



## FOCUS GROUP DISCUSSION (FGD): Gender-Based Violence Referral Mechanism

*Making Data Work for Women: Mapping of Legal Referral Mechanisms on Gender-Based Violence*

BLACK CONFERENCE ROOM, 2<sup>nd</sup> floor EXECUTIVE BUILDING,  
CAGAYAN DE ORO CITY HALL,  
CAGAYAN DE ORO CITY

DOCUMENTATION of the Focus Group Discussion hosted by CHR - X  
September 5, 2019 | Cagayan de Oro City, Misamis Oriental PH



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### OVERVIEW

The **Commission on Human Rights – Regional Office X (CHR-X)** conducted a **FOCUS GROUP DISCUSSION: MAPPING OF LEGAL REFERRAL MECHANISMS ON GENDER-BASED VIOLENCE (GBV)** with selected government service providers and civil society organizations of Cagayan de Oro City on 5 September 2019, at the Black Conference Room, City Hall, Cagayan de Oro City, Misamis Oriental.



The following personnel from the CHR-X conducted the Focus Group Discussion (**FGD**):

- Atty. Jeanne Ivy F. Abrina (*Regional Director, CHR-X*)
- Atty. Pilipinas Palma (*Attorney IV, CHR-X*)
- Atty. Tin Gaudiel (*Attorney IV, CHR-X*)
- Fides Cabana (*Special Investigator III, CHR-X*)
- Hevah N. Salic (*Training Specialist I, CHR-X*)
- Kris Ian H. Lofranco (*Special Investigator I, CHR-X*)

The morning session was attended by representatives from government service providers, while the afternoon session was conducted with representatives from civil society organizations (**CSO**). They were, as follows:

#### **Government Service Providers**

- Daisy Mae Balaba (*City Social Welfare and Development (CSWD)*)
- Charmaine Madrinal (*CSWD*)
- Darlene Fatima Balahay (*CSWD*)
- Chona C. Silvosa (*CSWD*)
- Chuchie Leopoldo (*CSWD*)
- Jaymee Leonen (*CSWD - Psychological Division*)
- PCMS Joel Baldado (*Philippine National Police (PNP) - Station 7*)
- Joyce L. Daano (*Kagawad, Brgy. Bulua*)
- PEMS NM Diango (*PNP - Station 5*)

#### **Civil Society Organizations**

- Hanzel Luke de Vera (*Balaod Mindanaw*)
- Vergie Demata (*Phil. Island Kids Intl. Foundation, Inc. (Island Kids)*)
- Adora Ellevera (*Pilipina*)
- Arnalyn Dulla (*Oro Youth Development Council*)

## **PROGRAM PRELIMINARIES**



The program was set to start at 8 o'clock in the morning. Ms. Hevah N. Salic and Atty. Pilipinas C. Palma were the first to arrive at the venue to make the necessary preparations.

The participants started arriving at around 9 o'clock in the morning. Delay was attributed to equally important tasks at their respective offices.

The program formally started at 9:48 a.m.

Ms. Salic acknowledged and thanked everyone who responded to their invitation for a focus group discussion **(FGD)**.

CHR-X Regional Director, Atty. Jeanne Ivy F. Abrina welcomed the attendees to the event. She explained to the attendees the purpose of the FGD, which is basically a research method to map the referral mechanisms of GBV in the country. She also stated that the project is in coordination with Governance in Justice (Go Just), which is a justice reform program by the European Union that seeks to reform measures in justice sector institutions to ensure efficiency in the delivery of justice.

## Background on the GBV Observatory Project



To explain to the participants the purpose of the FGD, Atty. Palma provided a background on the GBV Observatory Project.

The project was launched earlier this year by CHR-X. Basically, the project helps the CHR to perform its mandate as Gender Ombud. It serves as a resource center for information and as a platform for monitoring and research which ultimately aids the CHR in planning policies and program delivery.

