> L-1916 (1964).

*liberally construed in favor of the employee. And, this is supported by the prevailing rule in compensation cases.*

*Acts not containing any limitation as to the period during which the employer may furnish or pay for medical surgical or hospital services have been construed as imposing liability on the employer as long as such services are required to cure or relieve the injured employee from the effects of his injury' (Florczack v. Industrial Commission, 187 N.E. 137, 353 111. 190, 88 A. L. R. 11 88).*

Moreover, in the case of *Lazo v. ECC & GSIS*,<sup>78</sup> the Court explains,

It is significant that the liberality of the law in general in favour of the workingman still subsists. As agent charged by the law to implement social justice guaranteed and secured by the Constitution, the Employees Compensation Commission should adopt a liberal attitude in favor of the employee in deciding claims for compensability, especially where there is some basis in the facts for inferring a work connection to the accident.

This kind of interpretation gives meaning and substance to the compassionate spirit of the law as embodied in Article 4 of the New Labor Code which states that 'all doubts in the implementation and interpretation of the provisions of the Labor Code including its implementing rules and regulations shall be resolved in favor of labor.

The policy then is to extend the applicability of the decree (PD 626) to as many employees who can avail of the benefits thereunder. This is in consonance with the avowed policy of the State to give maximum aid and protection to labor.

There is no reason, in principle, why employees should not be protected for a reasonable period of time prior to or after working hours and for a reasonable distance before reaching or after leaving the employer's premises.

In the case of *Ysores v. Employee's Compensation Commission*,<sup>79</sup> where the former filed before the ECC his claim for compensation benefits for contracting Parkinson's Disease during the course of his employment, the Court defines the disease and finds a causal link between this and the claimant's work. It held, thus:

Parkinson's Disease or Parkinsonism, scientifically known as *paralysis agitans*, is a core syndrome of the late middle life, occurring in most cases between the ages of 50 and 60, observed in all countries, ethnic groups, socio-economic classes and in both sexes, resulting from an excessive loss of melanin pigment and degeneration of neurones in the *substantia nigra*, characterized by involuntary tremulous motion, with lessened muscular power in parts of the body which are not in action and even when supported, an expressionless face, poverty and slowness of voluntary movement, stooped posture, rigidity and festinating gait, the senses and intellect

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<sup>78</sup> G. R. No. 78617 (1990).

<sup>79</sup> G. R. No. 97346 (1992); G. R. No. L-46200 (1983); G. R. No. L-46992 (1983); G. R. No. L-49227 (1983); G. R. No. L-52363 (1983); G. R. No. L-52059 (1983); G. R. No. L-47460 (1983); G. R. No. L-55645 (1983).

being uninjured. Researches have proven that the rate of Parkinsonian tremor is increase by emotional excitement and disappears during sleep. Trauma, emotional upset, overwork exposure to cold, etc., have been suggested as predisposing or exciting factors. Further research on the diagnosis of the cause of Parkinsonism mentions the existence of arteriosclerotic Parkinsonism (Principles of Neurology by Raymonds Adams & Maurice Victor, pp. 874-875; Brains Clinical Neurology by Sir Roger Bannister, pp. 339-342; Current Medical Diagnosis & Treatment, 199 Ed. by Steven Schroeder, Marcus Krupp & Lawrence Tierney, Jr., pp. 594-597). Although there is no known treatment that will halt or reverse the neuronal degeneration that presumably underlies this disease, methods are available which can afford considerable relief from its symptoms. It is, for now, merely possible to replace for a time some of the transmitter deficiency, thus making the symptoms more tolerable for a number of years.

The Court is unable to accept the sweeping statement in the ECC decision that the disease has no causal relation with the nature and working conditions of Yosores' job, for it is not improbable that there were factors affecting his work as a field collection officer, coupled with the hypertension which he contracted in the course of his employment, which may have constituted "predisposing or exciting factors" in the development of the disease.

Article 12<sup>80</sup> of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) requires that everyone has a right to a good health care, health care services, and family planning.

In Garcia v. Drilon, et al,<sup>81</sup> the Court explains

The guaranty of equal protection of the laws is not a guaranty of equality in the application of the laws upon all citizens of the state. It is not, therefore, a requirement, in order to avoid the constitutional prohibition against inequality, that every man, woman and child should be affected alike by a statute. Equality of operation of statutes does not mean indiscriminate operation on persons merely as such, but on persons according to the circumstances surrounding them. It guarantees equality, not identity of rights. The Constitution does not require that things which are different in fact be treated in law as though they were the same. The equal protection clause does not forbid discrimination as to things that are different. It does not prohibit legislation which is limited either in the object to which it is directed or by the territory within which it is to operate.

Articles 3<sup>82</sup> and 25<sup>83</sup> of the Universal Declaration of Human Rights (UDHR) enumerates the rights of every human person to life, liberty, and security of their persons, to rest and leisure, and to a standard of living.

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<sup>80</sup> Article 12. (1) States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning. (2) xxx

<sup>81</sup> G. R. No. 179267 (2013).

<sup>82</sup> Article 3. Everyone has the right to life, liberty and security of persons.

Section 17<sup>84</sup> of Republic Act 9710, "Magna Carta of Women" provides health services focused on her unique needs in consonance with her personhood not only as female but also as wife and mother.

Lastly, Section 11<sup>85</sup> of Republic Act 8972, "Solo Parent Welfare Act of 2000" provides medical assistance to solo parents.

Fr. Dan McNamara, SJ<sup>86</sup> comments, thus,

Those are basic rights and they flow from what we talked about earlier, namely, the dignity of the human person made in the image of God and that implies first of all, the right to life so that is where health comes in. There is a basic responsibility for life to be maintained. Both, the first moment, which in our Philippine Constitution says it is the moment of conception all the way to the end of life, when the last breath is given and the spirit returns to God. The life in between has to be maintained and respected; therefore, there is a right to health.

Now, that right to health is not absolute, at least in our Christian, in our Church, in our Society of Jesus viewpoint. This life is not the all, be-all and end-all of life; that life is a gift from God and it is meant inherently to go beyond the life on planet earth for -x number of years, and, therefore, the right to health is not absolute.

### **Legal Bases for the application of non-discrimination of gender and enjoyment of human rights in Religion**

Section 6<sup>87</sup> of Article III of the 1987 Philippine Constitution emphasizes the State's non-preference of a single religion and the citizens' free exercise of religious choice and the manner of their religious practice. In Ang Ladlad LGBT Party v. COMELEC<sup>88</sup>, the Court

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<sup>83</sup> Article 25. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

<sup>84</sup> Section 17. Women's Right to Health. - (a) Comprehensive Health Services. - The State shall, at all times, provide for a comprehensive, culture-sensitive, and gender-responsive health services and programs covering all stages of a woman's life cycle and which addresses the major causes of women's mortality and morbidity; Provided, That in the provision for comprehensive health services, due respect shall be accorded to women's religious convictions, the rights of the spouses to found a family in accordance with their religious convictions, and the demands of responsible parenthood, and the right of women to protection from hazardous drugs, devices, interventions, and substances. xxx

<sup>85</sup> Section 11. Medical Assistance.- The DOH shall develop a comprehensive health care program for solo parents and their children. The program shall be implemented by the DOH through their retained hospitals and medical centers and the local government units (LGUs) through their provincial/district/city/municipal hospitals and rural health units (RHUs).

<sup>86</sup> Fr. Dan MacNamara, SJ is the Dean of the School of Arts and Sciences, Ateneo de Davao University. He is also the Rector of the Jesuit C

<sup>87</sup> Section 5. No law shall be made respecting an establishment of religion, prohibiting the free exercise thereof. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.

<sup>88</sup> G. R. No. 190582 (2010).

points that the "non-punishment clause call is for 'government neutrality in religious matters.'" In Estrada v. Escritor<sup>89</sup>, the Court explains

xxx The morality referred to in the law is public and necessarily secular, not religious as the dissent of Mr. Justice Carpio holds. "Religious teachings as expressed in public debate may influence the civil public order but public moral disputes may be resolved only on grounds articulable in secular terms." Otherwise, if government relies upon religious beliefs in formulating public policies and morals, the resulting policies and morals would require conformity to what some may regard as religious programs or agenda. The non-believer would therefore be compelled to conform to standard of conduct buttressed by a religious belief, i.e., to a "compelled religion," anathema to religious freedom. Likewise, if government based its actions upon religious beliefs, it would tacitly approve or endorse that belief and thereby also tacitly disapprove contrary religious or non-religious views that would not support the policy. As a result, government will not provide full religious freedom for all its citizens, or even make it appear that those whose beliefs are disapproved are second-class citizens.

Articles 19<sup>90</sup>, 26,<sup>91</sup> and 27<sup>92</sup> of the International Covenant on Civil and Political Rights (ICCPR) hold that every human person has the right to freedom of thought, conscience, and religion and the right to enjoy their own culture. Likewise, every person is equal before the law and such equality ensures his/her protection in the law. In Basa, et al v. FOITAF<sup>93</sup>, the Court explains,

It may not be amiss to point out here that the free exercise of religious profession or belief is superior to contract rights. In case of conflict, the latter must, therefore, yield to the former. The Supreme Court of the United States has also declared on several occasions that the rights in the First Amendment, which include freedom of religion, enjoy a preferred position in the constitutional system. Religious freedom, although not unlimited, is a fundamental personal right and liberty, and has a preferred position in the hierarchy of values. Contractual rights, therefore, must yield to freedom of religion. It is only where unavoidably necessary to prevent an immediate and grave danger to the security and welfare of the community that infringement of religious freedom may be justified, and only to the smallest extent necessary to avoid the danger.

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<sup>89</sup> A. M. No. P-02-1651 (2003).

<sup>90</sup> Article 19. (1) Everyone shall have the right to hold opinions without interference. (2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

<sup>91</sup> Article 26. All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

<sup>92</sup> Article 27. In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

<sup>93</sup> G. R. No. L-27113 (1974).

Religion and its exercise is deeply personal Fr. Dan McNamara, SJ comments, thus,

Everyone has a right to exercise their relationship to the transcendent, however they call it. The major religions in the world always have a sense of the transcendence, something beyond the individual. And when that begins to get lost, the danger there is a sort of privatization of that basic trust to a transcendent. If there is no transcendent but me, then we end up with individual gods, as it were, the individuals themselves. We know that historically, we know that leads to many different beliefs.

In Ebralinag, et al v. The Division Superintendent of Schools of Cebu and Amolo, et al v. The Division Superintendent of Schools of Cebu and Antonio A. Sangutan<sup>94</sup>, the Court citing the separate opinion of Chief Justice Enrique M. Fernando, explains

Religious freedom is a fundamental right which is entitled to the highest priority and the amplest protection among human rights, for it involves the relationship of man to his Creator (Chief Justice Enrique M. Fernando's separate opinion in German v. Barangan, 135 SCRA 514, 530-531)

The right to religious profession and worship has a two-fold aspect, vis., freedom to believe and freedom to act on one's belief. The first is absolute as long as the belief is confined within the realm of thought. The second is subject to regulation where the belief is translated into external acts that affect the public welfare (J. Cruz, Constitutional Law, 1991 Ed., pp. 176-177).

Article 18<sup>95</sup> of the Universal Declaration of Human Rights (UDHR) reiterates a person's freedom of thought, conscience, and religion.

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<sup>94</sup> G. R. No. 95770 (1993).

<sup>95</sup> Article 18. Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

## Chapter 3

### METHODOLOGY

#### Research Design

This was an exploratory study which employed qualitative methodologies. It is the aim of this research to determine Ateneo de Davao's appropriations of gender and human rights culture, a study that has never been done in a University setting.

#### Overview of the Research

The research covered the periods 2012 and 2013 which included the documentation of ADDU's appropriations of gender and human rights indicators. This covered the gathering of literatures on human rights from selected disciplines upon which the indicators were formulated. For 2012, the baseline was taken from the areas of university **structures** (BOT, Councils), **policies** (Admin Manual, Faculty Manual, Student Handbook), **practices, mechanisms, and systems**. Meanwhile, in the later part of year 2013, the review included the areas of university **research, instruction and community engagement**.

Through a research utilization forum, the recommendations for possible intervention programs shall be designed by ADDU stakeholders to address the gaps identified from the documentation undertaken.

#### Unit of Analysis

Primarily, the study shall review documents, literatures and related studies in exploring ADDU's commitment to gender equality and human rights. In order to deepen the secondary data, key informants were also be interviewed. Selected administrators from all units of the university were invited for an in-depth interview, the purpose of which is to validate the secondary data. Focus group discussions were undertaken involving selected stakeholders representing the administrators, faculty, non-teaching personnel, parents and students.

There were a total of four (4) FGDs which brought in a total of fifty (50) participants covering various sectors in the university and across units. Of the fifty (50), twenty (20) were males and thirty (30) were females.

In terms of sector, thirteen (13) were agency-based workers, four (4) non-teaching staff, ten (10) administrators, eleven (11) were faculty, ten (10) students, and two (2) parents.

Of the total FGD participants, eighteen (18) were from the Matina Campus and the twenty two (22) were from the Jacinto Campus.

The in-depth interview yielded six (6) participants involving leaders of the local church and some Jesuit priests.

## Local of the Study

This study shall be contained in Ateneo de Davao University, both the Matina and Jacinto Campus.

## Methodologies

Given the scope of the project, several methodologies were employed.

1. **Literature Review.** A review and analysis of gender and human rights literatures undertaken. It included a scanning of the Catholic Social Thought, Jesuit Documents and State laws.

2. **Secondary Data Analysis.** A desk review was necessary to document the data on the appropriations of ADDU in gender and human rights standards as defined by selected indicators. Particularly, analysis was imperative in the areas of university structure, policies, practices, mechanisms and systems as well as in the areas of researches, instruction and community engagement. This included a look at the university vision-mission and various university manuals like the administrative manual, student's manual, faculty manual, research manual and the collective bargaining agreement.

3. **Key Informant Interviews.** In-depth interviews with key leaders of the local church and some Jesuits were employed to augment the data needed to complete the documentation. Interviews were also conducted for purposes of identifying gaps in achieving a gender and human rights culture in the university.

4. **Focus Group Discussions.** Selected stakeholders in the university were invited to highly homogenous focus group discussions that were aimed at gathering proposals and suggestions in developing human rights intervention programs.

