



**Australian Government**  
**Refugee Review Tribunal**

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# Country Advice

## Philippines

**Philippines – PHL37513 – Humanitarian  
Home of Charity Foundation – Sexual  
Abuse Complaints – Government and  
Church Reporting Procedures –  
Whistleblowers– Corporate Fraud  
Regulations and Investigations**

5 October 2010

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**1. Please provide information about the Humanitarian Home of Charity Foundation and its demise, and change of name.**

The only information located regarding the above named organisation was located through a search of the Republic of the Philippines Securities and Exchange Commission (SEC) list of reserved and registered company names. 'Humanitarian Home of Charity Foundation, Inc.' was listed as a name registered with the SEC.<sup>1</sup> No additional information was located about a company with this name either through available SEC resources or other sources.

**2. Please provide information about sexual abuse in Philippines Hospice organisations and describe church and government procedures for dealing with such complaints.**

No information was located regarding sexual abuse taking place specifically in Philippine hospice organisations. However, in 2002-2003, as in many other nations at the time, the Catholic Church in the Philippines acknowledged that sexual abuse by clergy had been a problem for decades. An 8 July 2002 *BBC* article entitled 'Philippines Church Apologises for Sex Abuse'<sup>2</sup> reported that the Church in the Philippines announced that about 200 priests, of the nations' 7,000 total, may have committed sexual abuse. The sex abuse scandal continued into 2003 when 34 priests were suspended for sexual abuse according to an article by CatholicCulture.org<sup>3</sup>. Catholic Culture reported that, at the time, bishops began work on policies to deal with abuse charges and noted that unlike abuse cases in the US involving clergy and boys, most cases in the Philippines involved priests abusing women.

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<sup>1</sup> 'Humanitarian Home of Charity Foundation Inc record' 2010, Republic of the Philippines Securities and Exchange Commission website <http://iregister.sec.gov.ph/MainServlet> - Accessed 5 October 2010 – Attachment 1.

<sup>2</sup> 'Philippines Church apologises for sex abuse' 2002, *BBC*, 8 July, <http://news.bbc.co.uk/2/hi/2116154.stm> - Accessed 5 October 2010 – Attachment 2.

<sup>3</sup> 'Sex-abuse scandal in Philippines involves priests with women' 2003, CatholicCulture.org website <http://www.catholicculture.org/news/features/index.cfm?recnum=24828> - Accessed 5 October 2010 – Attachment 3.

## Government Procedures for Complaints of Sexual Abuse

The Philippine National Police (PNP) and the Department of Social Welfare and Development (DSWD) are the lead organisations responsible for dealing with complaints of sexual abuse. The 2010 US Department of State (US DOS) *Country Reports on Human Rights Practices – Philippines* states that both of these organisations maintained help desks to assist victims and to encourage the reporting of crimes. Officers of these organisations received training from non-governmental organisations to develop training programs and to increase capabilities and skills among staff dealing with gender sensitivity issues and victims of sexual crimes. The PNP maintained a Women and Children's Unit to deal specifically with the crimes against these sectors of society. US DOS also reports that several national and executive orders and laws provide for the welfare and protection of children and police stations have special procedures in place and officers specifically trained to deal with crimes involving children. The report does caution, however, that many procedures are often ignored in practice.<sup>4</sup>

According to the DSWD's website<sup>5</sup>, the mission is as follows:

To provide social protection and promote the rights and welfare of the poor, vulnerable and the disadvantaged individuals, families and communities that will contribute to poverty alleviation and empowerment through social welfare development policies, programs, projects and services implemented with or through local government units (LGUs), non-government organizations (NGOs), people's organizations (POs), other government organizations (GOs) and other members of civil society.

The DSWD monitors and provides a broad range of social services for specifically vulnerable members of society, including children, youth, women, older persons, and people with disabilities. It is responsible for licensing and accrediting individuals and agencies engaged in social welfare services. This organisation sets standards and monitors compliance with regulations. Among a list of functions on its website, the DSWD states that it provides protective services to individuals, families, and communities in crisis situations.<sup>6</sup> US DOS reports that the DSWD provides temporary shelter and counselling to women engaged in prostitution. US DOS also reports that child abuse remains a problem in the Philippines and that the DSWD provided services to over 6,000 children in 2009, of which 67% were girls, and over half of them were victims of sexual abuse. DOS reports that several cities in the Philippines maintained crisis centres for abused women and children.<sup>7</sup>

Procedures and mechanisms in place to deal with complaints of sexual abuse are not entirely effective. The US DOS reports that in smaller localities, perpetrators of violence and/or sexual abuse against women sometimes use personal relationships with authorities to avoid prosecution; in other cases women seeking to file complaints were told by police

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<sup>4</sup>US Department of State 2010, *Country Reports on Human Rights Practices – Philippines*, 11 March, Section 6 – Attachment 4.