Atty. Palma explained that the FGD is one of their methods to gather information on the ground. The following are the objectives of the mapping, as presented by Atty. Palma:

- Map GBV Referral mechanisms in two cities/municipalities in the region's area of responsibility;
- Look into the effectiveness of these mechanisms in terms of availability of facilities, kinds of services, and advocacy and partnership with women's organizations;
- Identify challenges and barriers as well as document the good practices in reporting and investigation, prosecution and legal assistance, and providing support services;
- Derive recommendations and proposals to improve the services and facilities offered by mechanisms on the ground; and
- Focus on the responses to and experiences of the most vulnerable and excluded.

In a nutshell, the FGD is for the CHR-X to review the roles of state actors in addressing GBV and map GBV referral mechanisms in two identified cities/municipalities in the Northern Mindanao region and also to determine the effectiveness of the existing systems.



Accordingly, the city of Cagayan de Oro (**CdO**) in Misamis Oriental and the municipality of Maramag in Bukidnon were selected as the pilot areas for the implementation of the project, based on the reported high incidence of GBV in the said areas. The remarkable policies of CdO, such as the Children's Code and Parental Responsibility Code, also made the city as the primary choice to be the pilot area of the project.

Atty. Palma also shared the role of CHR as the Gender Ombud. Aside from the provision of legal assistance, CHR, as the gender ombud, is mandated to monitor compliance with the Magna Carta of Women, establish guidelines and mechanisms that will facilitate access of women to legal remedies, and enhance the protection and promotion of the rights of women, especially those from the marginalized sector.

After providing a background on the observatory project and laying down its objectives, Atty. Palma stated that CHR-X will update the participants of the results of the mapping. The results will be presented during the Regional GBV Mapping, scheduled on 25 November 2019. Atty. Palma also informed the body that the lead researcher for the project is the University of the Philippines – Center for Women's and Gender Studies.

After Atty. Palma's presentation, Atty. Gaudiel proceeded with the FGD.

Atty. Gaudiel explained that the discussion will be guided by the following topics:

- 1. Gender equality situationer in the city/municipality**
- 2. Gender-based violence in the city/municipality**
- 3. Case management (specific to the service provider)**
- 4. Documentation**
- 5. Recommendations**

In compliance with data privacy laws, Atty. Gaudiel informed the participants that should they wish to not be quoted in the report, they may so request for anonymity.



## Focus Group Discussion with Civil Society Organizations (CSOs)



### Gender Equality Situationer in Cagayan de Oro

#### **BASIC DEMOGRAPHICS**

Ms. Silvosa of the CSWD shared that most of the victims that come to their office are **women**. Most of these women's concerns involve **support and conflicts over property ownership**. Conflicts over property ownership arise in cases where the wife is forced out of their family home and the husband starts living with the mistress, who subsequently controls management of the property. Remarkably, these women victims **cut across all income sectors**. A considerable number of their clients come from middle-class families, only 1% or 2% have a wealthy background, while the majority are low-income families but are not considered indigent or poor.

Likewise, Ms. Leonen of the Psychological Division of the CSWD stated that most of the clients who come to her for consultation are also women who are from the low-income bracket. Most of these women-victims accordingly cannot leave their relationships despite experiencing abuse due to their poor purchasing power; their financial needs prevent them from leaving their violent partners or spouses. In some cases, these women are also concerned about what society will say if they leave their husbands. There are also instances where the woman has already left her abusive spouse, returned to her family, but only to go back to her husband because her own parents reprimanded her and refused to take her in.



There are also high-income earning women, within the **30 to 40 year-old age bracket**, who come to Ms. Leonen's office only to subsequently request for counselling under Ms. Leonen's capacity as a private practitioner, due to fear of discovery or embarrassment. Most of these women initially tell her that they are suffering from depression but she eventually finds that they are actually subjected to violence by their spouses.

She also shared that most of their clients, aside from women, are also **children who are victims of sexual abuse**. In segue, Ms. Leonen shared her growing concern over courts and law enforcement agencies in the city who require a psychological evaluation report before a case for sexual abuse on children can prosper, when in her own opinion, the medico-legal report should be sufficient for these cases to push forward. She stated that its because of the lack of a psychological evaluation report that some perpetrators get released or acquitted. According to Ms. Leonen, she has already raised this concern with some courts who have agreed that the psychological evaluation report may be subsequently filed instead of being a requirement for the case to be filed.

