

## **A STUDY ON THE PHILIPPINE ANTI-MAIL-ORDER BRIDE ACT OF 1990**

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### ***ABSTRACT***

*Under Philippine laws, the Mail-Order Bride (MOB) Phenomenon is a mechanism of human-trafficking. However, the Philippines remains to be the top exporter of MOBs in Asia. And the presence of advancements in Information and Communication Technology (ICTs) seem to have given Marriage Brokers (exploiters) a way to circumvent the law, specifically by the operations of such exploiters. This research aimed to determine if there is a need to amend Republic Act 6955 (RA 6955), otherwise known as the Philippine Anti-Mail-Order Bride Act (PAMOBA) of 1990 through qualitative examination of the effect of advancements in ICTs in its implementation based on the interviews of stakeholders (experts). The narratives were grouped by themes and analyzed through the use of a dendrogram. Stakeholders claim that ICTs are helpful in both the implementation of programs that augment the law and the operations of the MOB. The results ascertain that the advancements of ICTs affect both the operations of exploiters and the stakeholders—that it had helped the sophistication of operations of exploiters, and had helped the stakeholders and victims in the identification and subsequent prosecution of exploitation as well as to strengthen the fight against human-trafficking via this mechanism.*

**Keywords:** *Mail-Order Bride, Marriage Brokers, Exploitation, Human Trafficking, Philippine Anti-Mail-Order Bride Act (Republic Act 1990), Information & Communications Technology*

### **INTRODUCTION**

Men travel abroad in search of opportunities; they migrate to settle into a new country and establish themselves there. But most of these men find it difficult to get “culturally suitable wives” there—like in the case of the Japanese, South Korean, and French men who migrated and domiciled in the United States and sought out to marry

women from their homeland (Zug, 2012; Kusel, 2014). Hence, the inception of what was then called “picture bride system”— the MOB phenomenon started out as a response to a “necessity based on specific historical and cultural conditions” (Chun, 1996).

The MOB tag has been used to refer to “any wom[a]n who utilizes the system of introduction for the prime [...] purpose of marriage with a foreign national” (del Rosario, 1994 as quoted by Kojima, 2001). But with the rapid growth of Information & Communication Technologies (ICTs) the MOB Phenomenon had transformed itself to an industry. The MOB Industry has been defined as an “organized, large-scale economic activity... which involves buying, selling, the exchange of goods, or the sale of services... the object of [which] is ultimately the purchase and sale of the brides themselves” (Langevin & Belleau, 2000). The marriages that result from this industry have been described as “a formal transaction between a man and a woman from [different] countries, usually brokered by an agent, who is part of the MOB industry, via catalogues or the *internet*.” (Philippine Women Centre of BC & the Status of Women Canada Policy Research, 2000; italics added).

While the phenomenon has largely been influenced by socio-cultural forces, the industry is an economic force which is both *influenced by* and *influences* the socio-cultural aspect of a State. And since the dawn of new technology, the issue of the MOBs has become a globalized and socio-technical or socio-technological phenomenon (Niedomysl, et. al., 2010; Sarker, et. al., 2013) that has resulted in “stereotypes and transnational inequalities to support the profit-making commercial business” (Chun, 1996).

And since it is a globalized phenomenon, each country affected by the MOB Industry has its different response on how to regulate it. The focus of this study shall be on the response of the Philippine government through its legislative prohibition of the Industry by the enactment of Philippine Anti-Mail-Order Bride Act (PAMOBA) of 1990.

The Republic Act 6955, otherwise known as the PAMOBA of 1990, provides the following prohibited practices:

*Section 2. Pursuant thereto, it is hereby declared unlawful:*

- (a) *For a person, natural or juridical, association, club or any other entity to commit, directly or indirectly, any of the following acts:*
  - (1) *To establish or carry on a business which has for its purpose the matching of Filipino women for marriage to foreign nationals either on a mail-order basis or through personal introduction;*
  - (2) *To advertise, publish, print or distribute or cause the advertisement, publication, printing or distribution of any brochure, flier, or any propaganda material calculated to promote the prohibited acts in the preceding subparagraph;*
  - (3) *To solicit, enlist or in any manner attract or induce any Filipino woman to become a member in any club or association whose objective is to match women for marriage to foreign nationals either on a mail-order basis or through personal introduction for a fee;*
  - (4) *To use the postal service to promote the prohibited acts in subparagraph 1 hereof.*
- (b) *For the manager or officer-in-charge or advertising manager of any newspaper, magazine, television or radio station, or other media, or of an advertising agency, printing company or other similar entities, to knowingly allow, or consent to, the acts prohibited in the preceding paragraph.*

Using the foregoing provisions, the MOB Industry can be legally defined as the business of matching Filipinas with foreign nationals for the purpose of marriage in exchange for profit or for considerations.