<sup>5</sup> 'About Us Tab Vision, Mission, Mandate' 2010, The Department of Social Welfare and Development website <http://www.dswd.gov.ph/index.php/about-us> - Accessed 5 October 2010 – Attachment 5.

<sup>6</sup> 'About Us Tab Vision, Mission, Mandate' 2010, The Department of Social Welfare and Development website <http://www.dswd.gov.ph/index.php/about-us> - Accessed 5 October 2010 – Attachment 5.

<sup>7</sup> US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Philippines*, 11 March, Section 6 – Attachment 4.

they had to pay “special fees” before their complaints could be recorded.<sup>8</sup> The US DOS also reports that in 2009 there were reports of rape and sexual abuse of women in police or protective custody, alleged instances of rape perpetrated by PNP officials and anecdotal reports of an increase in rape and sexual abuse charges filed against officers.<sup>9</sup> This may indicate an improvement in the PNP’s sensitivity and receptivity to reported incidences of rape and sexual abuse, with more women willing to report abuses to the authorities. As noted above, however, corruption and gender-insensitivity continue to hamper success at the judicial level.<sup>10</sup> In March 2010 the *Philippine Inquirer* reported comments by the Philippines Supreme Court Justice that gender biases and bigotry are deeply rooted among judges, social workers, prosecutors, defence counsels and police officers.<sup>11</sup>

Two sections of Philippines law address the legal definition of sexual abuse against women and children, providing guidelines for investigation, prosecution, protection, and penalties. These are *Republic Act no. 7610* (enacted 1991) *Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act*<sup>12</sup>, and *Republic Act 9262* (enacted 2004) *Anti-Violence Against Women and Their Children*.<sup>13</sup>

### Church Procedures for Complaints of Sexual Abuse

The Philippines is a predominately Catholic nation<sup>14</sup> and the church follows guidelines, procedures, and laws established and promulgated by the Vatican. The Vatican has been accused of foot dragging with regards to transparency and establishing effective procedures for dealing with sexual abuse cases and the clergy.<sup>15</sup> According to the Vatican website *Guide to Understanding Basic CDF Procedures*, ‘The applicable law the *Motu Proprio Sacramentorum sanctitatis tutela (MP SST)* of 30 April 2001 together with the 1983 Code of Canon Law governs the reporting procedures and requirements under Canon Law. The *LA Times*<sup>16</sup>, among multiple other sources, reported on 13 April 2010 that the Vatican issued new guidelines, which for the first time directed clergy to report sexual abuse crimes to the police. The Vatican website summarily describes the new procedures for investigating sexual abuse, as follows:

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<sup>8</sup> US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Philippines*, 11 March, Section 6 – Attachment 4.

<sup>9</sup> US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Philippines*, 11 March, Section 6 – Attachment 4.

<sup>10</sup> Guanzon, R. V. 2008, ‘Laws on Violence against Women in the Philippines’, United Nations Office on Drugs and Crime and Division for the Advancement of Women, UN Women Watch website, 22 August [http://www.un.org/womenwatch/daw/egm/vaw\\_legislation\\_2008/expertpapers/EGMGPLVAW%20Paper%20\(Rowena%20Guanzon\).pdf](http://www.un.org/womenwatch/daw/egm/vaw_legislation_2008/expertpapers/EGMGPLVAW%20Paper%20(Rowena%20Guanzon).pdf) – Accessed 18 June 2010 – Attachment 6.

<sup>11</sup> ‘SC chief Puno admits legal bias vs women, kids’ 2010, *Philippine Inquirer*, Inquirer.net website, 15 March, Accessed via Factiva 25 June 2010 – Attachment 7.

<sup>12</sup> ‘Republic Act No. 7610: Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act’ Philippine Commission on Women website <http://www.ncrfw.gov.ph/index.php/laws-legislation-filipino-women/24-laws-girl-child/163-republic-act-7610> - Accessed 5 October 2010 – Attachment 8.

<sup>13</sup> ‘Republic Act 9262 - The Anti-Violence Against Women Act’ 2004, PREDA Foundation Inc. website <http://www.preda.org/main/work/resolution/ra9262.htm> - Accessed 5 October 2010 – Attachment 9.

<sup>14</sup> US Department of State 2010, *International Religious Freedom Report 2009 – Philippines* – Attachment 10.

<sup>15</sup> Winfield, N. 2010, ‘Vatican: Bishops must report abuse to police’ Associated Press 12 April, Europe on MSNBC.com website <http://www.msnbc.msn.com/id/36424639/#> - Accessed 5 October 2010 – Attachment 11.