## Activities Undertaken

In order to achieve the above-mentioned objectives, the following activities were undertaken:

1. **Research Direction Setting.** The research team consulted its panel of advisers to sharpen the direction and framework of the study. This led to the a more specific research objectives to only make an inventory or free listing of what ADDU is or is not doing on gender and human rights. This was done last August 4, 2012 at the Ateneo Board Room.

2. **Workshop on Rights Based and Feminist Research.** This set the tone of the research engagement. An orientation about the basics of rights based and feminist research situated the research team in the same level of understanding of the research framework and direction. This was done last August 29 to September 2, 2012 at the Garden Oases Ritz Hotel.

**3. Literature Review.** Desk research was also done to underscore the three dimensions of this research. Data were generated to outline how human rights and gender equality are articulated in Jesuit Policies, Catholic Social Thoughts and State Laws and International Conventions. This is treated as a stand-alone research, apart from it forming the RRL of this study.

**4. Research Instrument Writeshop.** After the formulation of the research framework (coming from the literature review), the checklist/instrument was developed. The checklist/instrument guided in determining ADDU's appropriations of gender and human rights culture. Specific tools were developed for each of the area of concern of this study—policy, structure, practices, mechanisms and systems, instructions, community engagement and research initiatives of the university.

**5. Secondary Data Gathering.** With the use of the checklist, the first part of the data gathering was undertaken. The research looked into policy, structure, practices, mechanisms and systems.

**6. Secondary Data Analysis and Interpretation.** The data gathered were analyzed and interpreted vis-à-vis the research framework.

**7. Key Informant Interviews and Focus Group Discussions.** To substantiate the findings resulting from the secondary data analysis, in-depth interviews and focus group discussions were undertaken with stakeholders pertinent to human rights and gender from the threefold perspectives.

**8. Writing.** Alongside the secondary data, research on the literatures was written incorporating the data generated from the KIIs.

**9. Validation Forum.** This is yet to be done. The findings shall be presented to key stakeholders of the University for Validation. This shall also be used as opportunity to formulate intervention programs and name key recommendations to address the gaps generated from the data.

**Chapter 4**  
**PRESENTATION OF DATA AND ANALYSIS**

**Table 1. Sex Distribution of Employees**

| Distribution of Employees by Sex 2013-2014 |            |            |             |
|--|------------|------------|-------------|
| Category                                   | Male       | Female     | Total       |
| Board of Trustees                          | 13         | 2          | 15          |
| Administrators                             | 66         | 89         | 155         |
| Grade School                               | 4          | 28         | 32          |
| High School                                | 9          | 14         | 23          |
| College                                    | 53         | 47         | 100         |
| Faculty (Full-time only)                   | 166        | 331        | 497         |
| Grade School                               | 18         | 157        | 175         |
| High School                                | 52         | 65         | 117         |
| College                                    | 96         | 109        | 205         |
| Non-teaching staff                         | 69         | 130        | 199         |
| Grade School                               | 7          | 31         | 38          |
| High School                                | 11         | 15         | 26          |
| College                                    | 51         | 84         | 135         |
| Agency Workers                             | 349        | 145        | 494         |
| Clerical                                   | 66         | 61         | 127         |
| Janitorial                                 | 197        | 69         | 266         |
| Security Guards                            | 86         | 15         | 101         |
|  |            |            |             |
| <b>Total</b>                               | <b>663</b> | <b>697</b> | <b>1360</b> |

*Source: Human Resource Management and Development Office, SY 2013-2014*

Ateneo de Davao University has a total workforce of 1,360 personnel from different sectors across all units such as administrators (155), full-time faculty (497), non-teaching staff (199) and agency workers (494).

The *Board of Trustees*, being the highest policy-making body of the university, is largely dominated by men. There are only two (2) women of the fifteen (15) members.

Among the *administrators*, 43% are male and 57% are female. While the total reveals more female administrators than male, there are slight variances between basic education and higher education data in terms of sex representation. In the grade school unit, 88% are female administrators while only 12% are male. In high school, 61% are female and 39% are male whereas in the college unit, male administrators (53%) slightly outnumber the female administrators (47%). This seems to reinforce the stereotype that while women already enjoy decision-making positions, most of them are still tied up with their reproductive gender role of child-rearing as in the case of the basic education unit where all the students are still in their early formative years.

Across all units, from the basic education to higher education, more women are employed as teachers. Table 1 shows that female teachers comprise 67% while their male counterparts constitute the remaining 33% of the total faculty force of the university. The variance is most pronounced in the grade school unit where 90% of the teachers are female and only 10% are male.

The distribution is similar in the case of the non-teaching personnel from the grade school, to the high school until the college units. Of the 199 non-faculty employees, 65% are female and 35% are male. However, among the agency-based workers, the men (71%) outnumber the women (29%). This may be associated to the stereotype that janitorial services (74% are men) and security services (85% are men) are still perceived to be a profession imbued with masculinity. The difference is not so pronounced among clerical workers where male (52%) are slightly more than women (48%).

Over-all, the university is operating with women workers (51%) being slightly more than men (49%). A note must be made though on the regularity of their employment. Since the male workers of the university are largely contracted from an agency, women employees of ADDU therefore enjoy more security in their tenure than their male counterparts. Of all the 663 male workers in the university, 53% of them are on agency-based employment as clerks, janitors or security guards.

**Table 2. Sex Distribution of Student Population**

| College Student Population by Sex 2013-2014 |             |             |             |
|---|-------------|-------------|-------------|
| Category                                    | Male        | Female      | Total       |
| School of Arts and Sciences                 |             |             |             |
| Computer Studies                            | 315         | 120         | 435         |
| Humanities and Letters                      | 104         | 296         | 400         |
| Natural Science and Math                    | 86          | 142         | 228         |
| Social Sciences                             | 276         | 703         | 979         |
| <i>Sub-Total</i>                            | 781         | 1261        | 2042        |
| School of Business and Governance           |             |             |             |
| Accountancy                                 | 672         | 1428        | 2100        |
| Business and Management                     | 952         | 1119        | 2071        |
| <i>Sub-Total</i>                            | 1624        | 2547        | 4171        |
| School of Education                         | 42          | 139         | 181         |
| School of Engineering and Architecture      | 985         | 603         | 1588        |
| School of Nursing                           | 36          | 110         | 146         |
| College of Law                              | 145         | 207         | 352         |
| <b>Total</b>                                | <b>3613</b> | <b>4867</b> | <b>8480</b> |

Source: Office of the Registrar, SY 2013-2014

The Higher Education unit of Ateneo de Davao University includes six (6) schools: 1] *School of Arts and Science*, 2] *School of Business and Governance*, 3] *School of Education*, 4] *School of Engineering and Architecture*, 5] *School of Nursing* and 6] *College of Law*. For purposes of this inventory, the data in table 2 only covered the student population of the undergraduate programs.

The *School of Arts and Sciences* (SAS) has four (4) clusters: 1] Computer Studies, 2] Humanities and Letters, 3] Natural Sciences and Mathematics, and 4] Social Sciences. In the Computer Studies cluster, 72% are male and only 28% are female. It is the opposite in the case of the Humanities and Letters cluster where female students (74%) outnumber the male students (26%). Meanwhile, in Natural Sciences and Mathematics cluster, women (62%) are more than men (38%) and in the Social Sciences cluster, the female students (72%) outnumber the male students (28%). In sum, the School of Arts and Sciences has more female students (62%) than male students (38%).

There are two clusters in the *School of Business and Governance* (SBG): 1] Accountancy and 2] Business and Management. There are a total of 4,171 students enrolled in SBG. Of these, 61% are female and only 39% are male. This difference is consistent even at the cluster level. In the Accountancy cluster, 68% female students are enrolled while the remaining 32% are male whereas, in the Business and Management cluster, the variance is slightly narrow with female students comprising 54% of the population leaving the 46% to male students.

Due to a relatively smaller population size, there are no more clusters in the remaining schools in the college unit. The enrolment figures of the youngest school, that is, the *School of Education* (SOE), reveal that the female (77%) dominate the numbers compared to the male (33%) from a total of 181 students. The *School of Engineering and Architecture* (SEA) has a comparatively larger population of 1,588 students. Of these, 62% are male while only 38% are female. Meanwhile, in the School of Nursing, 75% are women and 25% are men from a total of 146 enrolled students. Lastly, in the *College of Law* (COL), the difference between men (41%) and women (59%) enrolment figures are not very far apart.

Table 2 shows that the College unit of Ateneo de Davao University has a total student enrolment of 8,480. From this, 43% are male and 57% are female.

The schools that are largely populated by female students are the *School of Arts and Sciences*, *School of Business and Governance*, *School of Education* and the *School of Nursing* whereas the male students are largely found in the School of Engineering and Architecture. It is very interesting to note that figures in enrolment are still consistent with prevailing stereotypes of masculine and feminine disciplines. Computer studies, engineering and architecture courses are still perceived as hard courses therefore a man's world while education, nursing, humanities, arts and social sciences remain to be soft courses usually associated with the feminine traits.

More interestingly, there are disciplines that in the past are noted to be masculine courses and now being challenged with the presence of a large female population like the fields of business and law. Perhaps, we are already at the juncture of history where the

patriarchal constructs are re-interrogated to bring about a new paradigm where principles of equality and non-discrimination may become the new norm.

#### **A. WOMEN AND MEN'S EXPERIENCE OF THEIR OWN REALITY**

In the various focus groups discussion (FGDs) that were conducted, both male and female respondents articulated differing views regarding the reality of their experience(s) in the university. For Caren Levy, it is important that stakeholders themselves are able to articulate their own experiences, the roles that they play in the institution, and the access that they have of institutional resources, in order for them to have a better understanding of their own situation and their means of appropriating development according to their own felt need.

In almost all the FGDs conducted during the course of the research, various respondents are of the opinion that there is an existing culture of open discourse and dialogue in the university as regard the promotion of gender sensitivity and human rights.

**Area of Health.** On the plus side, it was noted during the FGDs that the university provides for basic health services in the university, as well as basic health insurance among its employees. Catholic social thought spells out the need for employers to provide for basic, if not better, access to healthcare and health services (cf. *Pacem in Terris*). The Jesuit documents along this line is also very much conscious of providing opportunities and resources to its members—its lay partners and collaborators both in the social and educational apostolate—relative to providing a healthy working environment. In its many institutions and mission centers around the world, the Jesuits have been very forthright about the need to provide more access to healthcare among its members—being its most valuable resource—precisely because it values their welfare and wellbeing over and above anything else.

Likewise, there exists a system of accreditation among catering service providers as a result of the food poisoning incident involving students, faculty and administrators in July of 2012. The university also allows pregnant college students to continue their schooling, unlike in other Catholic schools.

And yet it was also suggested that perhaps these basic health-related provisions and access to healthcare services could be further improved as the needs of its various stakeholders, especially students and employees, are also increasing. To wit, there is a lack of maternal health insurance coverage for its women employees, as well as a lack women-friendly health services being carried by the current insurance provider such as pap smear, mammogram, etc. Also, the clinic at the Jacinto Campus has also been the subject of criticism because of questions regarding the proper delivery of services done by its personnel. Some of these cases of mishandling has resulted to serious health-related incidences.

**Analysis.** The university's appropriate authorities are finding ways to address these issues so that it could provide better health services for all its employees, especially

women. And yet, despite the feedback and suggestions given by employees through their legitimate union representatives, the university is slow in addressing these important health-related concerns. While it is true that the university has changed its insurance provider for its employees, it can be noted that the current health coverage still does not address some of the emerging concerns pertaining to women's health, among others.

**Area of Education.** In the context of admission, it was noted among the respondents from the high school and the college that the university openly accepts students regardless of religion, race and social status, not to mention sexual orientation and gender preference. There are scholarship grants offered to those who are academically deserving and those who are financially wanting. It is specifically noted that scholarship grants are made available to students who belong to the indigenous peoples (IPs), the *Lumads*. Likewise, the Daily Bread Program (DBP) which provides food assistance to student scholars and student assistants has since been institutionalized, after it was started by the Theology Division. It has been suggested though that the budget for meals in the DBP be increased, since it hasn't been upgraded through the years.

As regard professional development, the university is now pushing for more support, financial or otherwise, to faculty who are interested in getting advanced degrees. In fact, there is a substantial allocation for faculty development now than in previous years, and that the administration is really serious in encouraging more faculty and staff to get higher education as this also hinges on the university's efforts toward greater professionalization of its human resource as well as the promotion of quality assurance. The university also gives financial support for faculty who are invited to do paper presentations, both national and international. Likewise, there are more opportunities and incentives given to faculty and non-teaching-staff (NTS) to engage in research and publication, community service, as well as avail of more formation sessions.

Student respondents noted that with the annual increase in tuition and miscellaneous fees, the administration established appropriate venues for consultation through legitimate student representatives. The student council, the SAMAHAN Central Board—together with existing student organizational structures—has been noted to be very active in promoting open consultation with the university administration. There is an existing student handbook (recently amended) which spells out provisions pertaining to the promotion of students' rights and welfare, their corresponding duties and obligations, as well as privileges covering both the academic and non-academic concerns. During the FGD conducted among students on 13<sup>th</sup> July 2013 and 11<sup>th</sup> January 2014, respectively, the students lobbied for more representation in other existing structures in the university in the spirit of greater *participation, accountability, non-discrimination and transparency* (PANT).

In a particular FGD conducted among faculty and administrators during the *Training Writeshop on Gender-Responsive and Rights-Based Approaches to Research* (WG-R&R-BAR, 31<sup>st</sup> August-2<sup>nd</sup> September 2012, at *Garden Oases*), some expressed that the university has been able to provide many avenues in the promotion of gender equity and human rights. There are trainings/workshops being provided for by various departments, offices, and existing centers/institutes; some of these fora are even open to external

audiences/participants. Within and among various stakeholders in the university, there are experts/resource persons on issues pertaining to gender and human rights. It can also be observed that—especially with the change of institutional leadership in 2011—there are more and more opportunities being opened up in order to widen the space for open discourse. This is often led by the university president, Fr. Joel E. Tabora, SJ, who uses social networking a lot, being a regular blogger himself. Based on the respondents' experience of basking in the open season for public discourse, important issues of the day are eagerly tackled with considerable interest, the likes of which are the following: Reproduction health (RH), extra-judicial killing (EJK), environmental preservation against the pitfalls of irresponsible mining, climate change, among others. While these observations are palpable, there is also a clamour for more funding and support to sustain these platforms and initiatives.