The violation of the law is sanctioned by imprisonment of not less than six years and one day but not more than eight years, and a fine of not less than eight thousand pesos (P8,000) but not more than twenty thousand pesos (P20,000). And if the offender is a foreigner, he shall be deported and barred forever from entering the country after serving his sentence and payment of the fine.

The act penalizes the matchmakers (the marriage brokers/agents); and not the consumer-husband or the MOB— because the marriage brokers are seen as akin to, to a lesser extent, pimp (*bugaw*), and to a larger extent, human traffickers.

In the Philippine context, the MOB Industry is seen as a means of “disempowering women” (Litong, 2012) by “commodifying” them (Zabyelina, 2009) and subjecting them to situations prone to result in their exploitation (Litong, 2012), abuse (Schloenhardt, et. al., 2010) and even death (Pennington, 2010) — that it is a form of exploitation.

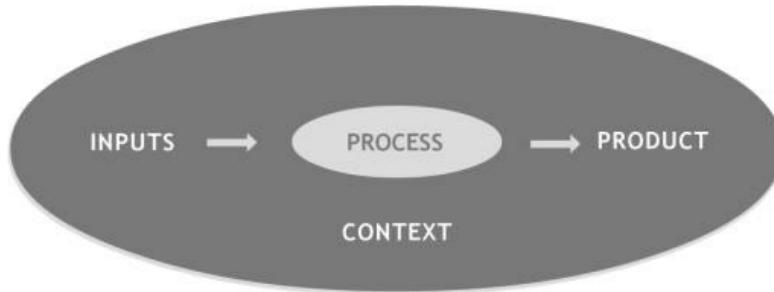
Notwithstanding the subject enactment by the Congress, the law has been observed as poorly enforced. There has been a “sporadic enforcement and general ineffectiveness” in the implementation of the Act (Sims, 2009). A critic of the PAMOBA, Aranda (2015), states that the Act “remains to be an unenforced piece of well-intentioned legislation.” He furthers that this is because “the law is readily circumvented by basing matchmaking agencies outside the Philippines”, since there are no laws that prohibit their operations in the “destination countries” like Japan and the United States of America. The presence of ICTs have aided the International Marriage Brokers (IMBs) to “circumvent” the Act, since such technology makes it easier for them to operate and expand in a certain country even without having an existing office under the jurisdiction of that country.

The Philippines has several laws concerning the protection of women, migrant workers, and victims of human-trafficking. Nonetheless, there has been a slow process of conviction of recorded offenders (“Anti-Mail-Order Bride Law Philippines Doesn’t Limit Human Trafficking”, 2009). There is a need to evaluate the law as well as the programs that implement it, so as to augment the government’s move to advance the rights of Filipinas, specifically the marriage migrants; especially since there has been no concrete proof that the trend has subsided in the recent years. The marriage migrant statistics of the Commission on Filipino Overseas show that from the enactment of the Act in 1990 to 2014 there has been an increase in the number of individuals leaving the country as marriage migrants.

Thus, this research probes on the issue of *how is the PAMOBA effective?* Specifically, the purpose of this study is: (1) to determine if there is a need to amend the Act; and (2) to determine the effectiveness of the implementation of the Act viz-a-viz the impact.

## Theoretical Framework

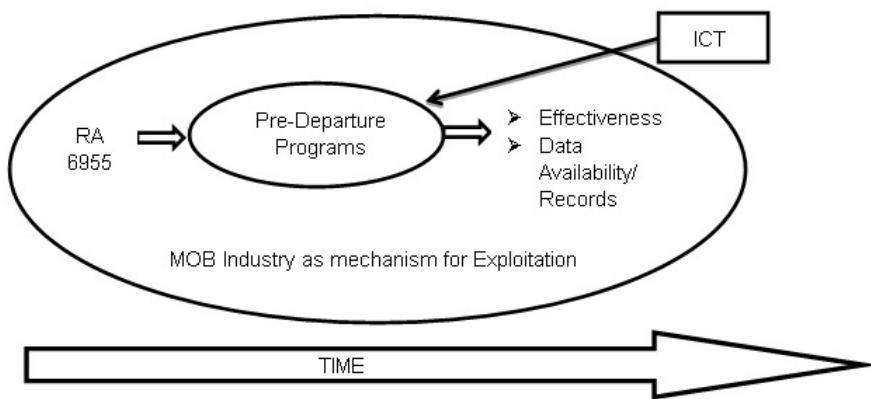
This study used the Program Evaluation Theory- Context-Input-Process-Product Model of Stufflebeam (1983) to evaluate the implementation of the PAMOBA, i.e. the Guidance & Counselling Program (GCP) for marriage migrants.