<sup>16</sup> Chu, H. & Landsberg, M. 2010, ‘Vatican issues policy requiring sexual abuse cases to be reported to police’ *LA Times* 13 April <http://articles.latimes.com/2010/apr/13/world/la-fg-vatican-abuse13-2010apr13> - Accessed 5 October 2010 – Attachment 12.

**The local diocese investigates every allegation of sexual abuse of a minor by a cleric.**

If the allegation has a semblance of truth the case is referred to the CDF [Congregation for the Doctrine of the Faith] (CDF). The local bishop transmits all the necessary information to the CDF and expresses his opinion on the procedures to be followed and the measures to be adopted in the short and long term.

**Civil law concerning reporting of crimes to the appropriate authorities should always be followed.**

During the preliminary stage and until the case is concluded, the bishop may impose precautionary measures to safeguard the community, including the victims. Indeed, the local bishop always retains power to protect children by restricting the activities of any priest in his diocese. This is part of his ordinary authority, which he is encouraged to exercise to whatever extent is necessary to assure that children do not come to harm, and this power can be exercised at the bishop's discretion before, during and after any canonical proceeding.<sup>17</sup>

These church laws apply in the Philippines and indicate that the procedure for reporting sexual abuse should be to report it to the local diocese.

### **3. Please provide information about protection for whistle blowers in the Philippines.**

Whistleblowers in the Philippines have access to some protection. According to an article in *Business World*, whistleblowers are able to apply for a government-sponsored witness protection available from the Department of Justice.<sup>18</sup> An organisation called the Whistleblowers Association (WA) was operational in 2009 and was formed to provide assistance and protection to individuals revealing criminal activities by public officials in the previous administration. The WA reports that at least one member of its association has been accepted into the Department of Justice Witness Protection Program. The WA is even a registered entity with Philippines Securities and Exchange Commission.<sup>19</sup>

While the WA has mainly worked to provide protection for individuals challenging high officials it hopes to provide protection to others in the future. It is headed by Sandra Cam, herself a whistleblower against the previous administration. Ms. Cam has urged the Philippines Congress to pass a Whistleblower Protection Bill previously submitted for consideration, but it has not been officially refiled. A 25 August 2010 article in *Business World* reported that President Aquino stated his support for such a bill in his first State of the Nation address.<sup>20</sup> A 26 September 2010 article in the *Manila Bulletin* reported that the present administration announced that it will hold talks with the Legislative Branch to ensure that bills, such as the *Whistleblower's Protection Act* will be a priority in the

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<sup>17</sup> 'Guide to Understanding Basic CDF Procedures Concerning Sexual Abuse Allegations' 2010, Vatican website [http://www.vatican.va/resources/resources\\_guide-CDF-procedures\\_en.html](http://www.vatican.va/resources/resources_guide-CDF-procedures_en.html) - Accessed 5 October 2010 – Attachment 13.

<sup>18</sup> Magtulis, P. 2010, 'Whistle-blowers Signify Intent to Join WPP', *Business World*, 25 August – Attachment 14.

<sup>19</sup> Salaverria, L. 2009, 'Whistle-blowers Pin Hopes on 2010 Polls' *Philippine Daily Inquirer*, 20 April – Attachment 15.

<sup>20</sup> Magtulis, P. 2010, 'Whistle-blowers Signify Intent to Join WPP', *Business World*, 25 August – Attachment 14.

current session of Congress. The article reports that Senator Miriam Santiago recently refiled Senate Bill 1883, known as the *Whistleblower's Act* before Congress.<sup>21</sup>

**4. Please locate information regarding procedures, institutions, or authorities that would be responsible for investigating the corporate (Foundation) scam in the Philippines.**

The Philippines Securities and Exchange Commission (SEC), Compliance and Enforcement Department is responsible for regulating corporate code. Attorneys in the Complaints and Investigation Division are responsible for investigating tips and evaluating possible violations of corporate code and laws. According to information available on the SEC website, investigations are normally conducted ‘...on a confidential basis to preserve the integrity of its investigation...’ The SEC website welcomes complaints against corporations engaged in any fraudulent activity and provides options for filing a complaint. These options include downloading a file and submitting a complaint electronically through the website, or printing out the form and addressing a letter to the SEC.<sup>22</sup>

The 2008 US Department of State *International Narcotics Control Strategy Report - Philippines* confirms that complaints against a non-profit foundation should be directed to the SEC. The US DOS reports that the Philippines Anti-Money Laundering Council is the nation’s financial intelligence unit, responsible for monitoring, analysing, and investigating suspicious financial transactions and related criminal activity. However, up to 5,000 non-governmental organisations do not fall under the requirements of the AMLA, but all non-stock and non-profit organisations are still required to annually submit General Information Sheets and Audited Financial Statements to the SEC. The AMLA is aware that some organisations are using loopholes to conduct illegal financial transactions and they are working closely with the SEC to ‘...bring charitable and not-for-profit entities under regulations for covered institutions’. The report states that in a move to promote transparency and mitigate fraudulent practices in foundations and non-profit organisations, the SEC revised regulations in June 2006. These measures were intended to increase regulation of non-profit organisations in regards to registration, operations, and financial audits.<sup>23</sup>

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<sup>21</sup> ‘Palace Pushes Whistleblowers’ Protection’ 2010, *Manila Bulletin*, 19 September - Attachment 16

<sup>22</sup> ‘Complaints’ Republic of the Philippines Securities and Exchange Commission Compliance and Enforcement Department website <http://www.sec.gov.ph/ced/> - Accessed 1 October 2010 – Attachment 17.