It must be noted that among its over 1,600 institutions worldwide—in the form of colleges and universities, seminaries, mission centers, social advocacies—Jesuits institutions have been able to ingenuously adopt their core educational philosophies according to the exigencies of different cultural milieu. Their manner of offering educational opportunities to so many disadvantaged and vulnerable groups are remarkable, especially since Jesuit schools have gained a worldwide reputation for academic rigour that underscores the love of learning and the search of the truth, a distinct discipline that forms the whole person in the service of the faith that does justice (cf. GC 32, GC 34).

In Ateneo de Davao University (ADDU), one noted weakness in the area of educational opportunities is that there is no clear professional development track for other personnel who are non-teaching. Issues pertaining to vertical alignment and professional updating have been focused mainly on faculty. While it is true that the NTS are given access to educational opportunities or even research, or even other forms of professional growth such as involvement in community engagement and formation, there is no program that focuses on the NTS' career development track.

**Analysis.** As a whole, the university is really committed to improving its access to better educational opportunities for all its stakeholders. This is precipitated by the leadership of its University President who proactively responds to the challenges brought about by the educational reforms. Indeed, this commitment towards opening a wider access to better educational opportunities entails a lot of financial and material resources. And channelling a lot of these resources toward improving the state of the university's educational opportunities is a signal that the university is really serious in taking the lead in transforming the educational landscape of the city, of the region, and of Mindanao, in general. In a lot of ways, with the implementation of the K-12 and with the advent of ASEAN 2015 in the offing, the university's efforts at bettering its educational services for all stakeholders is one strength that can provide the university greater opportunities for promoting transformative education in this part of the Philippines.

**Area of Religion.** Though a Jesuit and a Catholic educational institution, the university does not discriminate in admitting students and hiring employees who may be non-Catholics, or non-Christians for that matter, much less in appointing administrators to

top positions. The respondents cited that the university provides for a culture of acceptance among students, faculty and staff coming from different religious background. The university formation framework embraces an inclusive and holistic orientation in forming its stakeholders in accordance with Ignatian Spirituality, at the same time it also openly encourages greater acceptance of other spiritual and religious orientations through the programs that it offers. Needless to say, though it openly promotes a strong Catholic religious culture through various religious activities and services in both Matina and Jacinto campuses, not to mention mandating Catholic theology as part of the core curriculum (which, by the way, does not provide a cognate course in lieu of a particular Catholic theology for non-Catholics/non-Christians), it also supports non-Christians in openly practicing their faith by providing a prayer room for Muslim students and staff. Along this line, the university truly supports inter-faith and intercultural dialogue among the members of the academic community and beyond by establishing the *Al Qalam Institute for Muslim Identities in Southeast Asian* (as the only Ateneo in the Philippines that has such), as well as its counterpart, the *Mindanawon Initiative for Cultural Dialogue* which is now lodged under the Ateneo Institute for Anthropology. As of the opening of School Year 2014-2015, the university offers a new course on AB Islamic Studies.

Currently, the university, through its Campus Ministry Office (CMO) in the college, offers a separate retreat for Muslim students. This is complementary to the provision of a separate prayer and wash room for Muslims students and employees. Likewise, in the area of spiritual formation, the university now offers retreats/recollections for agency-based maintenance and security personnel.

**Analysis.** As a sectarian university, the Ateneo de Davao positions itself at the forefront of religious acceptance and dialogue by offering programs that focus on providing greater understanding among different faith confessions. And yet, in its manner of proceeding, it underscores the fact that it considers itself as an instrument of new evangelization and, in a manner that is unique to itself, acts in accordance with the mind and spirit of the church, *ex corde ecclesiae* (cf. ADDU VMG). The university is trying its best to maintain its identity as a Catholic and Jesuit university which is an instrument of the church in promoting the ideals of Catholic education in the name of evangelization, at the same time, positions itself as that same catholic instrument which promotes religious diversity and tolerance in the context of the plurality and religious freedom.

**Area of Employment.** In the same manner as open student admission, the university's hiring policy is *non-discriminatory*. What is important to mention here is the fact that the university is the only Ateneo in the Philippines that has four existing labour unions, allowing it to negotiate different bargaining agreements in accordance with the needs of specific sectors under its employ: That is, the NTS, the grade school faculty, the high school faculty, and the faculty in higher education. Though there had been experiences of union strikes in the previous administrations, the university's current management promotes an environment of open consultation and dialogue with the various unions representing various sectors. It is significant to note that in the current negotiation to hammer out long-standing salary distortion, the management, especially under the leadership of the Fr. Tabora, SJ, even proposed changes in the salary scale package that is

considered to be very generous, indeed, even beyond the expectations of the different union negotiators. The university is also observing *transparency* and *participation* by doing consultation on important policies, especially newly formulated ones (such as the new rank and promotion, salary scale, faculty evaluation instrument, etc.).

With regard to observing the policy on the regularization of employees, respondents noted that the administration has been very fair to date, even though it is also criticized for continuously hiring contractual and agency-based personnel in some key offices, such as the Registrar's, the Library, the Law School, among others. What is more, respondents highlighted the fact that bonuses have been increasing through the years. Even in the treatment of agency-based workers, the university makes the effort to include them in celebrations such as university Christmas party, even providing them with retreats and recollections for spiritual nurturance, as well as including them in participating in relief operations during experiences of calamities. In the past, according to respondents, they were often not recognized and treated as if they are part of the university community by virtue of their employment status. At present, the orientation is changing, and that some agency-based respondents are beginning to feel that they are really part of the greater university community. Even in cases of personal family emergency, the university community solicits financial assistance to all personnel, whether regular, part-time, or agency-based.

Other groups of respondents, on the other hand, pointed out the university's human resource office's seemingly mindless *oversight* in providing for post-retirement programs, despite the fact some vocal retirees have openly expressed their frustration regarding their experience of "neglect," as it were, when they have already retired from full-time teaching. Another case of *oversight*, is also the lack of *accountability* on some erring administrators and faculty on money problems and student complaints. There is a perception that some of these erring administrators and faculty get away with certain cases of wrongdoings, whether these involve finances, or complaints raised by students or fellow faculty concerning ethical issues such as, for example, the conduct of personal relationships, the giving of grades, academic dishonesty, conflict of interest, among others.

**Analysis.** The university, as both Catholic and Jesuit, abides by the provisions of national labour codes, while also maintaining its sets of prerogatives in upholding decisions relative to its educational thrust. Generally, and in the overall, the university complies with state laws in providing opportunities for gainful employment. From the previous experiences of having to deal with the acrimonious effects of union strikes, the university has since turned those two occasions as instruments of good will when it further encouraged different units in the university to organize their own worker's association, with each negotiating in accordance with its own set of needs and contexts. Because it is the only Jesuit university with four existing employees' unions, and basically upholding four collective bargaining agreements, it has shown its commitment toward the promotion of a fair and equitable working environment. Some of the work-ons pointed out by respondents only indicate that the university, just like any other employer, still has more room for improvement in providing a more competitive employment package that

speaks of an educational institution that truly sees itself playing a major role in leading the educational reform in this part of the country, or the region, for that matter.

**Gender Equity.** The university's vision-mission statement promotes gender equity. In the area of curriculum, there are initiatives for the integration of gender issues in some subjects, particularly in the humanities and social sciences.

Moreover, in almost all the FGDs conducted, there was a general observation as regards the university's high tolerance and open acceptance of the members of the lesbian, gay, bisexual and trans-gender (LGBT) community, whether they may be students, faculty and staff. As a matter of fact, this orientation and practice has been palpably felt through the years. More and more women are appointed in various positions, and that LGBT orientation gains acceptance as gay faculty are also elevated to positions of authority. In basic education, however, this climate of tolerance is not quite same as there is a practice of discouraging the hiring openly gay teachers.

In a separate FGD among administrators in basic education conducted on 2<sup>nd</sup> July 2013, it was highlighted that the composition of administrative bodies/councils shows a more accepting and more open attitude toward lay people, especially women. In previous years, there has been a predominance of women administrators occupying the top position (headmaster) in the grade school. (In contrast though, it was pointed out that there are only two women who constitute the university's Board of Trustees [BOT]). It was pointed out that this situation is actually positive in the sense that it recognizes the significant element that is attributed to women: That is, empathy and the ability to listen. Women administrators are noted to be easily approachable by both teachers and pupils, and they find the time to listen to various concerns that are brought to their attention. Along with this positive reception on women being given important roles in the university—administrative or otherwise—is the inevitable reality of multiple burden being heaped on women employees, and this often comes with them exercising greater empowerment in the performance multiple tasks not only in the workplace but also in the home.

Moreover, this openness and acceptance for women participation can also be seen in the area of lay participation in religious activities in the campus, as more and more women are assisting in the liturgical celebrations as lay ministers (in the same manner as altar girls are also allowed to serve in eucharistic celebrations, though this practice has been recently stopped in basic education). This atmosphere of openness among lay/women administrators is also palpable in the context of maintaining an "open-door" policy. But in an effort to balance the existing power structure, concerns were also raised regarding the role and participation of male faculty/administrators in what appears to be female-dominated environment. There were suggestions to increase the male participation in the council in basic education. The respondents recognized that maintaining male presence in the structures of power is important, especially in the area of male modelling/witnessing (that is, providing a father figures to pupils).

The faculty- and student-respondents in the college cited that there is an atmosphere of openness on the part of the administration/management to listen to their various issue and concerns. They attribute this to the exercise of freedom of expression,

especially since there are existing structures, both new and the relatively new, where both stakeholders can channel and air out their grievances, such as the SAMAHAN Central Board and the four unions that were created among the non-teaching staff (NTS), the grade school faculty, the high school faculty, and the college faculty. But notwithstanding the presence of these structures and the openness that they provide and encourage (for instance, its proactive response to particular cases of sexual harassment), there are also cases in which some key players who are in the position to implement important policies are not really that supportive and responsive. In which case, it was noted by some respondents that suggestions raised during consultation meetings are simply noted, but that they are not really addressed specifically by middle management.

In the use of gender-sensitive language, it can be recalled that there was a renaming of Freshman Christian Formation (FCF) to First Year Christian Formation program (FYCF), later on renamed First Year Development Program (FYDP). Also, it can be observed that there is now the use of a gender fair language in the newly reformulated University Hymn, the *Blue Knight Song*, as certain wordings were changed and styled in accordance with gender sensitivity.

On the other hand, respondents noted that despite the university's efforts to provide a more gender-sensitive orientation, there is a lack of structure that looks specifically into gender-related concerns. Moreover, it was also mentioned that there is an absence of sex-aggregated data on personnel (such as, for instance, age, sex, ethnicity, religion, among others). Another thing, the child-minding center, located at Dotterweich Hall, for faculty and staff who have small children has since been discontinued.

**Other Issues and Concerns.** It surfaced during the FGDs that because of the university's open acceptance of the LGBT community, there may be a need to provide separate comfort rooms, especially for the gays. It was also noted by the respondents that the vulnerable sector of the university, especially persons with disabilities, including persons with limited physical and psychological capacities such as those with cases of dwarfism, autism, or attention deficit hyperactivity disorder (ADHD) should be provided with access to services or resources to meet their specific needs and concerns. This is often the result of a lack, or inadequate, profiling or data-banking among vulnerable groups in the university. On the other hand, agency-based respondents likewise mentioned that in the allocation of space both the male and female guards and maintenance staff be provided with separate lockers for the safety of their personal properties as well as for privacy.

Despite the university's efforts toward inclusion, acceptance and openness, respondents observed that there are important issues that need to be looked into seriously, such as the bullying, evidences of smoking in the comfort rooms and in the near vicinity of the school campus, vandalism of school properties, cases of glaring public display of affection (PDA), improper disposal of garbage (despite the presence of garbage bins inside the classrooms), cases of abusive/arrogant parents who can threaten faculty and staff, among others.

**Analysis.** What can be gleaned from these observations is that the Ateneo de Davao, as a university and a community, maintains an open and positive orientation as regard the

promotion of *greater participation* and *non-discrimination* among its stakeholders, irrespective of gender considerations. There is a conscious understanding, of course, that the university culture is dynamic and evolving, as evidenced by its rapid growth in the first sixty-five (65) years of its existence as a Jesuit university in this part of Mindanao. There are more venues for open discourses on important issues in the university through various fora, symposia, conversations, among others, which call for greater participation among various stakeholders in the university. And though the university still needs to further reinforce its orientation and practice in upholding gender equity and greater sensitivity in promoting basic human rights among its stakeholders, the respondents themselves related that the university strongly promotes a culture of acceptance and openness among various sectors in ways that promote accessibility to education, fair employment practice especially in the context of existing collective bargaining agreements (CBAs) with several labour unions, tolerance of different religious practices in the face of its aggressive efforts to promote a strong Catholic culture *ex corde ecclesiae* as embodied in its various programs and projects (pronounced with greater clarity in its newly rearticulated VMG), continuing effort in improving health care services among its students and employees. The current leadership also makes pronouncements that promote greater *accountability* and *transparency* in the delivery of academic, non-academic and formative services to all stakeholders, including that of its external networks and linkages. Enshrined in its manuals of operations, and reinforced in its current practices, the university makes the conscious effort to alignment itself with tenets of the church, the principles of Jesuit education, and universal declarations found in national and international laws, especially in the promotion of social justice and the pursuit of the common good.

## ***B. PRESSURE OF POLITICAL CONTITUENCIES / ADVOCACIES***

As mentioned by respondents, the university's stance regarding the presence of labour unions or workers' association, is indicative of the fact that it is serious in its commitment toward promoting human rights and gender-related concerns, all geared toward promoting a university culture that embraces the best ideals of what it truly means to be a Jesuit, Catholic and Filipino university in the context of living out its vision-mission-goals (VMG) in the modern contemporary setting—in a globalizing and highly pluralistic society.

**Area of Health.** Despite the existence of healthcare services and insurance for employees, the unions, representing different political constituencies, have been lobbying for a better medical coverage for all employees. Toward this end, it may be noted the university recently changed its healthcare provider. As regard the delivery of health services provided for in the two university campuses, the university has created an integrated health service system in both the Jacinto and Matina campuses.

When the issue of food poisoning erupted during a seminar/workshop in July of 2012 attended by various student leaders in the college, and convened by no less than university president himself, Fr. Tabora, SJ—with more than half of the student

participants needing medical attention and treatment in neighbouring the hospitals—the university then created a new protocol in accrediting catering service to ensure that the food served in and among university functions is safe to eat.

