

## Article

# Pipe Dream for the Ladies: Constructs of Rights of Prostituted Women among Social Actors in the Sex Industry of Olongapo City, Zambales<sup>1</sup>

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### Abstract

Although recognized as illegal, prostitution in Olongapo is widely practiced, even actively backed by the state. Euphemisms related to sex trade activities and personas such as guest relations officers, entertainers, clients, and managers were employed as cloaks to legitimize its operation. Bars, massage parlors, street solicitations, and private escort services are among the few settings that sustain the sex industry.

The historical, political, and economic dimensions of prostitution have been widely researched; however, there remains a dearth of social inquiry pertaining to the sociocultural dimension of the trade, specifically the social construction of rights afforded to the women by those involved in the industry. Underpinned by constructivism theory, this article explores the constructs of the social actors in the prostitution sector pertaining to the rights of prostituted women. It asserts that reality is consistently being shaped through the making, sharing, and reciprocation of a construct system among the social actors in a series of definitive events. The article juxtaposes these constructs with the policies and laws and examines how these translate to social structures and materialization of rights.

Findings reveal that the laws and policies on prostitution are largely dissociated from the construct system of the prostituted women. The material conditions in Olongapo,

combined with the punitive nature of these ordinances, legitimize exclusion, enable sexual predation, sustain sex buying, stifle the materialization of the rights of prostituted women, and deprive them of legal remedies. A comprehensive and extensive evaluation of the said laws based on the construct system of prostituted women and active involvement of prostituted women in crafting new measures are highly recommended.

#### **Keywords**

gender development; prostitution; Subic Bay Naval Base; US military in Asia; constructivism; women's rights

Sex trade does not exist in a vacuum; it is shaped by socio-historical forces involving power relations and perpetual subjugations; imperialism and colonialism; maltreatment and exploitation; and tyranny, displacement, and dispossession. Olongapo, Zambales, is the living embodiment of these forces.

The materialization of sex trade in Olongapo began in 1898, when the Spanish government ceded the Subic Bay military bases to the US administration (Santos and Hofmann 1998; Zimelis 2009) for USD 20 million (Zimelis 2009). Prior to its cessation, fishing and backyard farming served as Olongapo's main livelihood. This was decisively altered in the 1940s during the Vietnam War when entertainment industries began to proliferate in the area and took various forms, both vulgar and discreet.

A plethora of studies examine the historical, economic, and political context surrounding prostitution in Olongapo and the critical role of the US military in cradling and facilitating the sex industry (Moselina 1979; Thanh-Dam 1983; Mydans 1988; Santos and Hofmann 1998; Jones 1999; Santos 1999, 2001; Lorena 2001; Fitle 2012; Raymond 2013; Go 2013; Winter 2011; Reyes 2015). However, there remains a dearth of social inquiry regarding the sociocultural dimension of the trade, specifically the rights afforded to the women as socially construed by those involved in the industry.

Banking on David Moshman's (1982) dialectical constructivism, this article explores the construct systems of the prostituted women,

sex buyers, pimps, bar managers, as well as policymakers, pertaining to the rights of prostituted women. It looks at how these constructs translate to the materialization of these rights. In referring to the women involved in the trade, the study opted to use “prostituted women” all throughout the article. This is to highlight the political, economic, legal, and sociocultural interplay within the context of capitalism, colonialism, and overbearing masculinist hegemony (Kempadoo 2003), all of which are beyond the woman’s control but which prostitutes them in the process (Senent 2019).

This article contends that reality is consistently and unceasingly being shaped by the making, sharing, and reciprocation of meanings and construct systems among the social actors in a series of definitive events. It explores the politics of identification regarding the rights of prostituted women in Olongapo. It juxtaposes these construct systems with the policies and laws, as well as social practices, that surround the sex trade in the area. It examines how these construct systems translate into social structures, and how these social structures (re)produce the material reality.

## Historical Overview

Although nationally recognized as illegal, prostitution in the Philippines is widely practiced and actively backed by the state (Zimelis 2009). In the prostitution sector, euphemisms relating to sex trade activities and personas such as guest relations officers (GROs), entertainers, clients, and bar managers were employed as cloaks to legitimize its operation (Go 2013). According to the Philippine Commission on Women (PCW), prostitution assumes different forms to ensure efficiency and revenue. This includes street solicitation, massage parlors, escort-services, *akyat-barko*<sup>2</sup> via third party pimps, and private escort services.

In 1947, the Philippine-US Military Bases Agreement (RP-US MBA) was forged. This secured the United States military and naval base rights in the Philippines (Shalom 2019), and enabled the use of Clark Field Air Base and Fort Stotsenberg in Pampanga, Mariveles Military Reservation, POL Terminal and Training Area in Bataan, Camp John Hay Leave and Recreation Center in Baguio, Canacao-

Sangley Point Navy Base in Cavite, as well as Subic Bay, Northwest Shore Naval reservation in Zambales.