Ms. Leonen also shared that she has **teenage clients who have other sexual preferences**. These teenagers are usually rejected in their own homes due to their gender expression and thus resort to the streets where they meet peers who give them acceptance, which is dangerous because, as a means for survival in the streets, most of these teenagers get into prostitution.

Capt. Baldado stated that most of the victims reported to their station for violence are also **children and teenage girls**. Most of the young girls were raped by their own fathers or step-fathers. This usually happens in **relocation areas**.

They also have a high number of **juvenile delinquents** in their station. Capt. Baldado however believes that these delinquents are just victims of their own circumstances since most of them **come from poor and broken families**, where the parents are separated or are living with another partner. There are also instances where the parents themselves abandon all care for their children, which he observed might be due to extreme poverty.

He also observed that there is no proper referral mechanism in the barangay for victims and delinquents alike, which he attributed is perhaps due to the large population in the area. Thus, he shared that they have created an initiative in their own station to commit the youth victims and offenders to a programme, dubbed as LATIO, which aims to give them spiritual guidance for their holistic well-being. They have also partnered with Island Kids to send these youth victims and offenders to school.

Kagawad Daano of Brgy. Bulua shared that for their part in Brgy. Bulua, they have assigned a point person for all VAWC concerns. Most of their reported incidence of VAWC are discovered when they implemented the 10:00 p.m. curfew. Most of those they have caught gallavantiing beyond curfew are youth who have been subjected to prostitution for as low as fifty pesos (PhP 50.00). Based on their interviews, these children come from far-flung areas and most of them are children in conflict with the law (CICL). She also noticed that they **come from disturbed families, most of them have mothers who are being abused by their fathers**. On several instances, Kagawad Daano has coordinated these victims with the CSWD.





Kagawad Daano also shared a case where a AAA, a 9 year old girl was subjected to sexual abuse by her father since she was 3 years old but only had the courage to report recently due to fear of her father. Upon further investigation, it was then discovered that another sister of the victim, BBB, was also subjected to sexual abuse by their father. These cases were only reported when their mother arrived from abroad because the latter is an overseas Filipino worker.

Ms. Leopoldo, an administrative officer from the CSWD who caters to after-care, reported that she has rarely encountered VAWC cases but attributed that this is also perhaps due to the fact they are a relatively new unit in the CSWD. Majority of the cases referred to her involve **street children, abused children, and CICL**. She shares that they have recently launched a LAMDAG program where they send street children and CICLs to school. The main point of the program was the reformation of the children. The said program is in coordination with Xavier University - Ateneo de Cagayan and Oro Youth. She observed that most of these children are aged 15 to 17 years old and come from broken families.

Ms. Balaba from the CSWD shared that most of the women victims who are referred to her office are actually **high-school graduates earning income which is however not sufficient for a comfortable living**. These victims are usually aged above 30; she has rarely encountered cases involving women who are above 50 years old.

The cases Ms. Balaba has handled involve women who are **single parents**, and those who have children from various relationships. She observed that most of the victims of abuse are unmarried women who are cohabiting with their partners.

In contrast, Ms. Balahay, also from the CSWD, shared that the clients she usually meets are the **husbands or the fathers whose concerns are custody of the children**. Most of them come from middle-class families.

Police Officer Diango shared that reports of violence committed against children and women are usually discovered following the implementation of the 10pm curfew.

Atty. Gaudiel recapped and pointed out that most of the victims of GBV cut across sectors with most women being financially dependent on their husbands. She also noted that most of the victims come from broken families.

## LOCAL POLICIES

All of the attendees acknowledged the presence of local policies in CdO which aim to address women and children concerns such as the **Children's Code, GAD Code, and Local Parental Responsibility Code**.

Ms. Silvosa shared that for their part at the CSWD, they have incorporated the implementation of these policies to their programs and have allotted the necessary budget for its implementation. In fact, their **GAD budget** accordingly exceeds the usual 5% requirement.