**Figure 1. The Context-Input-Process-Product (CIPP) Model of Stufflebeam (1983)**

Stufflebeam defines *evaluation* as a “process of delineating, obtaining, and providing useful information for judging decision alternatives.” It is both a system-based and a macro model (Stevenson, 2015) — the model focuses on the system or the process by which the program is implemented and also the *Big Picture* or the effect of such program to the stakeholders and the public in general. The purpose of the model is to aid in policy decision-making.

The Context is the “environment” by which the Inputs, Process, and Products are placed into: the IPPs are placed within the Context to solve the issue therein. In this study the Context is that the MOB Industry is being used as a mechanism for exploitation; the Input is the PAMOBA (RA 6955); the Process in the Pre-departure Program for marriage migrants, which is the GCP; and the Products are the effectiveness (based on internal and external evaluation of stakeholders) and data availability on the subject matter. Two other aspects are looked into in this study, (1) the trend regarding the issue in relation to time and (2) the impact of the ICT on the CIPP.



**Figure 2. Conceptual Framework**

### Review of Related Literature

The MOB Phenomenon has been largely studied through the lens of sociological (see Kojima, 2001; Velasco, 2013; Ryabov, 2013) and of socio-technical (see Zabyelina, 2009; Jones, 2011; Sarker, Chakrabor, Tansuhaj, Mulder, & Demir, 2013) perspectives. There are also studies on the laws affecting the MOB Industry—researches on laws regulating the MOB Industry (Pennington, 2010), on comparison of MOB laws of different countries (Sims, 2009), and on the relationship of the laws to social theories (Litong, 2012).

In Stark's paper (2006) on the impact of globalization on International Family Laws, she identified 3 major factors that affect domestic and international policies/laws: (1) globalization per se, (2) advancements in Information & Communication Technologies; and (3) strengthened emphasis on human rights. As the forces of globalization affect the precepts of the International Family Law, it also affected the "marriage fields" (Niedomysl, Östh, & Van Ham, 2010). Stark furthered that since the borders have become "porous" migration is much easier, hence, more people are moving. Ryabov (2013) asserted that due to globalization there has been an increase in the statistics of marriage migrants. And such marriage migration was closely linked to other forms of migration as labor migration (Niedomysl, Östh, & Van Ham, 2010).

Joseph Stiglitz (2002) defined globalization as: “the closer integration of the countries and peoples of the world which has been brought about by the enormous reduction of costs and communication, and the breaking down of artificial barriers to the flows of goods, services, capital, knowledge, and (to a lesser extent) people across borders” (as quoted by Jones, 2011; emphasis supplied). The closer integration of countries has made it easier for human rights and feminist ideas to be shared across borders: advancing the rights of the women. However, since there was a presence of low cost, and higher demand, trafficking of goods (including persons) are more prevalent (Jones, 2011). Because of the rise of globalization, it has “both improv[ed] women’s situation and makes it worse” (Stark, 2013).

One of the positive effects of globalization has been the advancements in Information & Communication Technologies (ICTs). The Organization for Economic Cooperation and Development (OECD) has defined ICTs as “a combination of manufacturing and service industries that electronically capture, transmit, and display data and information” (Padojinog, 2005). With advanced technologies to easily disseminate information and communicate across the globe, lives have been so much better. These ICTs have been seen as the “enabler of bringing people together” (Sarker, Chakrabor, Tansuhaj, Mulder, & Demir, 2013). However, as in the case of the MOB Industry through the IMBs, this media has been largely misused (Jones, 2011). It has been utilized by IMBs in a way that they can commodify and exploit women (Zabyelina, 2009). With these ICTs purchasing a MOB was “as easy as ordering pizza” (Kusel, 2014). Worse was that the ICTs are used by IMBs to circumvent the law (Litong, 2012). Take for example, the case of the Philippines: it has been forbidden to establish and operate MOB Industries locally; so all they have to do was establish their agency abroad and make sure they had enough potential MOBs from the Philippines. The presence of the ICTs has aided the IMBs to go underground, making it difficult for Philippine authorities to track down the violators. Or another example would be those countries that have been regulating the industry, like the United States of America and Japan; since the ICTs are easily manipulated it has been difficult to authentically regulate the Industry once online.