Likewise, the university also created of *Natural Family Planning Center*, lodged under the School of Nursing (SON), headed by Fr. Manny Perez, SJ. And to answer the current demands concerning the issue on wellness, the Physical Education Department organized wellness activities such as dancing, exercises, etc. Fairly recently (early April of 2014), the Office of the President, appointed a Wellness Coordinator from the Human Resource Management and Development Office (HRMDO) whose job is to facilitate and coordinate wellness-related activities among employees, whether these be in the form of exercise, dance, etc.

And yet despite these initiatives, there are still work-ons that needed to be looked into. For one thing, it was observed during the data-gathering that some faculty performing administrative functions have no honorarium for wellness, as compared to others. On the other hand, the unions are still lobbying for better medical coverage for all employees, especially on other benefits which the current health insurance provider (the most recent one) does not carry.

**Area of Education.** Different organizations /sectors /councils lobby and promote excellence in the delivery of academic and formative services in the name of academic freedom. In more specific details, the following structures in the university were created as instruments or agents in the propagation of the university’s educational and formative thrusts: The University Research Council (URC) which exercises influence in policy formulation through its institutional researches and studies being conducted (i.e., mining and environmental researches, climate change, gender and migration researches, etc.); the University Community Engagement & Advocacy Council (UCEAC) which exercises influence on policy agenda in the city of Davao (i.e., protection of Shrine Hills, etc.); the Ignatian Spirituality & Formation Office (ISFO) which synergizes the formation programs in the university; the existence of the SAMAHAN Central Board (the student council in the tertiary level); the *Al Qalam Institute for Muslim Identities in Southeast Asia* (the first among Jesuit schools in the Philippines, which now offers an Islamic Studies course in the first semester of SY 2014-2015; the *Mindanawon Initiative for Cultural Dialogue*; and the university’s taking a lead in the implementation of K-12 in the region through its own School of Education (SOE), among others.

Moreover, the student council (the SAMAHAN Central Board) is an autonomous body that is expected to lobby policies to promote students’ rights and welfare, in the same manner as the different organizations existing in the university, labour unions included, are also recognized to be animators and initiators expected to discuss policies and regulations that promote excellence in the delivery of academic and formative services in the name of academic freedom. On the part of the studentry, the student respondents echo the need for

greater representation in the various structures in the university, more specifically in the SRC and the UCEAC, or even the President's Council (PC).

One component that seems to be missing in the current institutional structure is an organization in the campus (particularly in the tertiary level) that represents the IPs, hence, forming a fitting counterpart to the Muslim youth organization. It was noted by some respondents that within the university itself, IPs remained largely unorganized, despite the existence of a structure such as *Mindanawon*.

Another group of respondents coming from the grade school echoed the concern that although there is the presence of a student development center, it also acknowledged the limited power of the prefect of discipline as well as the assistant headmaster for student activities. It was likewise mentioned among respondents in the grade school that political constituencies need good leaders. New leaders have to be trained in such a way that even in the event of pending retirement among the existing crop of leaders, best practices will continue and a new brand of leadership emerges. Among the respondents representing the NTS, they expressed their concern that, unlike the faculty and students who are represented in the planning and decision-making among university councils/committees—in whatever degree of involvement—they are rarely, if at all, consulted, more or less, represented.

**Area of Religion.** The university is very clear in its reaffirmation of working closely with the local church (*ex corde ecclesiae*) as articulated in its vision-mission, and yet, through its leadership, it also shows more open, critical and reflective attitude toward very controversial and contentious issues such as the Reproductive Health (RH) Bill, natural family planning, etc.

**Area of Employment.** The university has four (4) existing labour unions representing four different sectors: The NTS, and faculty of the different units such as the Grade School, High School and the College. As such, the university top brass maintains an openly consultative policy on matters related to salary scale and other employment benefits, ranking and promotion, curriculum development, faculty and staff development (though the latter is still to be worked on in greater detail), and the greater demand for quality assurance, among other things. In which case, it puts a high premium in hammering collective bargaining agreements (CBA) among the four existing labour unions in good faith because it is serious about concerns for social justice and the common good. It can also be observed that the university has continuously rebuilt community relationship as a result of two previous labour union strikes under former administrations. This new university leadership has bannered the call toward the promotion of social justice and the common good as a tall order—as a serious reminder of how it so chooses to achieve key results areas (KRAs) which it has already set to achieve. It should also be pointed out that the university, through some of its personnel, provided assistance to agency-based personnel in the creation of their own respective cooperatives. But on the flip side, it must be observed that there is still the continuing practice of hiring contractuels, as well as the

seemingly mindless oversight in providing for pre- and post-retirement programs for employees who are about to retire from service.

**Gender Equity.** The respondents acknowledged that through its newly rearticulated VMG, it is able to spell out clearly what it really wants to achieve and where it wants to go in achieving the same. But it still has to prove that it is really serious in, say, for instance, promoting gender equity, by appointing more female members in the BOT. At present, there are currently only two women in its BOT. Corollary to that, there is also a lack of a functional gender components among faculty and student organizations, an absence of sex-aggregated data on university personnel, and a lack of structure that handles gender-related issues. In fact, there is an absence of a specific desk that focuses on concerns related to gender (there used to be such office that addressed issues pertaining to women, lodged under the Office of Student Affairs (OSA, assistant director), but such structure does not anymore exist under OSA's current operation. It must be acknowledged though that there is a strong political will on the part of the university president to revise the lyrics of the University Hymn, the *Blue Knight Song*, to make it more gender sensitive.

**General Analysis.** In the university, the different structures of power are aligned in such a way that multiple voices are heard in the many avenues of discussion, consultation, dialogue and conversation. As a matter of fact, there has been so much effort put into creating consultative bodies, including informal and non-formal groups and cliques, thereby making the process long and rather circuitous, such as, for example, the creation of an acceptable ranking and promotion scheme, salary scheme, and faculty evaluation instrument (as reflected in the last visit of the Philippine Accrediting Association of Schools, Colleges and Universities (PAASCU). Representations among various stakeholders in councils and committees are important to maintain consensus and a proper balance of power and authority.

While the university is acknowledged to be pushing in this direction for greater *participation, accountability, non-discrimination and transparency*, it is recognizes that its hold in achieving the full measure of its goals and objectives is still evolving, given that some of these structures are relatively new in existence. And yet, it must be noted that the university, in more ways than one, has been openly embracing a more participative climate especially when it comes to its advocacies and engagements. For example, the university has been openly advocating against the ill-effects of mining (i.e., its hosting of two conferences and round-table discussion on mining, and other similar fora). It is also advocating for an open condemnation of EJK or summary killings (i.e., its efforts at curriculum integration, participation in the mass rally, etc.). What is more, the university did a massive mobilization of its stakeholders in mounting relief and rehabilitation assistance to survivors of natural/man-made calamities/disasters (i.e., typhoons *Sendong* in 2011 and *Pablo* in 2012, the *Zamboanga Crisis* and typhoon *Yolanda* in 2013, and some intermittent local flooding incidences in Davao City, among others).

Yet despite these initiatives toward an open embrace of difficult and controversial advocacies, there are also reported internal inadequacies in handling certain sexual harassment cases. Likewise, it was noted that in previous years there were inappropriate responses in dealing with cases of alleged unfair labour practice and illegal termination of employees, alongside the inadequate handling of abusive/arrogant parents who can threaten faculty and staff, and the inconsistent enforcement of the dress code.

At any rate, it must be noted though that the university's efforts in responding to the demands and challenges posed by political constituencies is indicative of its commitment toward promoting active *participation* among its stakeholders, especially in planning and decision-making. During the *University Strategic Planning* held in Eden Nature Park in the summer of 2011, various sectors were invited to actively participate in mapping out the university's direction as it positions itself anew in view of its newly rearticulated VMG. It spelled out KRAs that were subjected to discussion and further planning by various units in the university, as represented by key participants. On the part of the studentry, the *Viewfinder* is also established by the SAMAHAN Central Board as a more open venue where students can air out their concerns in the presence of their university administrators, from the top to middle management.

For all intents and purposes, this process of owning a shared vision and shared mission among stakeholders, especially those who are in the position to influence political constituencies, is all geared toward upholding *non-discrimination, transparency* and *accountability* in the university.

### **C. PROCEDURES**

As an autonomous university, it is ideal that certain ways of doing things must be recognized so that these may serve as a guide all stakeholders.

**Existence of Manuals and Protocols.** The university is commended for the existence of its various manuals that spell out in more detail certain procedures that will form as the basis, for instance, of hiring, termination of employment, admission and retention of students in a particular program in particular or in the university in general, promotion in rank, access to information including financial statements, conduct of research and its ethical considerations, constitution of a grievance committee to address specific complaints levelled against a particular stakeholder(s), and even the more recent protocol for catering service as well as the emergency evacuation protocol, among other things. Some of these manuals include the Administrative Manual, College Faculty Manual, Student Manual, University Research Manual, Ethics in Research Manual, and Emergency Protocol Manual, among others. There are also various guidelines such as the UCEAC Guidelines for engagements and advocacies, and the **iHELP** (the *Integrated Humanitarian and Emergency Logistics Protocol*). Moreover, there is the existence of the *Collective Bargaining Agreements* (CBA) among the different unions. There is even the creation of the

*Ad Hoc Committee on Quality Assurance*, as a result of the 2013 PAASCU Visit, which is tasked to enhance the university's quality assurance efforts to meet current market demands.

Through these manuals, the university has codified, more or less, many of its policies and procedures related to academic and non-academic matters. In line with this, there are also existing operational protocols in response to the birthing of new centers/institutes, or the operationalization of certain procedures that requires a clear process, or a step-by-step procedure, that will serve as a guide for all concerned.

**Review of Operations Manual(s).** However, there is a need to review some of the existing manuals and procedures because of a lack of clarity, or even the absence of a clear-cut policy on current practices. There is, therefore, a need to review whether or not policies and procedures, for instance, hiring and termination, or even something as basic as room assignment (particularly when it comes to senior teachers or teachers who underwent medical procedures), or the treatment of something basic as early class dismissals or perennial absenteeism among faculty, are consistent, or even clear, or something that promotes fairness, accountability and transparency. As a part of the review during the last PAASCU accreditation visit, it was recommended by the Self-Survey Team that the Faculty Manual be updated in view of the new and emerging provisions which are not reflected in the old manual, and even of old provisions which are no longer applicable.

**Lack of Procedure Regarding Gender Issues.** Moreover, it was suggested by the respondents that there ought to be a manual or some form of policy that will form the basis of activities related to gender issues, and this can only be realized if a separate structure, such as a newly created desk that focuses on concerns related to gender, will be established. It was noted by respondents that there used to be such office that addressed issues pertaining to women, lodged under the Office of Student Affairs (OSA), but such structure does not anymore exist under OSA's current operation.

**Better Procedures for Educational Reform.** It could with reason be said that the university, through some of its established procedures, whether these need further reinforcement or review, are all directed toward the promotion of greater *transparency* and *accountability*. There is no doubt that the university is expanding in view of both internal and external challenges, especially in the lights of the K+12 educational reform. Toward this end, the university has already committed itself to lead in the delivery of educational services that address the need for K+12 initiative, as well as in pushing for educational reform in the context of transformative education. And the university's existing procedural practices may need to be subjected to further scrutiny as a way of promoting greater quality assurance as an educational service provider at par, if not above, with some of the top universities in this region of the Philippines.

**General Analysis.** Along this area of codifying procedures and operational practices in the university, there is much to be gained from by documenting processes and

protocols engaged in by ADDU, both internally and externally, so that it will have a clear basis in achieving what it intends to do and the direction it chooses to take as an educational institution, in accordance with its VMG. However, the university has a history of not properly archiving its documents. This often comes as one difficulty especially during PAASCU visits. To solve the problem with archiving/documentation, it is suggested that Documentation Officers be assigned. Currently, documents are now placed/archived in what is called the PAASCU Room in the 2<sup>nd</sup> floor of Finster Building, a room that is also shared by the College Faculty Union (CFU). Perhaps then this problem of proper space allocation could be sufficiently addressed with construction of the new building. Moreover, the university's response in the creation of the *Ad Hoc Committee on Quality Assurance* may also be a step in addressing this lingering difficulty.

At any rate, with the creation of the different structures of power, it is expected that these structures will contribute in improving the procedures that are in place, and eventually, improving the university's system of operation in its overall efforts to realize its vision-mission and goals.

#### ***D. POLITICAL COMMITMENT***

In his address during the Faculty Summit (Nov. 4, 2011), Fr. Joel Tabora discussed the nature and identity of Ateneo de Davao University—a university that is Catholic, Jesuit and Filipino in Mindanao. As a university, it is a community of scholars in pursuit of truth in the context of the Mindanao situation; furthermore, it is “Catholic because in its pursuit of truth, it proceeds from the heart of the Church—*ex corde ecclesiae*—which reveals to us eternal Truth and challenges us in history to authenticity, integrity and truth. It is Jesuit in its appropriation of Ignatian spirituality and the mission Society of Jesus in the “promotion of the faith that does justice, [in] cultural sensitivity and transformation, and in interreligious dialogue. It is Filipino because it prepares students to benefit from, contribute to and engage the global world today.”

He further shared his reflections on the different elements of the mission. One of which is that the university “excels in the formation of leaders for the Philippine Church and society, especially for Mindanao...leaders who understand the history, culture, pressures and tensions in contemporary Mindanao, and who are willing to lead towards solutions in this light...leaders who understand the hunger of peoples for the Truth that the Church offers and willing to serve people in this light...leaders who will wage peace in Mindanao.” Ateneo educators thus must generate leaders who have depth of thought and imagination and can think “out of the box.”

As expressed by the President, the vision-mission of the university is “painfully relevant” in the context of the Mindanao situation, and that the university has “to respond to this situation with leadership, knowledge, moral uprightness, technical savvy, courage, vibrant research and relevant outreach. In the Joint Faculty Address of June 2013, he reiterated the ADDU Vision and Mission, and again described the university community as

impelled to "serve the faith, promote justice, advance sensitivity to culture, engage ourselves in inter-religious dialogue, and preserve and protect the environment."

*Analysis.* In his addresses to the faculty, the Fr. President has made the Ateneo community go back to the *raison d'etre* of the university – its nature and identity – and in sharing his reflections on its vision-mission in the context of the Mindanao situation, has set the tone and has laid down the direction the university has to take. (This can be seen as an application of the human right principle of transparency).