Capt. Baldado shared that the PNP conducts regular **lecture-seminars** at school as a mandatory activity. He observed that the main problem is ignorance of the law; most of the parents either do not know that there are laws such as Local Parental Responsibility Code, or that if they even know, they do not fully understand the applicability of the law.

Ms. Che of the Barangay Child Protection Committee (BCPC) shared that for their part, they are already implementing the punitive provisions of the Local Parental Responsibility Code through the issuance of **notices of violations**. After 3 notices, the office proceeds for the case build-up. On several instances, Ms. Che, acknowledges that in case of failure to locate the parents of the child, they commit the child to a shelter.

It was suggested that the **barangays themselves should have a holistic approach to educate their constituents regarding the local laws**, considering that all the programs and policy implementation are ultimately downloaded to the barangays.

### USE OF GAD BUDGET

Ms. Leonen shared that she is personally thankful for the GAD Budget when she implemented programs for Mental Health because the said budget accordingly supplemented the implementation of those programs. She also pointed out that the administration should also look into the **sustainability of the programs where the budget is being spent**.

For the PNP, the GAD Budget is **always included in the MOOE** and is used for the lecture-seminars they conduct at schools which is a mandatory activity for them weekly.

## Gender-based Violence in CdO

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### COMMON FORMS AND TRENDS OF GBV

Ms. Silvosa stated that the most reported cases involve **physical abuse**. Ms. Leonen remarked that **sexual abuses are the most under-reported**. She observed that most women are still under the notion that it is their duty to have sexual relations with their husbands even if they do not feel like it. She also observed that urban poor do not report emotional abuse not until there is already physical abuse or in some cases when they are already being subjected to deadly violence.

Ms. Leonen also shared that she has come across cases of **child trafficking**, usually occurring in mixed families where children are left to the care of other individuals who are not their parents.

She also pointed out that there is a notable decline in the incidence of abuse cases when President Rodrigo R. Duterte started his **anti-drug campaign** because many cases really involved drugs as drugs actually trigger the violence. She remarked the importance of a strong national policy because this pushes the local government units to operationalize their local policies as well. Accordingly, the beautiful interplay of services led to better statistics.



## CHALLENGES AND BARRIERS IN REPORTING/INVESTIGATING GBV

Capt. Baldado shared that most victims do not report their cases or if they even do report, they immediately **withdraw their complaints**. These usually happen when somebody advises the victim to take pity on the offender or the victim gets a threat.

Kagawad Daano at this point also shared that there are also victims who refuse to give a statement at all despite being invited for counselling or interview because there is **no proper venue at the barangay hall where their privacy is respected**, thus the victim becomes hesitant to air her concerns.

Ms. Leonen commented that the Mental Health Law mandates confidentiality and imposes penalties in case of violation of the law. She remarked that the barangays should be informed of this. Ms. Leonen also again raised the issue on **requiring a psychological evaluation report in cases of sexual abuse against children** as a problem that should be immediately addressed because such requirement only obstructs and delays the resolution of the case. She stated that the volume of cases cannot be immediately addressed considering that there are very few psychologists in the city.

Ms. Silvosa also shared that the victims cannot also procure the services of a private practitioner due to **financial problems**. Despite the existence of a financial assistance program, the assistance that could also be given is limited and at times delayed, thus rendering any aid useless. She also added that **a lack of a center for women** is a difficulty because these women-victims would actually need a safe space. She shared that for the meantime, they refer cases to NGOs. Ms. Leonen agreed that there is a need for such center because a safe space is a necessary support for recovery.

## BEST PRACTICES

Ms. Silvosa pointed out that the city government of CdO is commendable for the fact that there are VAWC desks around the city. She also stated that the **performance incentives** being given by the city government (such as recognition for the Most Outstanding VAWC Desk and Child-friendly Barangay Award) has encouraged excellent performance culture among the barangay units and police stations. Ms. Leonen also pointed out that these performance incentives also serve as monitoring tools for the city government.