## METHOD

This research was an evaluation study of (1) the PAMOBA, and (2) the impact of ICTs on the implementation of the programs. The research employed a qualitative approach that examined the narratives of the stakeholders through a dendrogram.

The dendrogram is a data analysis method that shows the groupings and relationships of trends and themes that are manifested by the informants through their narratives. The major themes are based on keywords and common issues frequently mentioned by the informants.

Data was gathered through semi-structured interviews. The informants, the *experts*, interviewed for this study are: (1) Ms Janet Ramos, an attaché and counsellor of the Migrant Integration and Education Division (MIED) of the CFO; (2) Ms Kamil Albuen Manangan, the National Spokesperson of Gabriela Youth; (3) Ms Kristine Grace Dayauon, the Coordinator for the National Organizing & Education Committee of Gabriela National Alliance of Filipino Women (Gabriela); (4) Ms Pamela Pangilinan, National Capital Region Coordinator of Migrante International-Philippines (Migrante); and (5) Ms Melba Margison, the Executive Director of the Victorian Immigrant and Refugee Women's Coalition (VIRWC) in Australia, who have led a campaign that tackled Filipino MOBs in Australia during the 1980s-90s.

## RESULTS AND ANALYSIS

### *Considerations in Amending the Act*

In amending laws, in general, the most important consideration lawmakers have to look at is the need to do such amendments. As for the case of this Act, stakeholders agree that there truly is a need for such amendments to occur, so as to “update” the Act to go with the current trends.

Before discussing the important considerations in the amendment of PAMOBA, it is important to note that, although the MOB mechanism is a form of human-trafficking, it covers a distinct issue. As discussed by one of the experts, Kristine Dayauon, MOBs are victims of human-trafficking in the “guise of marriage”; and more often than not, the victims are “aware of the true nature of the transactions”. Unlike in the cases of labour exploitations wherein victims believe the transactions they have made has been entered into in good faith. Another characteristic unique to the exploitation via the MOB mechanism is the nature of the contracts entered into by the parties, especially in the process of voiding and incriminating such transactions. A marriage contract is more difficult and more costly to annul than a labour contract.

Women are the only ones considered, or acknowledged, as victims, hence, the victims are called mail-order *brides*. The current trend, however, shows that there are also male victims of the scheme. Although the type of exploitation that men experience is not the same kind of exploitation with the women the severity of such exploitation is same. Most men experience “financial abuse”— that is the refusal of the foreign spouse to give financial support to the other— rather than physical abuse, which is more common with women. Exploitation is still exploitation no matter the gender.

The Act also gives a strong emphasis on the pen pal or postal aspect of the industry (see Section 2 of the Act), hence *mail-order bride*. But the term is already a misnomer now, “there is no such thing as mail-order bride” because that connotes the usage of the postal service, it connotes “snail mail”, but the current trend is through the utilization of technology.

Those who are prosecuted under the Act are natural or juridical persons, associations, clubs that participate in the business of the MOB. It also prosecutes the “manager or officer in charge or advertising manager” of several media who “knowingly allow” the publication of materials advertising the MOB scheme. But as Janet Ramos has stated, the MOB scheme is an organized crime: they have “networks”— in the city hall, in the immigration, in the “fly-by-night churches”, in the local civil registry. There is a need to include for example the “solemnizing officers” and individuals who are accessories to the crime— whose participation in the offense was necessary for the consummation thereof.

As to the penalties, the current provisions provide for imprisonment of not less than 6 years and 1 day, but not more than 8 years. As for the fine imposed, it is within the scheme of eight thousand pesos to twenty thousand pesos. But what is 6 to 8 years compared to an exploited life? Pamela Pangilinan asserted that the imprisonment scheme to be followed as penalty for the MOB scheme should be like the Anti-Trafficking in Persons Act, which is lifetime imprisonment. "*Kasi kailangan ituring na heinous crime yan,*" (Because it has to be treated as a heinous crime), she added, "*Kasi mayroong isang babae, sinamantala mo yung [vulnerability], tapos napahamak siya sa labas ng bansa.*" (Because there is a woman whose vulnerability has been taken advantage of and was exploited outside of the country.) The penalties are "too low", "too small"— "*barya lang sa kanila yan*" (it's just loose change to them), as Kamil Manangan puts it. The foreign spouse spends more money in purchasing a bride than the penalty itself. And besides, it is "easy for a syndicate to raise a million pesos". The penalties should be higher and stiffer—but by the end of the day the reality is that the issue is of "human dignity", someone was exploited, abused—it is "difficult to put a price on that". And it is precisely because of this low penalty scheme that victims do not pursue the case. Janet Ramos explained that because of the nature of the transactions of the MOB scheme—that the foreign spouse will pay for the bride and all the expenses of her migration—the cost of pursuing a case is more costly than both the money spent by the foreign spouse and the impending penalty.