In emphasizing that the university flows *ex corde ecclesiae*, the President has made clear that the university "assists in the protection and advancement of human dignity and of a cultural heritage through research, teaching and various services" (*Apostolic Constitution of the Supreme Pontiff John Paul II on the Catholic Universities*). And as the *Apostolic Constitution* explicitly states that the Catholic university does this by completely dedicating itself "to the research of all aspects of truth in their essential connection with the supreme Truth, who is God," and by proclaiming the meaning of truth, for without which "freedom, justice and human dignity are extinguished" (*Apostolic Constitution*). Hence, Ateneo as an academic community has to "consecrate itself without reserve to the cause of truth" for that is the way it can serve "at one and the same time both the dignity of man and the good of the Church." This will enable, further, "people to come to the full measure of their humanity, created in the image and likeness of God."

In his address, thus, the Fr. President has brought the university to be accountable not only to the Church and Jesuit proclamations on seeking truth for the sake of human persons but also in the protection and promotion of human dignity, and thus, of necessity of basic human rights for such is basically part of the vision-mission of faith-justice.

**Area of Health.** The university might not have openly complied with the CEDAW's mandate on reproductive health for women. Yet, its concern for reproductive health of women is shown in the creation of ADDU Natural Family Planning Institute, which will "teach NFP to all who wish to learn it, within the University and beyond, as the Church's only-accepted method of family planning beyond abstinence" (Joint ADDU Faculty Address, *Implementing the ADDU Vision-Mission Further*, June 2013). By this, the President has advanced Church's position on natural family planning on a practical level. And in the context of the recently-passed Reproductive Health Law, which is now challenged before the Supreme Court, the Fr. President has committed to continue the discussion of reproductive health, promiscuity, unwanted pregnancies, and abortion among others.

The HR principles are *participation, accountability and non-discrimination and transparency* (PANT).

**Area of Employment.** The university president's commitment to improve the salaries and benefits of employees is manifested in addressing the issue of salary scale, in seeking to correct inequities in compensation (as recommended by faculty-representatives), and in improving incentives for faculty to earn doctorate (Faculty Summit, November 2011).

The human rights principles are *participation* and *accountability*.

**Area of Religion.** In his address to the faculty during the Faculty Summit (Nov. 2011), the university president made public his commitment to intercultural and interreligious dialogue and to respect of other faiths and culture, especially the culture of the IPs. He explained that part of the mission of the university is “touching indigenous communities through sensitivity to and respect for their cultural traditions and beliefs as *other*, and allowing these to thrive as communities of peace and human well-being,” as well as, “support these communities in their cultural integrity and desire to survive in our modern world.”

This commitment has been translated into the creation of Department of Anthropology and its Institute of Anthropology, and researches to advance sensitivity to cultures, such as, the root Muslim identity of the Iranun People in Liguasan Marsh, the violence brought against the B’laans of South Cotabato prior to and after the entry of SMI, the relation of the Tagakaulo of Malita, Davao del Sur, to their watershed, and the impacts of climate change on the life of the T’Boli (Joint Faculty Address, *Implementing the ADDU Vision-Mission Further*, June 2013).

In his address to the Faculty last November 2012, he cited the “Message to the People of God of the Last Synod” on the renewal of Catholic Faith. Among others, the document stated that the church considers other religions as natural partners in dialogue, and that dialogue among religions intends to contribute to peace. It further “rejects fundamentalism and denounces every violence that is brought upon believers as serious violations of human rights.” Churches of the word, furthermore, must ask those who are responsible for the destinies of peoples to safeguard every one’s right to freely choose, profess and witness to one’s faith.” (Faculty General Assembly, *New Challenges in the New Semester*, November 2012).

Fr. Tabora considered such as a plea for religious freedom, which is relevant in Mindanao and in the university. For part of the university’s mission is to work for peace in Mindanao, but this is to be done with other women and men of various faiths and good will.

This pursuit of inter-religious dialogue has led to the creation of our Al Qalam Institute, with its project to offer an undergraduate course in Applied Islamic Studies at ADDU. This Institute will work for a deeper understanding of the core identities of Christianity and Islam; this will make dialogue, even amidst tension (Joint ADDU Faculty Address, *Implementing the ADDU Vision-Mission Further*, June 2013).

He further asked the university community to reflect whether it has mediated a vibrant faith for students to commit themselves seamlessly from faith to the pursuit of justice and inter-cultural and inter-religious dialogue (CNS, Nov 2012).

The President’s commitment to the Church call of renewal and deepening of faith (present also in GC 34 and 35 and other documents on Jesuit education) has been translated into the creation of Ignatian Spirituality and Formation Office and an ADDU-

based center of Catholic theology in Mindanao in collaboration Redemptorists' St. Aloysius Theological and Missiological Institute (SATMI).

The human rights principles of PANT are clearly manifested here.

**Area of Education.** The President made a commitment to upgrade the academic atmosphere (Faculty General Assembly, *New Challenges in the New Semester*, November 2012). This is seen in the plan of raising the percentage of students on scholarship from 12.35 percent to twenty percent. Yet, he further qualified that the new scholarships be granted on the vision-mission of the university, that is, scholarship grants will be for the service of the faith, promotion of justice, cultural sensitivity and transformation, and inter-religious dialogue.

The many structural changes taking place in the university are also part of the commitment for academic upgrading. He also repeated the necessity of working together as a community to plan the concrete implementation of the Enhanced Basic Education Law or the K+12 reform. He further asked teachers to be teachers of excellence, and formators to renew their commitment as formators of freedom.

This upgrade necessitates also minimizing, if not eradicating bullying cases in Matina campus. The President's commitment to this is translated into a policy re-formulation on bullying, and the expulsion of an incorrigible bully from the high school.

Human rights principles *are participation, accountability and non-discrimination.*

**Gender Equity.** The university President's commitment to gender equity is evident in his speech entitled *Of Imperatives in Gender Sensitivity in Celebration of Women during the Multi-Sectoral Forum on Women* wherein he expressed his support for undertakings in celebration of women, in the name of gender equality and in the struggle for justice for women, and suggested the need to "reflect on our culture, to make sure that in our relationship with each other, we are not doing injustice to women." He further pointed out the meaning of celebrating Women's Day, Women's Week, and Women's Month as implying having "the courage to teach, to explain, to admonish, to coax, convince, argue, and break traditions and structures to promote gender sensitivity and equality, and to recognize women for the crucial role they play in our society." It further means "that we decide to be more sensitive to those who feel excluded from society because of our insensitivity, especially when this exclusion lays the groundwork for massive injustices committed against women in our society."

Such a commitment is translated in him making changes in the cherished traditional Blue Knight Song, which is gender exclusive, into something more gender sensitive.

Human rights principles are participation, accountability and non-discrimination.

## ***E. REPRESENTATIVE POLITICAL STRUCTURE***

The Administrative Manual 2012 has not only provided a clear picture the organizational structure of the university, but also the roles and responsibilities of the administrators and how the different political structures are represented.

The *Board of Trustees*, the governing body of the university, also includes among its members lay people who excelled in their fields of expertise. The *President's Council*, which serves as the advisory body of the University President in terms of policy decision making is chaired by the University President and is composed of the Academic Vice President, University Treasurer, Physical Plant Director, Human Resource Management and Development Director, Ignatian Spirituality and Formation Director, School Deans, Grade School Headmaster, High School Principal, Chairperson of University Research Council (URC), Chairperson of University Community Engagement and Advocacy Council (UCEAC), University Information Technology Director, Campus Minister for Administrators, Faculty and Staff, and Assistant to the President. The *University Academic Council* (UAC), the highest deliberative body for academic policy on the tertiary level (namely the undergraduate, graduate, and postgraduate programs of the University, with all related formation systems both for faculty, staff and administrators as well as for students), is composed of Academic Vice President (Convenor and Chair), Asst. to the Academic Vice President (non-voting), ISFO Director for Formation and Asst. to the ISFO Director (non-voting), the Deans and Asst. Deans of the different schools, representative faculty (appointed by respective deans) from different schools, Director of Admissions and Aid, Director of Libraries and AV Center, Director of Student Affairs, NSTP Director, University Registrar, Faculty Club President and Vice President, including student representatives, the SAMAHAN President and SAMAHAN Secretary-General.

The Standing Committees of the Academic Council are also well- represented. The same can be said of the University Research Council and its standing committee (URPC), UCEAC and other committees.

The democratization of education procedures is seen also through the active participation of students in policy-making. Thus, the university provides them opportunities to express their views on issues affecting the studentry through student's representation in the university committees, such a College Academic Council, Student Services Council, Student Affairs committee, Disciplinary Board, Standards Committee, Awards Committee, Library Committee, Formation Committee (*Student Handbook* 2013 Edition, p. 101). Student Representatives are selected/recommended/ endorsed by the SAMAHAN Central Board.

Furthermore, the Administrative Manual also presents the responsibilities of the administrators, including rules of collaboration/coordination, e.g., referring matters to appropriate administrators, communicating with superiors, and being accountable for decisions to superiors, etc. The Manual also includes principles of governance, such as subsidiarity and *cura personalis*.

From what is presented above, it is clear that the university provides a good representation to political structures, though improvement can still be done for it does not

consider gender balance in administrative posts. The rules on collaboration/coordination and the inclusion of the principles of governance promote community spirit and teamwork, as well as sense of responsibility among members of the community in the attainment of the vision-mission of the university.

The human rights principles of PANT are evident.

**Political Commitment.** In general, participants of the focus group discussions (FGD) held at Garden Oases recognized that the Catholic Church, the Society of Jesus and the Philippine government have the political commitment to promote human rights and gender equity. This is evidenced in the Catholic Social Teachings of the Church, the General congregations of the Society Jesus (namely GC 32, 34, and 35), and in the State Laws. The university's political commitment to these issues is also evident in the inclusion of human rights, justice and gender equity in the vision-mission goal of the university which has been approved by the Board of Trustees, as well, s in the pronouncements of the University President, such as his open discourses on RH Bill and Mining among others.

**Political Commitment in the Area of Health.** In the FGD at Garden Oases, it was pointed out that the university cannot openly comply with the CEDAW mandate on Reproductive Rights.

This is actually one of the divergent points between the university and the state laws/international conventions on human rights. For the university as a Jesuit Catholic receives its mandate from the Church, and not from the state. Its vision-mission and goals and activities flow from the heart of the church (*ex corde ecclesiae*) as well as from the faith-justice mission of the Society of Jesus, thus, it can choose not to openly comply with the CEDAW mandate.

Yet, the commitment of the university to respond to the situation of women and their right to reproductive health can be seen in its putting up Add Natural Family Planning Institute which is undertaken by the faculty of the College of Nursing.

The human right principle of accountability to reproductive health and to women's issues is manifested.

**Political Commitment in the Area of Employment (Matina Campus).** It was pointed out that in one office, the staff do not have problems with their immediate superior style of management; yet in one office, the staff are problematic for their immediate superior (middle management) is not putting into practice what is learned in seminars/trainings attended. So for some time (years) there is not much improvement and growth and same problems kept recurring.

Here we can see the importance of immediate superiors' commitment in improving how things are being done in their respective areas of responsibility or offices for this would affect not only the delivery of services to students but also the morale of their staff/subordinates. In the situation pointed out, the CST teachings on "upholding dignity of workers" (RN #31-32) is not complied with. Furthermore, this also contradicts the directive on how a Jesuit educational institution should be, part of which is that all

members of the community should manifest *cura personalis* and should pursue excellence in the giving of service. Pursuit of excellence would result to growth and improvements in the delivery of services, but which this particular office is lacking. With regards to state laws, this particular administrator is not able to comply with the mandate to enjoy culture (can also be understood in the context of the workplace, that is, workplace must have be a culture that is life-inspiring and nurturing growth).

Moreover, the immediate superior is not able to uphold the HR principle of accountability for the person in question is not able to give justice to the university's vision-mission, as well as to the staff and to students.

(From Jacinto Campus): Participants consider it a good practice that Fr. Tabora is very open, supportive, responsive, generous and proactive in terms of teachers' benefits, such as salary increases. Furthermore, he initiates ways to improve the benefits of teachers.

Here can be seen how the university president concretizes the mandate of CST with regards to respecting the rights of workers, such as the right to "suitable, equitable and just wages enough to be able to support a family, and at the same time, allowing workers a sense of responsibility in the industrial concerns where they exercise their manner of work" (PT #64).

By this, the university president shows that Jesuit education has integrity. The improved benefits and increased compensation, with particular concern for those earning the least and the search for equitable promotion practices demonstrate the university's commitment to fairness, equity and the well-being of the employee as well as commitment to equal opportunity (*SEI*). The state laws on full protection in the workplace, e.g., fair terms of employment and leave benefits, social security, freedom to associate (labour unions) are complied with (ICESCR Art. 6,7,8 (1),9; UDHR Art.2, Art. 3, Art. 7, Art. 10, Art 19, Art. 20, Art. 23, Art. 24 and Art. 25).

The human right principle of accountability (of employer to workers) is upheld.

Matina FGD commended the existence of different groups/associations, such as, unions, DPTCSI, AGSCA, Councils. They also considered it good practice that there are provisions for meetings and councils. Moreover, there is consultation before coming to a decision.

Jacinto FGD participants said the same thing. They explicitly mentioned that men and women from the faculty are well-represented in committees and policy-making bodies. There is a listening management/ leadership, as well as, participation in the yearly planning and evaluation.

Here, there is compliance with both the CST's directive and international/state laws on right to association/unions [ICCPR Art 19 (1), (2), Art. 21, Art 24 (1), and Art. 27]. Moreover, this also evidences the university's fidelity to its Jesuit character that of being a community, which includes parents, and with each group forming a team.

The four HR principles (participation, accountability, non-discrimination and transparency) are upheld.

Unfortunately, not all offices are like that. There is mentioned an office (Matina campus) which does not involve the staff in the planning nor are they consulted in decision-making. This cannot promote community spirit and teamwork and the living up of community values which are expected from the university as a Jesuit educational institution. Clearly, the middle management in question is not align with the VMG of the university.

Human right principles of participation and accountability are wanting.

**Political Commitment in the Area of Religion.** Students commended the positive practice of SAMAHAN in its openness in supporting other programs of students who are not Catholic.