Capt. Baldado also highlighted that the PNP has been **engaging in partnerships with non-government organizations (NGOs)** in dealing with juvenile delinquents and young victims of violence.

Ms. Silvosa added that the **Livelihood Assistance** could also be considered a good practice by the city government especially for women-victims of violence because the assistance empowers them to not tolerate abuse or violence.

## Case Management

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Ms. Silvosa remarked that the entry point for GBV cases is **always at the level of the police and/or the barangay**.



The city government provides the necessary assistance for GBV survivors such as **shelter or financial assistance**. However, challenges were noted in the delivery of the said services, such as the lack of a center for women and the delay and limit of financial assistance that could be provided to the victims.

## Documentation

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All of the offices affirmed that they have **standard forms for GBV complaints**, which are retained for 10 years. Captain Baldado stated that they have a separate filing system for VAWC-related blotters.

Kagawad Daano also shared that they have **VAWC-related monthly reports** to be submitted to DILG and DSWD. Access to the said data is limited to the VAWC focal person at the barangay level but admitted that they have no protocol as to the release of the data.

CSWD shared that they can only release numerical figures to the public but any request for more specific data would require approval of the higher-ups.

## Recommendations

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Ms. Leonen shared that legal and professional assistance must be improved. She highlighted that governments should look into the **hiring of psychologists** and commented that the salary grade should be commensurate to the qualifications and the workload to entice psychologists to join the workforce.

Capt. Baldado agreed with Ms. Leonen and remarked that **counselling** will play a vital role not only between the couple but also for the children especially that violence greatly affects the mindset and behavior of the children. He remarked that counselling would help prevent the violent cycle.

Noting that RA 9262 prohibits mediation, Ms. Silvosa commented that **a dialogue is really necessary at the barangay level** because most of the time, women-victims do not want to pursue a criminal case against their husbands or partners. Their only purpose for reporting the abuse is for their husbands or partners to be aware that there is a law prohibiting their violent behavior. Accordingly, most women, more often than not, opt to save their marriage or relationships.

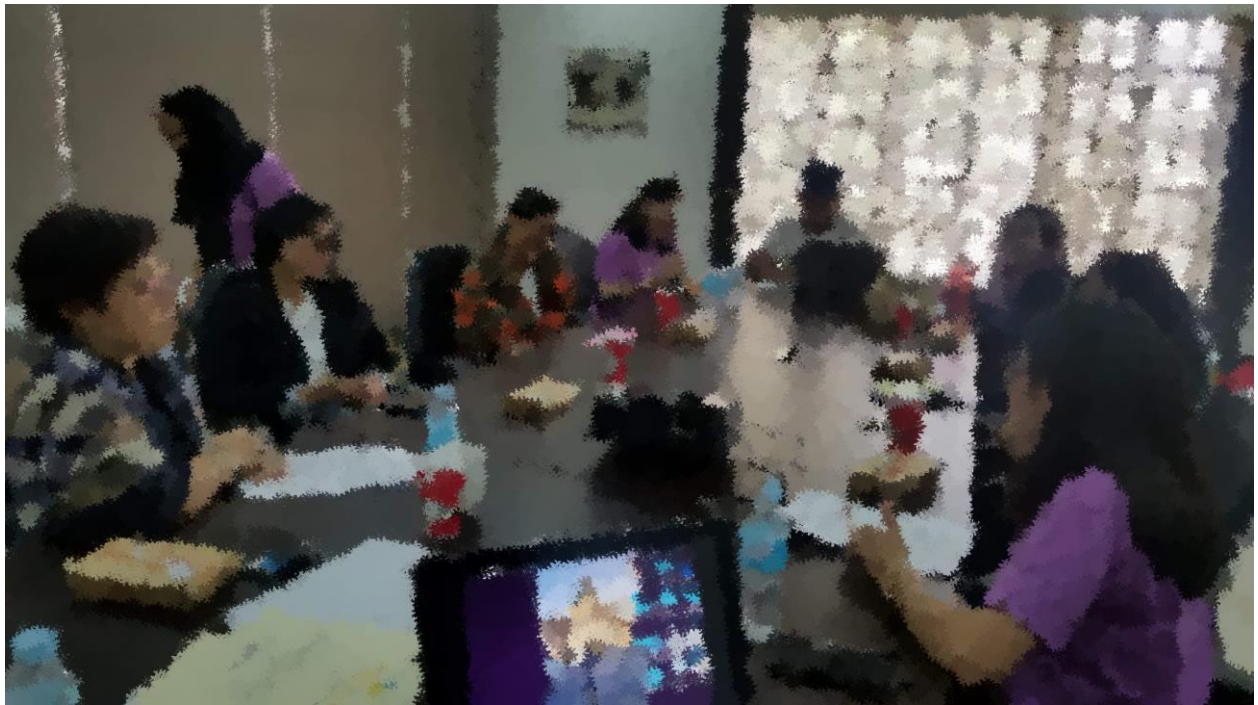
Ms. Leonen commented that the goals and limitations of these dialogues should be defined by a law or policy. Science would support that there is low likelihood that marriages or relationships marred by violence would still survive because the battery already indicates incompatibility. She remarked that **educational drives should be intensified** and suggested that **information campaigns should also show the effects of tolerating violence**. She noted that the mentality of some women who tolerate violence is dangerous because mindset is very difficult to reform.