<sup>23</sup> US Department of State 2010, *International Narcotics Control Strategy Report – Philippines*, March <http://www.state.gov/p/inl/rls/nrcrpt/2008/vol2/html/100809.htm> - Accessed 5 October 2010 – Attachment 18.



## Attachments

1. 'Humanitarian Home of Charity Foundation Inc record' 2010, Republic of the Philippines Securities and Exchange Commission website <http://iregister.sec.gov.ph/MainServlet> - Accessed 5 October 2010
2. 'Philippines Church apologises for sex abuse' 2002, *BBC*, 8 July, <http://news.bbc.co.uk/2/hi/2116154.stm> - Accessed 5 October 2010
3. 'Sex-abuse scandal in Philippines involves priests with women' 2003, CatholicCulture.org website <http://www.catholicculture.org/news/features/index.cfm?recnum=24828> - Accessed 5 October 2010
4. US Department of State 2010, *Country Reports on Human Rights Practices – Philippines*, 11 March, Section 6
5. 'About Us Tab Vision, Mission, Mandate' 2010, The Department of Social Welfare and Development website <http://www.dswd.gov.ph/index.php/about-us> - Accessed 5 October 2010
6. Guanzon, R. V. 2008, 'Laws on Violence against Women in the Philippines', United Nations Office on Drugs and Crime and Division for the Advancement of Women, UN Women Watch website, 22 August [http://www.un.org/womenwatch/daw/egm/vaw\\_legislation\\_2008/expertpapers/EGMGPL\\_VAW%20Paper%20\(Rowena%20Guanzon\).pdf](http://www.un.org/womenwatch/daw/egm/vaw_legislation_2008/expertpapers/EGMGPL_VAW%20Paper%20(Rowena%20Guanzon).pdf) – Accessed 18 June 2010
7. 'SC chief Puno admits legal bias vs women, kids' 2010, *Philippine Inquirer*, Inquirer.net website, 15 March, Accessed via Factiva 25 June 2010
8. 'Republic Act No. 7610: Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act' Philippine Commission on Women website <http://www.ncrfw.gov.ph/index.php/laws-legislation-filipino-women/24-laws-girl-child/163-republic-act-7610> - Accessed 5 October 2010
9. 'Republic Act 9262 - The Anti-Violence Against Women Act' 2004, PREDA Foundation Inc. website <http://www.preda.org/main/work/resolution/ra9262.htm> - Accessed 5 October 2010
10. US Department of State 2010, *International Religious Freedom Report 2009 – Philippines*
11. Winfield, N. 2010, 'Vatican: Bishops must report abuse to police' Associated Press 12 April, Europe on MSNBC.com website <http://www.msnbc.msn.com/id/36424639/#> - Accessed 5 October 2010
12. Chu, H. & Landsberg, M. 2010, 'Vatican issues policy requiring sexual abuse cases to be reported to police' *LA Times* 13 April <http://articles.latimes.com/2010/apr/13/world/la-fg-vatican-abuse13-2010apr13> - Accessed 5 October 2010
13. 'Guide to Understanding Basic CDF Procedures Concerning Sexual Abuse Allegations' 2010, Vatican website [http://www.vatican.va/resources/resources\\_guide-CDF-procedures\\_en.html](http://www.vatican.va/resources/resources_guide-CDF-procedures_en.html) - Accessed 5 October 2010

14. Magtulis, P. 2010, 'Whistle-blowers Signify Intent to Join WPP', *Business World*, 25 August
15. Salaverria, L. 2009, 'Whistle-blowers Pin Hopes on 2010 Polls' *Philippine Daily Inquirer*, 20 April
16. 'Palace Pushes Whistleblowers' Protection' 2010, *Manila Bulletin*, 19 September
17. 'Complaints' Republic of the Philippines Securities and Exchange Commission Compliance and Enforcement Department website <http://www.sec.gov.ph/ced/> - Accessed 1 October 2010
18. US Department of State 2010, *International Narcotics Control Strategy Report – Phillipines*, March <http://www.state.gov/p/inl/rls/nrcrpt/2008/vol2/html/100809.htm> - Accessed 5 October 2010