This shows that the university is able to conscientize students on the value of interreligious dialogue and instilled in them a basic respect for the religious difference. Thus, the Jesuit community has to some extent reflected that *ecumenical respect* for all men and women of good will which was expressed by the Second Vatican Council (JSJ). International and state laws on freedom of religion are complied with (ICCPR Art. 19, Art 27; UDHR Art 18; 1987 Phil. Constitution Art. III Sec 5).

Evidenced here are the HR principles of non-discrimination and of accountability to the VMG of the university.

**Political Commitment in the Area of Education.** FGD participants (Garden Oases) commended the open discourse on issues such as the RH Bill and mining. Jacinto Campus FGD commended Fr. Tabora for being very open, supportive, responsive, and proactive in terms of improvements for the school, and welfare of the students; also commended are the opportunities offered to the marginalized through scholarship and open access of library to outsiders (on Saturdays and with referral).

Matina Campus FGD commended these positive practices: Commitment to Ecoteneo, intensification of Anti- Bullying awareness through seminars, and the investigation on disciplinary cases, which involve bullying. Yet, there is a recommendation that dissemination in a larger scale (stakeholders) on anti-bullying be done.

Here is evident the commitment of the university to respond to social justice issues and other burning issues of the times, e.g., mining, RH Bill, environment, poverty. In so doing, the university does not only promote its faith-justice vision-mission but also implements the directive of the Catholic Social Teachings, which is to respect and uphold human dignity.

The open discussions of the burning issues enable members of the community to have awareness of these, and thus, make an appropriate and creative response according to their capacities. The commitment to Ecoteneo in the Matina campus exemplifies this.

With the provision of scholarships to the marginalized and the open access of library to outsiders, the university has complied with the mandate of the secular laws regarding the right to education, and of CST, which specifically “calls for the education of the youth from all social backgrounds, as well as the promotion of social services” (GS); and learning how to read and right and acquiring professional formation implies recovering confidence in themselves and discovering that one can progress along with others (PP #35). Moreover, this also manifests fidelity to its Jesuit identity for through these it has manifested its concern for and its solidarity with the poor. It thus is faithful to the directive that Jesuit education (JE) be an education for justice (EJ). The international and state laws on education are also complied with (UDHR Atr. 10, Art 19. Art 26 (2), and Art. 27 (2); BP 232, “Education Act of 1982”; 1987 Philippine Constitution Art II Sec 17 and Art XIV, Sec 2 (3), (4), (5) and Section 5(2), (4)). The human rights principles upheld are accountability and non-discrimination.

Fidelity to its identity as a Jesuit university can be seen in the commitment to school improvements. Such allow the pursuit of excellence, an Ignatian value, the aim of which is the fullest possible development of every dimension of the person, thus, one be able to give a better commitment of service to others and to justice. The human right principle is accountability.

Activities in relation to anti-bullying, including disciplinary investigations relative to this issue, a show not only a compliance to the state laws on anti-bullying but also respect and uphold the right of the members of the community, especially students, to an atmosphere inside the campus, which is free from oppression, unfreedom and misery; this is part of their right to (psycho-emotional) health as explicitated in CST (PT #6) and also of state laws on health, which state the right of everyone to health and to an integrated and comprehensive approach in health development (1987 Philippine Constitution Art II Sec 13, 17and Art XIII).

Moreover, in consonance with the Ignatian value of *cura personalis* and of Jesuit education as value-oriented, these will allow the formation of the will of the students to learn how to conduct themselves towards others in such a way that they recognize and respect the human dignity of each person. The disciplinary action and fair rules in connection to this will aid in the character training of the students. Yet, there is a perceived lack of dissemination of anti-bullying on a larger scale.

The HR principles evident are accountability and non-discrimination.

FGD participants (Garden Oases) commended the President and the Board of Trustees for having social justice orientation; likewise, the Council heads are also commended for having Rights orientation.

Jacinto FGD participants commended that there is a listening management/ leadership, and that there is participation in the yearly planning and evaluation. They also explicitly mentioned that men and women from the faculty and students are well-represented in committees and policy-making bodies, though, there is an absence of student representatives in Councils, such as, URC, UCEAC (Garden Oases FGD).

Student-participants also commended the fact that they can lobby what they want to improve. For them there is transparency. Yet, they want that recognition of the students representing the school should be done.

The VMG of the university shares in the faith-justice mission of the Society of Jesus, of which the promotion of HR is a necessary component, hence, it is of utmost necessity that leadership has social justice and human rights orientation. The present leadership exhibits this quality. Human right principle is accountability.

Moreover, community spirit is promoted where the Principle of Subsidiarity is applied. The sharing of responsibility is based on a common vision or common sense of purpose. The mentioned 'listening management/leadership' helps 'create and maintain the conditions most favourable for each one to grow in the responsible use of freedom'.

The HR principles upheld are accountability, non-discrimination and to some extent transparency (from the perspective of the students) and participation (there is a recommendation that there be student reps in Councils).

**Gender Equity in the Context of Representative Political Structures.** Garden Oases participants commended the Council Heads for having Gender orientation, as they pointed out the need for improvement in the Board of Trustees for there are only two female members.

The faculty representative believed that there is gender equity in the assigning of administrators. For even if there are more male admin in SEA, while SOE has more female administrators, these are simply due to labelling/categorizing of courses by students. There is no issue of gender inequality. Gender is not part of the qualification for administrative position (even gay faculty can be an administrator). The considerations are only qualifications, attitudes, and whether the person can deliver.

Jacinto participants commended the encouragement of the administration to attend gender-related community trainings as they also pointed out the need to have sensitivity as to gender-balance, such as, assigning of lady guard in the library.

The university is able to comply with the directive of GC 34 of an "appropriate presence of women in Jesuit ministries and institutions." There are now two women in the Board of Trustees. There is also a perceived gender equity in the administrative positions since in practice gender orientation is not factored in becoming an administrator. "What counts are qualifications, attitudes, and whether the person can deliver?" Moreover, the administration is also supportive of their people with regards to gender sensitivity trainings.

Yet, for the participants the compliance is not sufficient. There should be more women in the Board of Trustees and there is still a need for gender-balance in functions and tasks.

Thus, to a certain extent human rights principles of participation, accountability and non-discrimination are upheld.

**Gender Equity in the Context of Political Commitment.** In the different FGDs, nothing is mentioned about political commitment regarding Gender Equity.

#### **F. RESOURCE**

Mainstream gender integration implies the use of existing policy and programme budgets in a gender way. The necessity for new and sustained resources is critical for the promotion and maintenance of gender integration (Levy, 1996).

It is acknowledged by the respondents that in Ateneo, there is sufficient budget for any University projects and needs. It was also acknowledged that the allocation of resources is not much of a problem as faculty and staff have equal opportunities to avail seminars, trainings, and educational trips geared towards development. In addition, the Grant-In-Aid (GIA) program of the University, a benefit given to regular employees for their children to avail free tuition fees in Ateneo, is now being opened to some agency-based workers in the Grade School who have qualified requirement regarding their income. This benefit is also extended to the coaches that are not full-time teachers in the Grade School. Same benefit is also awarded to students from Indigenous Groups.

Due to these resources, the University was able to provide facilities that are geared to cater to specific groups. For instance, the comfort room for the grade school pupils are built in accordance to their needs, ramps are provided to those who are physically challenged and special prayer rooms are afforded to the Muslims. However, there are other concerns that still need to be addressed, for instance, the need to continue the child-minding center which was closed down despite the space provided for it and the need for breast feeding centers which is actually mandated by law. Another need that has to be addressed should be in facilities that cater to students with dwarfism.

One school resource that was appreciated by the respondents were the presence of the CCTV cameras. Through these cameras, the administration can monitor incidences of stealing, indecent behaviour and even bullying. Before, when a security guard report an incidences students kissing and of bullying, some parents react negatively and threaten the guards with a lawsuit, but now, with the CCTV cameras, even the security guards are protected. It should be noted, however, that in one of the researches on Bullying in the University, there are some blind spots that cannot be monitored by the CCTV cameras and some students were aware of the said blind spots.

One reason why the University has good resource is because of the tuition fees of the students. According to the parents who participated in one of the FGDs, they really don't mind the 6% increase in tuition because it is clearly presented and explained to them where it goes and they can see it through the facilities in the University. However, the parents are suggesting that they hope that graduating students who were not able to pay their tuition fees yet be allowed to join and "march" during the graduation ceremonies. According to one of the respondents,

*"Sana yung mga estudyante na hindi nakabayad ng tuition fee, i-allow to graduate, maka-marcha. Kasi sometimes this becomes very embarrassing episode sa buhay ng*

*mga bata. Hindi naman nila, lalo na sa grade school, kasalanan kung hindi nakabayad ng tuition fee, pero pinaghirapan yun ng mga bata. So if the school can allow, please allow them na maka-graduate kahit hindi nakabayad. Anyways, the school can always hold on to their school records na hindi maka-transfer to other schools unless you settle your financial burden with the school."*

## **G. METHODOLOGY**

A "Clear" Methodology is defined as a clear rationale for the integration of gender into development practice as well as tools for operationalizing gender issues in the work of practitioners. This is crucial in effective staff development because without it, methodology will not be able to sustain change in the staff development activities of organizations (Levy, 1996).

In Ateneo, there are efforts for trainings that are being conducted in the University. Trainings on Gender Sensitivity, Human Rights, are being conducted to teachers, administrative associates (non-teaching staff) and students. However, during the FGDs conducted for the research, there are still some other training that the respondents see as needed and important. For instance, the security guards recommend that they will be trained on how to handle children. Because there are instances when a child cries and they do not know how to handle them since children have different characters and personalities. In addition, they believe that livelihood trainings are also needed since as agency workers they have very minimal salaries and the skills they will learn will help augment their income. The parents on the other hand, see the need for teachers to be trained on how to handle children with special needs. This is due to the fact that they have been hearing complaints wherein children with special needs push other pupils in the stairways and ending up hurting them. Another possible training suggested is on how to deal with students who are victims of violence because there are some students asking help from their teachers and the teachers do not know what to do.

In the study, it was found out that there is also a need to conduct these trainings to the parents in the Basic Education because there are times when there are gender-sensitive issues that the parents could not understand, for instance the hiring of a qualified teacher who happens to be gay. As stated by one of the respondents,

*"There was this one applicant who was able to comply and pass all requirements. So supposedly ma-accept sana siya but then because he was gay, hindi siya natanggap. So I think hindi pa ready ang community to accept because we were considering that identity kasi basic ed nga. Also our communities, especially the pupils and the parents are not yet ready to accept that reality... So we would like to recommend that gender sensitivity training should not be given to the faculty but to the parents as well because we are anticipating that parents will also react NO if ever you will see your teachers na bakla or tomboy."*

It should be noted however, that although hiring of gay teachers in the Grade School is a bit difficult, this is not the case in the High School and College. One of the respondents

from the High School noted that with the new administration, qualified gay applicants are now being accepted.

Parents should also be made aware of the rules and regulations of the University so as for them not to discriminate University personnel, particularly the guards and janitors. Discrimination usually happens when the guards are implementing school policies such as the one that prohibits parents and guardians to enter the University during class hours. Some parents usually insist to enter the University and when the guards prohibit them, some parents will quarrel and insult the security guards. The guards feel that they are being looked down by some parents.

#### **H. DELIVERY OF PROGRAMMES AND PROJECTS**

According to Levy (1996), the successful delivery of programmes and projects is possible if there is a supportive policy environment that will formulate, implement and manage gender aware programmes and projects. The delivery must include not only professionals and practitioners but also those coming from the communities – because it is important that their interests and needs are reflected in whatever decisions that will be made.

In Ateneo, administrators, teachers, parents and students are usually consulted in matters concerning the University. For Instance the General Faculty Meetings and Parent-Teachers Assemblies are some avenues where consultation can happen.

One aspect to work-on is the receptiveness of some key players in the management regarding suggestions given during meetings. One respondent said,

*"Maskin pay naay mga suggestions in an open forum for example, naay mga key players in the management nga hinay ang pagrespond or nagpabungol-bungol, nagpabuta-bungol ambot unsa ang iyahang gi-portray nga drama sa kinabuhi, basta dili siya nagapaminaw pero mo-smile. Lamanohon ka kay wala ka kabalo kung naa bay nahitabo sa imong gusto mahitabo. Naa sa middle management nga dugay kaayo ang response."*

This concern is now reflected with the current insurance policy of the University which is not responsive to the reproductive health of women. There were a lot of complaints from female faculty members who said that the current insurance policy did not help them in their health needs. For instance, children from zero to nineteen years old were not covered by the insurance, complications related to pregnancy like ectopic pregnancy and having cysts in the ovary were not included in the insurance package. But despite all these complaints and concerns, the Human Resource Office still renewed the same insurance policy.

Another aspect to work-on is with one unit in the University–the Administrative Assistants– who are not usually consulted in the University. According to one of the respondents,

*"Staff should be included in the planning kay although dili mi head, pero naa mi experience na good, dapat pud mi paminawon. Not all the times head lang ang matuman."*

Similarly, agency-based workers such as the security guards and the janitors need to have representation in the University structure as well. Presently, the agency-based workers have no mechanism on where and who to address when they have problems in the University. Such problems include students bullying the personnel and incidences of sexual harassment committed by some teachers to some of the agency-based workers.

Levy stressed that for institutionalization to retain its character as sustained change, 'public learning' is critical to the institutionalization of gender issues. Thus, effective 'delivery' of programmes and projects must be able to respond to the dynamic reality of women and men's experience and interpretation of that changing reality.

This sentiment was shared with one of the respondents of the FGD who shared their problem with dealing with the issue of teachers getting pregnant out of wedlock. The respondent shared,

*"My wish is that these kind of inputs can also be given to the school leaders in the basic education who are particularly involved in policy making. There was a point in the school that school teachers have a hard time dealing with the issue that many female teachers are getting pregnant out of wedlock. One side said that they have the right to teach but the other side said that they are in the Basic Ed and there are young people that can hear about what their teachers have done. Parents also started questioning administrators about it. Talagang maselan yun siya [It was truly a sensitive issue]."*

In the Code of Ethics of Professional Teachers, there are no provisions that prohibit teachers, even those coming from the basic education, from getting pregnant out of wedlock. In addition, there is also no violation if a teacher fell in love with a student provided that they are discreet with their relationship. As stated in Section 7, Article VIII, In a situation where mutual attraction and subsequent love develop between teacher and learner, the teacher shall exercise utmost professional discretion to avoid scandal, gossip and preferential treatment of the learner.

