

Self-Defense for Battered Women: Focus on the Admissibility of the Battered Woman Syndrome in Philippine Law and Jurisprudence

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39 *ATENEO L.J.* 91 (1994)

SUBJECT(S): CRIMINAL LAW, GENDER AND EQUALITY

KEYWORD(S): BATTERED WOMAN SYNDROME, SELF-DEFENSE

This Note won Third Best Thesis of the Ateneo Law School Class of 1994. The proposition of this Note is that self-defense is a valid defense for battered women who injure or kill their batterers. The Note recognizes that the majority remains indifferent to domestic violence despite its prevalence and seriousness. Thus, because of this persistent social apathy, victims are largely prejudiced.

The Author first discusses the extent of wife battering in the Philippines. She recognizes that data on the subject matter remain scarce and scattered. This is due mainly to the limited methods available in the gathering of data. The figures used are mainly based on reported cases to the police. The discussion then goes into the fact that battering is a manifestation of oppression of women. Here, some reasons of battering are discussed, especially those that manifest chauvinism. The more important part of the section is the discussion on the psychosocial behavior of battered women. The theory is that women repeatedly battered over a prolonged period develop a cluster of psychological characteristics called the "battered woman syndrome." The theory says that battering in relationships tend to occur in a cycle composed of: tension-building, acute battering incident, and loving-contrition. The woman then develops a condition called "learned helplessness." They accept that they are powerless and no longer retain control over their lives. The Author then proceeds with a discussion on the reactions of battered women to aggression. Only a small portion of battered women resort to some kind of offensive aggression. She then discusses on the background of the Revised Penal Code and the Self-defense doctrine. Jurisprudence involving such doctrine is discussed, as well. The Note makes use of U.S. jurisprudence and law in defining what battered woman syndrome is and to what extent the self-defense is covered. The importance of expert testimony is recognized also. Ultimately, the Note provides some critique of Senate Bill 541, which proposes a defense for battered women who kill their spouses along with other recommendations to address the complex issue of domestic violence.