The discussion was concluded at around 1 o'clock in the afternoon.



## Focus Group Discussion with Civil Society Organizations (CSOs)

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The afternoon session was held with members of civil society organizations based in CdO. The discussion commenced at around 2 o'clock in the afternoon. Atty. Palma presented the same backgrounder on the GBV Observatory Project while Atty. Gaudiel and Ms. Cabana facilitated the discussion.

## Gender Equality Situationer in Cagayan de Oro

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### **PARTICIPATION IN THE DEVELOPMENT/PASSAGE OF LOCAL POLICIES**

Balaod Mindanaw was acknowledged to be instrumental in the development and passage of the **Children's Code, IRR on the Trafficking of Minors, and the Local Parental Responsibility Code of CdO.**

Respondent A shared that it's good that the City Council is very welcoming to organizations such as Balaod Mindanaw. He related that they were allowed to freely draft some of the local policies.



The Oro Youth Development Council (**Oro Youth**) serves as a **platform for youth organizations across various sectors to exert its influence and input its advocacies in the local governance**. Respondent B of the said council shared that they are currently crafting an anti-discrimination ordinance.

Respondent C of Island Kids opined that it is good that CdO has various local GBV policies but there is **no proper information dissemination**. She believes that the laws should be introduced to the schools and even the parents should be educated. For her, prevention is a better measure to combat GBV. According to her, GBV-related incidents could be avoided through **information, education, communication campaigns (IECs)**.

### FUNCTIONALITY OF VAWC DESKS

Respondent D of the Pilipina organization related that despite the presence of VAWC Desks in the barangays, the delivery of services by these VAWC Desks are very poor. She attributes this to the **lack of skills and training that will enable the VAWC Desk Officers to optimally perform their functions**. She also stated that the assignment of proficient VAWC Desk Officers is always affected by political will thereby affecting the quality of services provided by these desks.

Respondent D cited as an example a case where the CCC, a GBV victim eventually ended up getting murdered (*chop-chop*) by her violent partner due to the **late intervention** of the barangay officials or the VAWC Desk. Respondent D opines that the late intervention is primarily because of the the lack of knowledge of the assigned officers in handling the case.

Respondent B also pointed out that most VAWC Desks at the barangay have **no clear process**. Based on their experience, they were only being referred from one officer to another. She also shared that VAWC Desk Officers should be trained how to handle delicate situations or how to negotiate.

Respondent F reiterated the **importance of intervention while the violence is still ongoing** which should be done at the barangay level since most of the projects are downloaded at their level for implementation.

Respondent A stated that it is a sad reality that while VAWC Desks are present in almost all barangays in the City, there is a **problem on efficiency and delivery of services** due to either lack of training on the assigned personnel or the complete absence of an assigned personnel for the delivery of services. He also agreed that political will greatly affects the efficiency of the VAWC desks.