Another issue that was brought up during one of the FGDs, was on the on-going policy of the School of Nursing (SON) on not allowing pregnant students to go on-duty. According to one of the respondents from the SON,

*"it is for the safety of the student and the child because we do not want them to be exposed to the bacteria in the hospital."*

It was then pointed out during the discussion that on the ground of equality and non-discrimination, there should be no distinction between a professional nurse and a student nurse because professional nurses can go on-duty even if they were pregnant.

## I. POLICY AND PLANNING

In Caren Levy's Web of Institutionalization, she said that pronouncements from institutional leaders as political commitments are not enough without translating these public articulations into an actual policy of the organization. Also crucial to policy formulation are its contents, processes observed and its eventual implementation.

By policy, it covers documented principles and procedures that govern the university's ways of doing its business. In this research, a review of the following documents was made to verify if policies pertinent to the promotion of gender equality and human rights are present: Vision-mission, Administrative Manual, Faculty Manual, Research Manual, Student Manual, UCEAC 2012 Guidelines and the Collective Bargaining Agreement (CBA).

A scan of these policies yielded interesting results. Principles of gender equality and human rights are inked across the manuals reviewed in this study. However, there are also some elements that are found missing.

**Vision-Mission.** The rearticulated vision and mission of ADDU now bears a provision indicating the university's commitment to the promotion of gender equality, to wit:

*"The Ateneo de Davao University is a Catholic, Jesuit and Filipino University. As a university it is a community engaged in excellent instruction and formation, robust research, and vibrant community service. As Catholic, it proceeds ex corde ecclesiae – from the heart of the Church. As Jesuit, it appropriates the mission of the Society of Jesus and the spirituality of St. Ignatius of Loyola. As Filipino, it prepares students to benefit from, contribute to and engage the global world.*

*The Ateneo de Davao excels in the formation of leaders for the Philippine Church and society, especially for Mindanao. It excels further in the promotion of the faith that does justice, in cultural sensitivity and transformation, and in inter-religious dialogue, particularly with the Muslim and Lumad communities of Mindanao. It promotes communities touched and transformed by the faith, communities of peace and human well-being, culturally resilient yet able to adapt to the modern world. It promotes social justice, **gender equality**, good governance, the creation of wealth and its equitable distribution. It engages vigorously in environmental protection, the preservation of bio-diversity, and the promotion of renewable energy. It leads in Philippine educational reform, especially for the peoples of Southern Philippines."* – ADDU Vision-Mission

According to Fr. Joel E. Tabora, SJ [ADDU President], the vision and mission is very important in the university life. He said that it is the "alpha and the omega," the spirit of the institution. The vision reveals the identity of ADDU and its mission outlines the actions it intends to do.

Therefore, having gender equality in the mission indicates that as an institution including all the members of its community, Ateneo de Davao University shall endeavour to search for the truth to end gender inequality through its threefold functions of instruction, research and community engagement.

During the University Planning Workshop last April 17-20, 2012 at Eden Nature Park, gender equality as one of the key result areas implied promotion of equality in social relations and structures – that ADDU opposes discrimination against persons on the basis of their gender. By gender discrimination, it did not only include the marginalization of women but also of persons of varied sexual orientation and gender identity such as the lesbians, gays, trans-genders, bisexuals and intersex peoples.

The challenge however remains to be in the realm of its operationalization. The lofty ideals of the vision and mission must be brought down to reality so that it can be reflected in the various goals of the university, for realistic implementation.

One of the elements lacking in the articulation of the vision and mission is the non-explicit inclusion of human rights. While many of the key result areas generated from the vision and mission reflect some corollary principles of human rights like social justice, good governance and environmental protection, it cannot be left to assumption that human rights is integrated either as a separate key result area or simply a governing principle that cuts through the explicitly stated mission of ADDU.

**Administrative and Faculty Manual.** The critical expression of gender equality in the mission necessitates its appropriation in the level of the different administrative life of the university. When the university was challenged to bring the ideals of the vision and mission into the plane of reality, at the minimum, gender equality and human rights must have been reflected in the goals of the academic units, research institutes and community engagement and advocacy centers of ADDU.

A review of the administrative and faculty manual revealed that only four (4) centers and two (2) academic departments in the university have integrated the promotion of gender equality and human rights in their center/institute/office goals. These are: 1] Ateneo Public Interest and Legal Advocacy Center (APILA), 2] Institute of Socio-Economic Development Initiatives (ISEDI), 2] Mindanawon Initiatives for Cultural Dialogue (Mindanawon), 4] Social Research, Training and Development Office (SRTDO), 5] Economics Department, and 6] Political Science and History Department.

APILA has indicated its goals in the Administrative Manual.

*"In order to achieve its mission, APILA hopes to:*

- 1) Develop a constituency of legal and paralegal service providers that adopt a **gender sensitive and rights-based approach** in responding to the needs of vulnerable groups concerning violations of their human rights;*
- 2) Enhance the students' understanding of the **gender-sensitive and rights-based framework** in public interest advocacy by integrating the various sectoral issues in the curriculum through the academic, non-academic, practicum and internship programs;*
- 3) Provide **gender-sensitive and rights-based legal and paralegal services** to victims of human rights violations, particularly of gender-based violence;*

- 4) *Develop monitoring and evaluation tools on the application of a **gender-sensitive and rights-based approach** to public interest legal and paralegal advocacy;*
- 5) *Mobilize communities to actively participate in indentifying priority issues of the vulnerable groups and crafting the advocacy platforms” (Administrative Manual, p. 58).*

Furthermore, APILA also indicated research as one of its ways of proceeding in addition to capacity development, advocacy and legal and paralegal services. It also uses gender and human rights-based frameworks in its search for scientific truth. To wit:

*“Research. The center shall actively engage in scientific exploration of the relevant issues and concerns using **gender-sensitive and rights-based frameworks**” (Administrative Manual, p. 59).*

APILA also engages in advocacy work where promotion of human rights takes center stage in its campaigns.

*“Advocacy. The center shall participate in public campaigns and mobilization efforts to raise public consciousness on the **promotion and protection of human rights** from any form of interference” (ibid).*

ISED I on the other hand has evolved for the past thirty three years as a community engagement arm of the Ateneo de Davao University formerly known as the Institute of Small Farmers Inc. It has also articulated its objectives from two planes, community level and institutional level.

*“Community level objectives:*

*Ensure that all of its currently-assisted communities have in place the basic minimums of: an active organization **equitably represented by women and men**; a sustainable enterprise; a functioning assistance network; and an on-going environmental sustainability program;*

*Establish a micro-finance center that will service the needs of communities that wish to engage in micro-enterprises that are sustainable, community-based, **gender-sensitive and environment-friendly**.*

*Institutional level objectives:*

*“Use participatory approaches in engaging communities in capacity-building programs on enterprise based organizational development, environmental stewardship and spiritual and values formation, all within the context of transparency, accountability and **gender sensitivity**” (Administrative Manual, p. 62).*

Mindanawon is ADDU’s center, the work of which is highly specialized on issues and concerns of the indigenous peoples and communities of Mindanao. Formerly a non-government organization housed in ADDU but now fully integrated within the university structure being the engagement arm of the Anthropology department. Its goal partly states:

*“Mindanawon strives to serve as a center for the creative and critical promotion of **IP rights, cultural identity, initiatives, assertions, and social movements** in the following*

*thematic areas: ancestral domain claims and management, self-determination, environment, **peace and gender**, spirituality”* (Administrative Manual, p. 71).

Another office critical to the formation of gender and human rights consciousness in the university is the research arm of the Social Science cluster – the SRTDO. The office narratives and historical account highlight its long years of work in the promotion of gender equality within and outside ADDU. Its history shows in part:

*“The over-all goal of SRTDO is to become a research, training and consultancy center in Mindanao that actively involves in the systematic analysis and discussion of development issues, specifically in the areas of social change, rural-urban development, public administration, **gender, women’s rights as human rights**, reproductive health, environment, electoral concerns, education and migration. To this end, it houses several projects such as training, research, and consultancy services that explore the above-mentioned areas of concern, both as conceived by the office itself and those which are contracted with external partners”* (SRTDO History, Brochure).

One of the longest projects of SRTDO is the Mindanao Working Group on Reproductive Health, Gender and Sexuality (1995-2010), which was supported by the Ford Foundation New York. The aim of the project was to engender the curriculum of key professional courses such as the Nursing, Medical, Development/Mass Communication, Psychology, Education and Social Work. Its main activity was capacity development for curriculum integration of Gender, Reproductive Health and Sexuality issues involving teachers and administrators handling the courses.

Among the many academic units in the university, only two departments under the Social Science cluster have an expressed provision on gender responsiveness indicated in the Faculty Manual. The Economics department envisions their graduates to be:

*“...able to critically analyze the existing social structures and situations in a manner which is scientific, culturally-sensitive, **gender responsive** and adoptive to ethical principle”* (Faculty Manual, p. 11).

On a similar note, the Political Science and History department included gender responsiveness in the key thematic areas that the discipline intends to explore. It says:

*“The scientific and critical understanding of the operation of state and government in a manner that is international in perspective, national in focus and culturally adaptive and **gender responsive**”* (Faculty Manual, p. 13).

Furthermore, the faculty manual contains provisions that may subject faculty members to a disciplinary action for conduct unbecoming a faculty member. In the manual, the university assures that due process will be followed before any punitive actions may be imposed on the erring faculty. This is intended to keep the role of the faculty as stated in the Code of Ethics of the Ateneo Educator which must be safeguarded being a part of a professional and academic community. The provision says:

*“Grounds for disciplinary action:*

*xxx in the interest of community and institutional harmony, the faculty may be help to answer for their undesirable conduct such as the following:*

*xxx*

***Acts of gender-related violence***

*xxx*

(Faculty Manual, p. 73)

**Student Manual.** Another important component of policy making is the institution's ability to address the students' welfare, ADDU being engaged in the teaching apostolate. A perusal of the students' manual reveals that discrimination and other forms of harassment are punishable offenses under non-academic misconduct.

The manual defines harassment as:

*"xxx conduct that is so severe and/or pervasive, and objectively offensive, and that so substantially impairs a person's access to University programs or activities, that the person is effectively denied equal access to the University's resources and opportunities on the basis of his or her race, color, national or ethnic origin, alienage, sex, religion, age, sexual orientation, gender identity, marital status, veteran status, physical or mental disability, or perceived membership in any of these classifications."*

(Student Manual, p. 84)

**Research Manual.** The University Research Manual outlines the principles, protocols and procedures that the members of the ADDU community must observe when engaged in a research initiative. In its Chapter 1 on the Conduct of Research, specific mention of gender-sensitive approach was made. The specific provision says:

*"The conduct of research shall facilitate innovative, interdisciplinary, participatory, collaborative, culture and gender-sensitive research undertaking among different researchers and stakeholders in the University and the larger community."* (Research Manual, p. 3)

This is further reinforced when the research guideline names gender and development as one of the research thrusts and priorities of the university. To wit:

*"To generate information and provide equal opportunities for growth, development and protection of women and define its role in Mindanao peace and development."*

(Research Manual, p. 5)

**University Community Engagement and Advocacy Guidelines.** For the first time in so many years, ADDU has finally generated an initial guideline in setting the direction of the University's community engagement and advocacy initiatives. This was approved last June 1, 2012 and was presented to the general faculty meeting.

The principal mandate to promote, coordinate, recognize and celebrate ADDU's community engagement culture is the University Community Engagement and Advocacy Council (UCEAC). Since its establishment in 2011, it has endeavoured to create a climate within ADDU conducive to the promotion of engagement and advocacy culture.

On July 23, 2011, a Conveners' Summit was called where offices/centers/institutes/units engaged in community engagement were invited for an inventory-workshop of the University's community engagement efforts in the past. The summit yielded seven thematic areas which ADDU took as part of its agenda in the past: Asset Creation and its Equitable Distribution, Cultural Regeneration, Environmental Stewardship, Good Governance, Health, Justice and Human Rights, Peace and Interreligious Dialogues.

In September of 2011, UCEAC initiated a framing workshop, the purpose of which is to set the framework upon which ADDU must base its works for the community and in advocacy. The result became the foundation of UCEAC's way of proceeding in promoting the culture of engagement and advocacy. Specifically, it was established that in meeting the goals of the university through the identified frontier agenda, all engagements and advocacies must be governed by four cross-cutting principles, namely: culture-sensitivity, gender-responsiveness, human rights and leadership. The UCEAC framework shows:

### ***"Three Frontier Themes***

*Theme 1: Creator (Peace and Interreligious, Inter-faith Dialogues)*

*Theme 2: Creation (Environmental Stewardship)*

*Theme 3: Creatures (Human Well-being and the Imperatives of Social Justice)*

*(Cross cutting themes: **Human Rights, Gender Responsiveness, Cultural Sensitivity, and Leadership**)" (UCEAC Framing Workshop Documentation, 2011)*

Inspired by this direction, the UCEAC guideline of 2012 has integrated the fundamental principles of human rights in the function of the council, saying:

*"The UCEAC shall further plan, implement, monitor and evaluate the community engagement and advocacy activities through and with the different units, centers, institutes and programs of the University based on the principles of **transparency, accountability, collegiality, professionalism and organizational integrity**, inspired further by the over-all goal of empowering and developing communities." (UCEAC Guidelines 2012, p. 6)*

In addition to these, ADDU promulgated its Integrated Humanitarian and Emergency Logistics Protocol (I HELP) to address the growing needs of communities affected by natural and human-made disasters such as floods, typhoons, landslides and armed conflict. In its efforts to provide relevant assistance to the communities in affected areas, the protocol specifies that relief operations must be guided by the principles of cultural sensitivity, gender responsiveness and human rights. Section 2 of I HELP says:

### **Section 2. Guiding principles**

x x x

**Humanity.** *Human suffering must be addressed wherever it is found, with particular attention to the most vulnerable in the population, such as **children, women and the elderly**. The dignity and rights of all victims must be respected and protected.*

**Impartiality.** Humanitarian assistance must be provided without discriminating as to ethics of origin, **gender**, nationality, political opinion, race or religion. Relief of the suffering must be guided solely by needs and priority must be given to the most urgent cases of distress.

x x x

Given the foregoing policies, it is clear that some dents in the integration of gender and a little of human rights have made it into the existing policies of ADDU. The primary victory in this respect is the inclusion of gender equality in the vision and mission of the university, this being the heart and soul of the institution. But human rights as a governing principle and foundation of the key result areas, is yet to be articulated. Otherwise, it remains an implication which can be a little prone to several assumptions.