The current Act has no provision for the creation of an IRR, hence, no IRR regarding the Act has been written, which is a "big problem." It is through the IRR that the specification, the "details" on how to enforce, on how to implement the Act is explicitly explicated. Pamela Pangilinan argued that the law is "too short", not only by its form (because it is only two pages long), but more so on its content. "*Gagawa ka ng batas tapos walang implementing rules and regulations,*" (You will be making a law, then it does not have any implementing rules and regulations), she furthered, "*Seryoso ka ba talagang gagawa ka ng batas?*" (Are you serious about making a law?)

The current amendments suggested and lobbied by the CFO, and co-authored by Gabriela Party-List, expands (1) the scope of the Act, i.e. including (a) recognizing men as victims, (b) technology as a mechanism of exploitation, and (c) inclusion of other individuals that should be considered as accomplice to the offense; (2) penalties based on the Anti-Trafficking in Persons Act, and (3) a provision for the creation of its IRR.

The stakeholders also identified certain considerations that should be looked into in amending the Act, specifically in emphasizing the Context of the Law as to the Degrees of Vulnerabilities / Desperation of the individuals.

It is their economic status, mostly, that subjects them in a position prone to abuse and exploitation. Migration, *per se*, is used as a means for Filipinos to have “a way out”, “not necessarily an option”— because if we shall say it is an *option* it connotes that there are opportunities available locally but these migrants *choose* to leave the country. But by the end of the day, these migrants leave the country by *force*— not that anyone is compelling them, but rather the situation that they are in compels them to choose leaving the country rather than just continually (barely) living in the country. They see this as the “easy way out” of their current situation. This is “forced migration”, as Pamela Pangilinan explained, “*dahil sa prevailing socio-political, economic situation sa bansa, yuong mga kababayan natin ay napipilitan silang lumabas ng bansa sa ano mang pamamaraan na pwe-pwede para maibalon sa hirap yuong pamilya nila.*” (Because of the prevailing socio-political, economic situation, our fellow countrymen are forced to leave the country, so that they can get their families out of poverty.) “The less privileged you are, the more vulnerable you are.” The more you would want to leave the country no matter what. Forced migrations, and the migration phenomenon occurring in the Philippines in general, are a “very unusual type of migration”— because it is caused, in part, by the manifestation of the peoples’ “vulnerabilities and desperations”.

The underlying context to the MOB issue deals mainly with the economic aspect. Truly, the primary force that subjects an individual to a state of vulnerability is poverty. The less you have, the more you would want to risk— because it is through these migrations that the individual is given “economic power” that they have none of.

This is also greatly influenced by media: what they “watch in telenovelas, Koreanovelas, movies” etc. For example both Kristine Dayauon and Janet Ramos have given the example of the sudden surge forward of migration to *and* from Korea during the hype of the Koreanovela trend. “*Pagdating ng Koreanovela dito, yun yung spike talaga nung ano [migration statistics],*” (When the Koreanovelas aired here, there was really a spike in the migration statistics), Janet Ramos explained. “It's a factor actually.”

This “factor” greatly affects the “extent of knowledge” of the migrants about their country of destination. Because their only basis on what the country looks like, on what is the culture of that country, etc. – it is limited to what this see in media. Thus, creating “expectations” from the Filipino spouse that the country they are going to are truly “greener pastures”. But that is not always the case. As with the case of Korean and Japanese emigrations, the migrants' knowledge of the country and its culture are based on what they watch— and as Janet Ramos emphasized, more often than not, there is a discrepancy on what the bride expects the country to be and what is the reality. Hence, creating another factor of vulnerability. The less that the migrant knows about the country, the more vulnerable they are.

Although that is not necessarily true: some migrants have full knowledge of what they are going into, but still they go ahead the leave. Because of what? Desperation. The migrants “do not care anymore, so long as they can leave the country and better their current situations”. Pamela Pangilinan recounts a story of labor migrant who worked in Iraq during the time when it was still war-torn: she asked why the labor migrant choose to work abroad even if knew it was dangerous. “*Alam mo, neng, sa Iraq, isa lang ang kalaban mo, bomba lang. Pwedeng ilagan yun,*” (You know, in Iraq, you only have one enemy, bombs. And you can avoid that.) he answered, “*Pero sa Pilipinas, tatlo ang kaaway mo: almusal, tangahalian, hapunan. Hindi mo pwedeng iwasan yan.*” (But in the Philippines, you have three enemies: breakfast, lunch, dinner. You cannot avoid that.) This is also the case with all types of forced migration— the “want to better their economic conditions”. That is why sometimes, the knowledge, or education per se, of the migrant is not “always a good measure” of the “capacity to receive and handle information”, because it *is* all about their desperation.