## Gender-Based Violence in CdO

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### COMMON FORMS OF GBV

Respondent E shared that **rape among minors** is a prevalent issue. She has tried helping victims as young as 2 years old. These are also the most difficult cases for her to handle considering the toddler's ability to narrate the abuse committed.



Respondent A also pointed out that there is a growing incidence of **sexual abuse in teenage relationships**. In these cases, the teenage girl belatedly realizes that she is already being violated. Abuse does not only happen inside the homes anymore but also in communities, workplaces, and schools.

Respondent C shared that she also has a rising number of cases of **teenage pregnancy** where the pregnant girl is abandoned by her boyfriend who impregnated her.

### **CHALLENGES/BARRIERS IN INVESTIGATING GBV**

Respondent C, who provides shelter for GBV victims, narrates that most parents clandestinely get their children from the center because they prefer extrajudicial measures to resolve their cases. In some cases, children also **subsequently retract their statements because of the stress of the trial**. Respondent C relates that psychological evaluation is really important for the well-being of the child.

Respondent B shared that most of their clients also have **difficulty reporting** abuse because of their **mental health state**. Most GBV victims are also **clueless as to what to do and where they could seek help** for their problems. The teenagers usually cannot go to their families for fear of getting scolded. Although Oro Youth has started initial steps to address the mental health issues among the youth through Project Amigo, Oro Youth admits that they are yet to test the project at the grassroots level. Some young GBV victims are also scared to report the abuse due to **trust and confidentiality issues**; most teenagers fear that their experiences will reach their parents.

Oro Youth have also encountered cases of pregnant teenage girls who have resorted to **abortion**, due to abandonment and embarrassment. Respondent C related that they have conducted a research before and based on their study, 1,439 street children would prefer abortion when they get pregnant. Even the boys who impregnated these young girls would suggest abortion. During the interview, it was discovered that these children know how to facilitate the abortions themselves just by drinking some medications.

Respondent B also shared that it also becomes a problem when the out-of-school youth (OSY) themselves **refuse the services provided by the government**. An example is when Oro Youth implemented a project where the OSY can still attend classes provided once a week which will enable them to still go to their respective jobs. However, most OSY themselves **lost interest** in attending the said classes.

## **Case Management**

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### **ENTRY POINT**

The **barangay** is always the entry point. However, most victims are still truthfully **unaware where to go**. Respondent C however shared that **Brgy. Canitoan** has an impressive referral mechanism and a quick response team when it comes to GBV.



## ACCESS TO SUPPORT SERVICES

Respondent C highlighted the **need for mental health facilities and crisis centers**. There are **not enough social workers** on the ground and lack of additional counsellors and psychologists.

Respondent D also shared that **confidential shelters** should also be provided. She raised that violence does not only happen at the grassroots level. GBV also happens within elite circles but these incidents are not reported unless the party resorts to file a case in court because people of this profile are very secretive.

Respondent A also remarked that GBV victims should be entitled to a **speedy disposition of cases** because **a dragging and lengthy litigation usually causes victims to withdraw their complaint** as there is time and opportunity for them to get threatened or be intimidated by offenders.

## Documentation

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Respondent C shared that their center adapts a **Case Management System** since they also go through an **accreditation process with the DSWD**, thus everything they do is documented. This system also enables them to update their approach to various issues.

## Recommendations

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Respondent C remarked the need for a wide and effective information or educational campaign. She opines that **IECs should not only be held at the offices but must also be conducted in the communities, with families, especially with the parents**. She also shared that their center is currently looking into a program which will serve as a **parenting academy**. She firmly believes that GBV should be prevented first and foremost at home with the family.

Respondent A suggested that the **CHR should also promote their services** because most of the people are unaware that CHR provides legal assistance in GAD cases.

Respondent D recommended that the CHR should **look into the efficiency of the VAWC Desks at the barangay levels**. She remarked that the VAWC Desk Officers should be regularly provided training to equip them with the necessary skills to effectively deliver their services.

The discussion was concluded at around 5 o'clock in the afternoon.

*-nothing follows-*