The challenge to translate this into goals and concretely into programs and projects through the centers, institutes, research, instruction and community engagement and advocacy remains to be expressed, except for some centers, offices and departments that have already done so. Since the mandate springs from the vision and mission, all the offices, centers, institutes, departments across all units in the university must appropriate for themselves how they can contribute to gender equality and human rights according to their peculiar functions and processes.

One of the significant policies seen to be missing in ADDU is a university policy against discrimination. While discrimination is considered a non-academic misconduct that is punishable, it only covers students since it is contained in the student's manual. There is no institutional policy on non-discrimination in place yet. Questions like what if the discrimination is committed by an administrator against a faculty, or by the security guard against the students, or by the teacher against a non-teaching staff cannot be answered by the students' manual because its jurisdiction includes only cases of discrimination of a student by another student.

According to the responses of our FGD participants, there are some accounts of discrimination on the basis of sexual orientation and even persons with disabilities (PWD). An example of this, was an account from a student who has a transgender friend/classmate and who sometimes cross-dress.

*"Si (\_\_\_) was wearing a jegging (leggings that look like jeans) under an oversized long-sleeved polo shirt. He was not allowed by the guard because he was not dressed appropriately daw." - Student, FGD*

When further probed, the reason for disallowing the student to enter was because he was not dressed properly. Allegedly the guard said that he was wearing a very tight jeans.

Another narrative involving student with disabilities is worth noting.

*"There are already students who have a condition called dwarfism. They are discriminated because our infrastructure is not designed for people like them like the drinking fountain, the urinals or the food court counters." Faculty, FGD*

Furthermore, while the university policy on student pregnancy has long been reconfigured to accommodate pregnant students and continue their studies without automatically being forced to take a leave of absence, there are still unwritten policies prohibiting pregnant students to be on-duty for their on-the-job training program. As one faculty revealed:

*"It is for the safety of the student and the child because we do not want them to be exposed to bacteria. If they get pregnant within the semester, they are no longer allowed to be on-duty."* Faculty, FGD

However, an observation was made that when professional nurses get pregnant, they still continue working. This therefore raises a question as to the difference of vulnerability between students and professionals.

A university policy against discrimination on account of sex, gender identity, religion, ethnicity, marital status mental and physical abilities must also be articulated in the university personnel and staffing mechanism including the hiring, firing and promotion policies.

One positive note is the fact that in ADDU, there is a strong sentiment that the institution provides equal opportunity to all in terms of leadership posts.

*"I felt proud because in Ateneo the gender of the administrator is immaterial. We put emphasis on competence because in other schools, they are surprised that we have gay administrators."* Faculty, FGD

## **J. MAINSTREAMING LOCATION OF RESPONSIBILITY**

The allocation of resources and the organization of policy for gender and human rights integration depend fundamentally on the mainstream location of responsibility for gender issues.

In the institutionalization process, the questions asked in this element would include: who is responsible in mainstreaming gender and human rights in ADDU, what are its functions and mandates to ensure that institutionalization happens, with which sectors, offices, or channels does it coordinate for planning, implementation, monitoring and evaluation of the mainstreaming initiatives, who constitute this body tasked to mainstream, do they have the competence and the capacity, how does it intend to institutionalize gender and human rights into the organization.

Prior to 2008, gender has been a flagship advocacy of the Social Research Training and Development Office. Its rich experiences of engaging in research and later on in advocacy form women and children's rights made it a hub of the university on gender-related concerns and issues although this was not a mandate expressly granted upon it. In fact, it became the gender resource center for Region 11 called Kalumonan Gender Resource Center. As such it houses materials as well as human resource whose expertise is on women and children's rights.

Revisiting the history of SRTDO will show how it evolved to becoming the university's repository of gender and women's rights resources.

*The Social Research, Training and Development Office (SRTDO) of Ateneo de Davao University (ADDU) is the research arm of the Social Science and Education Division of the School of Arts and Sciences currently located at the basement of the Finster Building.*

*Its establishment in 1972 was a product of the University's desire to set-up a formal structure that would enliven its research function and of the Philippine Social Science Council's (PSSC) thrust to promote Social Science research in the country. Dr. Pilar Ramos-Jimenez (Chair of the Social Science Division at that time) and Ms. Teresita Angeles (one of the faculty members of the Division) with the assistance from PSSC initiated the setting-up of the office which was originally named Social Research Office (SRO). It was entrusted the task of working towards the advancement of research culture in the University and likewise helped meet the development needs of Mindanao and other parts of the country.*

*The SRO was placed directly under the Office of the University President. Fr. Miguel Varela, S.J. the President then, allotted a certain budget for operation and personnel and physical space (located at the first Floor of the Old Wooden Building – Bellarmine Bldg. now, next to the canteen). Its early activities were largely tied up with the initiatives of PSSC and the Institute for Philippine Culture (IPC) of Ateneo de Manila University. From then on, the University maintained its support for SRO that would include in the subsequent years provision for relevant faculty development programs.*

*Sometime in 1988 the Office was devolved to the Social Science and Education Division as a result of the University's organizational streamlining effort. This set-up has remained until this time. The office is steadfast in promoting the advancement of knowledge in the region and in Mindanao. This was made possible by undertaking researches, disseminating its findings and in most cases seeing thru the utilization of its outputs. The academic freedom so respected by the Administrators within the institution enabled the office to study development oriented topics including those that seemed challenging for a Catholic institution to pursue.*

*The emerging issues it sought to confront necessitated the combined use of quantitative and qualitative approaches, interdisciplinary perspective and of multi-sector participation. New engagements and years of community involvement of lead researchers beckoned the use of ethical, gender-responsive, and culture-sensitive tools of study. In mid-1994, the Office took a plunge for a more focused and issue-based capability-building program for the University and the stakeholders of development in the island thru the projects Ateneo Task Force and Mindanao Working Group on Reproductive Health, Gender and Sexuality and in 2002, the Mindanao Youth Task Force Reproductive Health, Gender and Sexuality. Given the training component of the referred projects and other related capability-building initiatives done by its members the office was re-named Social Research, Training and Development Office (SRTDO).*

*In 2007, thirty-five years after it was put-up the Division still considered SRTDO's mission statement relevant. But, it had set seemingly higher goals - strengthening the office as a research, training and consultancy institute in Mindanao, noted for its publication of qualified output, utilization of research results, use of updated*

*technology in aid of its work and a vibrant, dynamic and wide network of partners from within and outside the University.*

*Conduct of action-oriented research remained to be the primary direction of the office while concern for theorizing became a recognized need. The pull of the action oriented research was strong as this seemed to be the politically correct course given the reality where the institution exists.*

*Thirty-nine years from its inception, the office has completed 115 researches, conducted 25 data-gathering work, administered a major capability-building project and currently undertaking 6 research projects. A number of its research outputs were published in national and international journals, one was published into a book, some researches were nationally recognized and most of its outputs were used in various interventions meant to alleviate the quality of life of people who were partners in these undertakings.*

*So much has been done but so much is being desired in the area of publication, in its contribution to theory building and in responding to the pressing issues of the time. But perhaps the essential test would be on the positive difference it has made in the lives of people it sought to serve and if it also helps bring out the best in us as a university. (History of SRTDO)*

When SRTDO's project on MWG and MYTF ended in 2007, it sheltered two pioneering programs: the Ateneo Migration Center (AMC) and the Ateneo Public Interest and Legal Advocacy Center (APILA). These were spin-offs of the project to carry further the women and children's rights agenda. AMC took the responsibility to pursue migration issues which would include human trafficking, internal displacement and labor while APILA took the obligation to further the campaign for women and children's rights under the general framework of human rights with a little expansion to cover other sectors like the indigenous peoples, internally displaced peoples, people living with HIV and the LGBTI.

Of the centers and institutes in the University, APILA comes closest to the locus of having the responsibility to mainstream gender and human rights in the entire system and university life of ADDU. This is more inferred rather than expressly stated. There is no express mandate that APILA is responsible in institutionalizing gender and human rights in the institution since most of what it endeavours to accomplish is more of serving the communities outside ADDU rather than inside.

APILA is an acronym which stands for Ateneo Public Interest and Legal Advocacy Center.

It is an apt moniker for the center which embraces two vernacular words. In Tagalog, "apila" means to appeal, which represents the center's effort to espouse an alternative legal and meta-legal advocacy strategies on furthering development concerns affecting the vulnerable sectors.

In bisaya, "apila" connotes inclusivity which means to be a part of, which also reflects the center's principles of equality, non-discrimination and inclusiveness. This may also promote the idea of empowerment and representation from the margins.

APILA envisions a Mindanaoan community that enjoys the blessings of democracy under the rule of law and the regime of truth, justice, freedom, equality and peace anchored on the fundamental precepts of gender-equity and cultural sensitivity as it promotes a national and global culture that respects human rights.

It shall also foster Ateneo as an institution formative of men and women for and with others committed to excellence, care for the person and dedicated service for social transformation through the inspiration of the faith that does justice.

To this end, APILA shall endeavor to create an environment that encourages the vulnerable sectors in Mindanao to actively participate in the critical and systematic analysis of development issues through research, capacity development and advocacy that will eventually inure to the quality of life that the people deserve.

In order to achieve its mission, APILA hopes to:

- 1) *Develop a constituency of legal and paralegal service providers that adopt a gender sensitive and rights-based approach in responding to the needs of vulnerable groups concerning violations of their human rights;*
- 2) *Enhance the students' understanding of the gender-sensitive and rights-based framework in public interest advocacy by integrating the various sectoral issues in the curriculum through the academic, non-academic, practicum and internship programs;*
- 3) *Provide gender-sensitive and rights-based legal and paralegal services to victims of human rights violations, particularly of gender-based violence;*
- 4) *Develop monitoring and evaluation tools on the application of a gender-sensitive and rights-based approach to public interest legal and paralegal advocacy; and*
- 5) *Mobilize communities to actively participate in identifying priority issues of the vulnerable groups and crafting the advocacy platforms. (Administrative Manual, p. 58)*

APILA has four (4) basic components, namely:

- 1) **Research.** *The center shall actively engage in scientific exploration of the relevant issues and concerns using gender-sensitive and rights-based frameworks. A major arm of this component is the utilization and dissemination of the generated data and information.*
- 2) **Capacity Development.** *The center shall also enhance the capacities of the stakeholders and partners on an individual or organizational level through training, seminars, workshops and teach-ins.*
- 3) **Advocacy.** *The center shall participate in public campaigns and mobilization efforts to raise public consciousness on the promotion and protection of human rights from any form of interference.*
- 4) **Legal and Paralegal Services.** *Through the Legal Aid Office of the College of Law, the center shall also provide legal and paralegal services to indigent victims of*

human rights violation. This shall include among others, counselling and representation. (Administrative Manual, p. 59)

APILA reports directly to the UCEAC. It is operating with a very lean personnel having one Director enjoying a six (6) unit administrative load and a support staff who is an agency worker. At the moment, it has no budget to support its daily operations like personnel, supplies, communication and representation. It has thrived on a start-up grant provided by UCEAC in 2012 together with its share in the management fee from some projects it has contracted in the past.

Should APILA be given the mandate to be the university's gender and human rights ombudsman, it must be responsible to lead in developing the university's gender and development and human rights plan where a reasonable fund allocation must be provided.

While in its ideal state, mainstreaming gender and human rights is a task that must be undertaken by every office, center, institute, departments across all units, preparing AADU towards that culture may in the interim be within the ambit of APILA's mandate.

## IMPLICATIONS

The results generated in this exercise of self-discovery as an institution in the areas of gender and human rights, the following implications surfaced:

**FOR THE HUMAN RESROUCE MANAGEMENT AND DEVELOPMENT OFFICE**, it is perceived that there is a need to:

- Study, analyze and reformulate a uniform appreciation of the university centers and institutes in the areas of load credits, allowances and administrative support;
- Facilitate a training and/or orientation on gender and human rights for mid-level managers and the non teaching staff; and
- Operationalize the function of the Assistant OSA Director to include the role as gender concerns desk for students
- Consult, formulate, implement and monitor policies related to:
  - Manual for Administrative Associates
  - Jalal Food Certification (with the food court management)
  - Comprehensive Anti-discrimination policy
  - Written policy on student pregnancy (together with the OSA)
  - Transparent Bids, Awards and Purchases

**FOR THE PHYSICAL PLANT OFFICE**, there is an expressed need to consider the:

- Allocation (when applicable) of the following facilities and consideration of the same in the existing and the future physical plans of the university:
  - Breastfeeding room for lactating mothers
  - Operation of the child-minding center
  - Comfort Rooms for Transgenders (after a consultation with the TG community)
  - Urinals, drinking fountains, foodcourt counters for students with “dwarfism”
  - Meditation areas for other faiths.

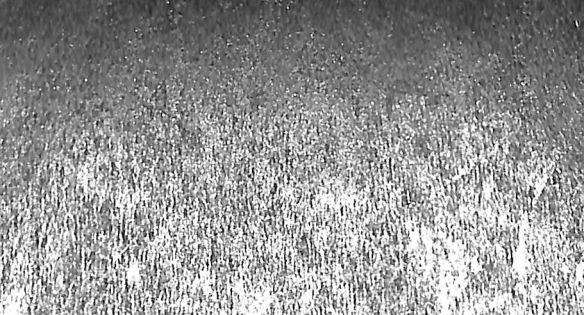
**FOR THE OFFICE OF THE UNIVERSITY PRESIDENT**, certain areas might be reconsidered for better mainstreaming of gender and human rights in the university:

- Consider representation of students, NTS in the Presidents Council, UCEAC and URC

- With board approval, articulation of human rights in the vision and mission or at least issue a memo that human rights shall be a guiding principle in appreciating the vision and mission of the university
- Issue a directive mandating either APILA or SRTDO as the center/office tasked for gender and human rights mainstreaming in the university.

**FOR THE CENTER/UNIT/ACADEMIC HEADS**, the call to incorporate gender and human rights in their respective center/office/unit/ goals, objectives and principles are deemed necessary in order to concretely articulate and establish a gender-fair and rights-based programming and service delivery.

**FOR THE SCHOLARSHIP COMMITTEE OF THE UNIVERSITY**, to study, consider, implement and assess the possibility of expanding the coverage of scholarship for IP students to include cost of living allowances in order for them to be able to keep up with the demands of the academic rigor.



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