### *Double-Edged Nature of ICTs*

Based on the interviews of stakeholders, a common contention is that, while it is true that these ICTs have provided an easier means of exploitation of individuals, the same ICTs, the same technologies, have helped the government (and NGOs) in aiding and assisting these exploited individuals. ICTs, as observed, embody a “dual” nature: it has made the MOB scheme a more sophisticated one, and has aided the government in tracking down exploiters and aiding victims of such scheme.

Kristine Dayauon explained that although, in general, there is nothing wrong with these sites connecting people from various parts of the globe for the purpose of relationships and romance, the problem is “perverted men” are ones most commonly active in such sites (...*puro nakakapasok di ba mga perverted men who likes Asian women because they are more exotic, ganyan*). She adds that these “perverted men” are most likely those who abuse and exploit their “wives”. But, of course that is not always the case with these marriages, especially ones that are brought about in a different context to that of economic situations, as would be further explicated in the latter part of this section.

Through ICTs the reach of the MOB Industry have broadened, and in effect there are more victims—because it has transformed the industry to a more “*sophisticated*” one; and subsequently transforming the syndicates, the offenders, to more sophisticated masterminds. It is important to note that the MOB industry, once used as a mechanism for human trafficking, as emphasized by Janet Ramos, is “a form of organized crime”. With the advancements in ICTs, the direct impact thereof to the operations of these syndicates is the sophistication of their modus operandi. They can present themselves as credible agencies and exploit more individuals. As Melba Margison explicated, this “complexity of social media usage makes it more difficult to identify perpetrators, victims, and methods of exploitation” out rightly.

Although the reality of exploitation and human trafficking is evident, Kamil Manangan explained that having these ICTs should not be seen as “disadvantage”, especially if “the people can benefit from it,” specially since it is through these ICTs that

victims “cry out for help” and the government is able to “track down” offenders. For example, the Inter-Agency Council Against Trafficking (IACAT) launched the 1343 Actionline, (which has its own website and also utilizes social networking site platforms), where individuals can contact the agency and report cases of human trafficking (any of its forms as illegal recruitment, MOB, and the like) or inquire about such activities. Also, the CFO, particularly the MIED which is tasked to oversee the GCP for marriage migrants, is able to connect with their *clients* (the marriage migrant) through e-mail correspondences. And there are some instances where the migrant-victim (not necessarily of the MOB scheme) can seek assistance from their counsellors in CFO. As Janet Ramos stated, there are a lot of advantages that these technologies bring, that one “can do a lot with technology”.

However, there has been a *shift* in the trend, or the operations of the syndicates. Due to this apparent sophistication, they have come to realize that if their transactions are through the internet the authorities will be able to track them down faster. Janet Ramos explained that there are shifts in the trends: from the “show off” operations—where the brides are presented as they walk like models on ramps—to purely internet transactions that uses web cameras and the like, to initial contact on the internet and transaction via text messages. And since the transactions are done through text messages, it is relatively difficult for the authorities to identify offenders than it is when the transaction is done through, for example, social networking sites.

But that does not mean that the effort of the stakeholders in augmenting the fight against this type of exploitation have been hindered by the sophistication of the syndicates. For it also gave the government a means by which they (1) can reach out to the people, especially those who might be victims, (2) can track down the offenders, and (3) can store and access important data easily. As Janet Ramos had put it, the offenders are “two steps forward” and that is why efforts of stakeholders should be “four steps in advance”. Fortunately, ICTs provide that levelling of the playing field.

## **DISCUSSION**

### *Considerations in Amending the Act*

Through the responses of the experts, it is found that there are certain considerations to be taken into account when amending a law, or even addressing an issue for that matter. As to the Act itself, the experts identified three major “problematic” aspects—its scope, its penalties, and its (lack of) implementing rules and regulations.

Studies on the laws on the MOB phenomenon and industry, like that of Sims (2009) contend that there is “general ineffectiveness” of such laws, due to weak points as the lack of stricter penalties. Litong (2012) has deemed the Act as tool that is “not responsive” in addressing the issue for the scope of the law is not precise. Interestingly, studies of the Act do not highlight the fact that it has no IRR. In the Philippines, for a law to have a definite executive and administrative force, it has to have rules and regulations that implement or enforce it. This is one of the “procedural vulnerabilities”, as Pennington (2010) had called it—weak points in enforcing the Act due to the input and process itself.

The experts also discussed the need to contextualize the issue in terms of the degrees of vulnerabilities and desperation of the individuals based on the economic status of the mail-order spouse. The degrees of vulnerabilities and desperation of individuals engaging in the MOB scheme is, unfortunately, evident. It is really these factors that push an individual to engage or to enter into such schemes. Litong (2012) emphasized that this scheme is a “systematic gender-based exploitation instituted by the State, the global economics, and western sexual imperialism.” As to gender, however, the current trend, although still highly gendered, is “not limited heterosexual transnational marriages” (Velasco, 2013); and that “exploitation is not predominantly male-driven” (Sarker, 2013).

The degrees of vulnerabilities and desperation of an individual is based on the economic conditions of the individual personally and of their home country. Ryabov (2013) stated that “economics” is the “push factor” why individuals seek to migrate and marry a foreigner. Kojima (2001), Lauser (2008), Limpangog (2013), among others support such

claim. It is truly the economic power, or rather disempowerment, of the individuals that subjected them into a position of desperation, that they would rather leave their home country and stay in foreign soil so that they can better their economic situations (Limpangog, 2013). It is important to note also that marriage migration, in this context, is “linked to other forms of migration” (Niedomysl, 2010); likewise, exploitation in such context is also treated akin to that of pornography (Kusel, 2014), child bride trafficking (Jones, 2011), and prostitution (Ricordeau, 2012).

### *Double-Edged Nature of ICTs*

It is important to note that when the Act was passed such technologies, like personal computers and cellular phones, while existing, are not as widely and commonly used as these are today. In our century, a day without these technologies would be unimaginable. Our every movement seem to be connected to or aided by the use of technologies. The presence of advancements in ICTs has resulted to easier movement among and between states for the borders has become “porous” (Stark, 2013).

The rapid advancements in ICTs have spurred the dependence of contemporary individuals to the utilization of such technologies; our current societies are extremely technology-dependent: majority of the activities and movements in our time are dependent on the usage of technology. And, also, such technologies have been used to commit grave offenses which cannot be immediately apprehended because it was not, previously, a concern (case in point, Cyber Bullying). But these ICTs should not necessarily be detrimental to societies, or for the purpose of this paper, the implementation of public policies and laws.

In the studies of Zabyelina (2009), Jones (2011), Litong (2012), and Kusel (2014), they highlighted that the presence of advancements in ICTs have helped the MOB Industry to make women be easily “commodified”, “stereotyped”, “disempowered”, and “exploited”.

Offenders of the PAMOBA are not just mere petty criminals working alone wanting a pocketful of cash: they are syndicates. The industry, once used as a mechanism for human trafficking, is an organized crime. And advancements in ICTs have made these groups of offenders sophisticated. Still by the end of the day, what really matters is how the industry is being perceived: if the scheme is seen as a form of business, anyone can get away. And this apparent sophistication affirms the claims of easier commodification, disempowerment, abuse, and exploitation of women through the MOB scheme.

But we have to note that even if these ICTs have surged the development of the IMBs, the most important impact it has on the agencies, especially to those utilizing it as a mechanism for human trafficking, is the sophistication of their operations. It is important to highlight the differences of the operations of IMBs then and now, and to what extent does ICTs have to be considered a driver of exploitation—because as what the interviewed experts claim that there has been a shift in the operations of those engaging in such scheme.

The internet becomes a requisite accessory to the offense. The initial contact may have been through the use of the internet, but the primary engagement, the introduction to a relationship is through these other entities, which is also ICTs.

While some critics of the law would contend that the presence of advanced ICTs have rendered the Act ineffective for it has presented a medium by which they can operate without being caught: in truth and in practice, the same ICTs have aided the government in their identification if there is exploitation. And this is one aspect, or impact that current literature on the MOB issue does not emphasize: that the ICTs which are used to commodify, and disempower, and exploit women, specifically, can also be used to “track down and prosecute the offenders.”

Ricordeau (2012) and Kusel (2014) identified that the context of the MOB Industry is akin or similar to that of “pornography” and “prostitution”. In the study of Eneman (2009) on the operation of child pornographers and “counter-surveillance strategies” using ICTs, she claimed that ICTs are a “powerful tool for law enforcement”. This due to the

fact that ICTs, while offering a sense of “anonymity” to the offenders, in the same breath offers “powerful surveillance mechanisms” that aid the government in tracking down the offenders. If the context of child pornography phenomenon is akin to that of the MOB phenomenon, then, it is logical to assume that such “strategies” can also be employed to track down offenders who use the MOB scheme.

In another study which supports the claim on the dual nature of ICTs in the context of human trafficking by Chawki & Wahab (2004), they also contend that technology is a “double-edged sword”. They identify the different methodologies by which ICTs; these “new technologies” are used in human trafficking; like, (1) Mainstream Communications, (2) Scanners and Video Digitizers, (3) Digital Video Disk, (4) the internet. They emphasize that while it is evident that human trafficking occurs in these mechanisms, the same can be used in “enacting the necessary legislative provisions and implementing effective technological and enforcement tools that reduce ICT-facilitated criminal activities.” Since, the MOB scheme is a form of human-trafficking, and then it follows that such *technological tools* can also be a way to strengthen the fight of the government against such activities.

While most literature on the MOB Industry and phenomenon emphasize the negative impact of the ICTs— i.e. that it aided the offenders using this scheme in the exploitation of individuals, and have all made the offenders more sophisticated— there are literatures on the similar contexts, such as child pornography and human-trafficking in general, that emphasize the dual nature of ICTs; that the metaphoric technological double-edged sword is sharp on both sides.

#### *Program Evaluation Theory- CIPP Model*

Based on the responses of the informants, the experts, the context of the issue, or of a law for that matter, must be considered first and foremost before addressing the issue. Once the context identified is incorrect, the subsequent components shall be likewise. Identification of the context is very important because an input, as for this case, a law, cannot be enforced in a way that as if it is being put to force with no context, or as an isolated and separate issue than that which are directly related to it.

For this study, the context identified from the beginning is the utilization of the MOB Industry as a mechanism for human trafficking. It is evident, however, based on the responses, that while it is used as a mechanism, the real context why such phenomenon is occurring is because of the presence of the degrees of vulnerabilities and desperation amongst the mail-order spouse, specifically their economic disempowerment.

As for the input, the Act itself, it is observed, and as thoroughly discussed above, that there is a need to amend the Act as to its scope, penalties, and the provision that it be provided for an IRR. While the law is a step to the right direction, there is a need to sharpen its teeth, so to speak, so that it prevents rather than punishes the offenders.

The process identified for this study is the pre-departure program, specifically the GCP. It is a common sentiment, that while the GCP is a necessary requirement for migration, it is not an effective means of identification of victims through the MOB scheme, precisely because the mail-order spouse is already in the process of leaving the country and the elements of exploitation has already been evident.

While the statistics on marriage migration is comprehensive and complete, the statistics as to the complaints is lacking. The desired product based on the process implemented is not achieved. Not that there should be a lot of cases of complaints and violations, but the fact is that there are victims, but is not documented because the victim themselves have to identify if they are a victim or not and initiate the complaint before the government could step in and intervene. Also, as Ryabov (2013) explained that the fact that the world is becoming more and more “globalized” means that there is an “increase in the marriage migration statistics’ and hence there is higher chance that exploitation and commodification occurs in such a context.

Based on the findings of this study, it can be observed that: first, the context identified in addressing the issue of the MOB scheme is incorrect; second, the input, the law being enforced is insufficient; third, the process identified is not proper for it is too late a time to identify victims through the scheme; and lastly, the expected products that was expected from the input and process was not acquired.

Using the CIPP Model of Program Evaluation, it can be concluded that the Act and the GCP implemented to address the issue of human trafficking through the mechanism of the MOB industry is ineffective.

## **CONCLUSION**

This study was conducted to determine the impact of the advancements of ICTs on the implementation of the PAMOBA. The study identified two major themes:

1. pertinent Considerations in Amending the Act as:
  - a. to its form and substance
  - b. context— i.e. the Degrees of Vulnerability and Desperation brought about by economic conditions.
2. the Double-Edged Nature of ICTs: We can observe that ICTs as a tool is double-edged: a tool that has two contradictory outcomes, two possible effects— a bait-and-net of exploitation and a sword of justice. Technologies are very useful tools to advance national interest, in a macro aspect, and individual rights, in a micro aspect.

This study was also able to affirm the precepts of the Program Evaluation Theory-CIPP Model by Stufflebeam— that the Context of the issue must be properly identified so that the Input and Process must be suitable to address the root cause of the issue, and subsequently be able to obtain the desired output or Product. The Input likewise must be connected to the Context. The Input cannot be treated as an “isolated” or “separate” issue to that of the primary Context: because these factors are all interrelated—if one part is not connected to the other, the program, hence, is ineffective.

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