The RP-US MBA granted the United States the power and authority to utilize and control the bases in the said areas, including the construction of harbors, bridges, roads, and ports, the occupation of the US military, as well as the acquisition of weapons, submarine and subterranean cables, and wire and radio communication devices for military use. For 44 years, American invaders were cradled, Philippine sovereignty was disregarded, and in the name of diplomatic relations, our resources, land, and women were manipulated, plundered, and betrayed.

In the Asia Pacific region, Subic stood as the largest and most tactical military installation. The place served as the US repair base (Brown 1989, cited in Zimelis 2009) and was heavily used by the US Seventh Fleet as a storehouse for the military's war and food supplies, a training ground for the combatants, a site for military logistics and other facilities, and a principal venue for the servicemen's rest and recuperation (R&R) (Moselina 1979; Jones 1999).

The period between 1950 and 1972 witnessed the rapid accrual of sexual activities in the province. The latter years of the 1960s accommodated the presence of more than 37,000 US personnel deployed in Clark Air Force Base and Subic Bay Naval Base (Jones 1999). Subic Bay News (1975, cited in Moselina 1979) reported a significantly higher figure: in 1966, about 193 military vessels moored in Subic harbor per month. This translates to almost 3.8 million Olongapo R&R patronage in a year or more than 9,000 daily R&R customers (Subic Bay News 1975, cited in Moselina 1979). During the deployment phase, Olongapo's entertainment industries amassed enormous proceeds that ranged from USD 32 to 68 million (Moselina 1979; Mydans 1988).

Preston Jones (1999) argued that servicemen deployed in Southeast Asia served as the decisive drivers of the region's burgeoning sexual consumption and exploitation. The International Labor Organization (1999, cited in Jones 1999) asserted that prostitution in the Philippines is fused with the construction and utilization of the US military vis-à-vis the sexualization of women to

boost the military's morale (Zimelis 2009) by providing sexual outlets and generating revenue out of it (Moselina 1979). The sexual demands of the servicemen, combined with the dependence of the place on their presence, exhibited a dialogic relationship that configured the sociocultural and political-economic structure of Olongapo (Moselina 1979).

Jones (1999) recorded the proliferation of entertainment industries: from 20 registered R&Rs in 1950s, the figure spiked to 600 in mid-1960s. In the 1980s, Olongapo's City Planning and Development Office (CPDO) registered more than 9,000 women in entertainment industries while approximately 8,000 women were engaged in street prostitution (Moselina 1979). The number of officially registered entertainers increased to 11,600 in 1990s (Bonnet 2017).

Interspersed within these years are the crafting, ratification, amendment, and implementation of national laws and local ordinances pertaining to military occupation, health hazards, registration of entertainment industries, and sex trade in general. The decades that followed 1947 were a work-around of program initiatives for the prostituted women, including the requirement of weekly examination in the city clinic. Women in the sex trade were compelled to maintain a status free of sexually transmitted infections (STIs) and failure to ensure such resulted to employment discrimination and job loss.

Although largely juridical in nature, it cannot be argued that these laws and policies (and the practices surrounding them) are not restrained, but are, in fact fluid and mobile. They occupy a decisive place in influencing the trajectories and handling of gender rights. They cut across and transcend not only the geographical rims of the social issues but, more importantly, their temporal and generational boundaries.

## National Laws and Policies

Contradictions are inherent characteristics of the Philippine laws on prostitution. Depictions and framings of prostitution ricochet between sexual slavery and moral destitution, products of

dysfunctional families and victimhood, as well as vectors of diseases and wellspring of criminal activities (Zalduondo 1991; Dunn 1994; Hallgrimsdottir, Phillips, and Benoit 2009; Jensen 2014). In the sex trade, it is also common to represent prostitution as topical events, policy issues and criminal matters, and grant heavier emphases on the perspectives and voices of the authorities of the law than the narratives and lived experiences of those who are profoundly inundated in the trade (Johnston, Friedman, and Sobel 2015).

Bruce Link and Jo Phelan (1995) and Helga Kristin Hallgrimsdottir, Rachel Phillips, and Cecilia Benoit (2009) argue that these representations ignore surrounding contexts and objective conditions, and instead of conceptualizing prostitution as a male issue (Senent 2019) that is highly dependent on and enabled by sex buying, it pins the crux and blame of the social problem to the prostituted women. It neglects the flaws and defects of the social system and presents women in prostitution as morally debased: not impoverished individuals who, by default, are structurally disadvantaged.

A reservoir of stigma germinates out of these social representations that facilitates a tether of unwarranted impacts on the general well-being of the already marginalized (Tomura 2009; Sallman 2010; Wong, Holroyd, and Bingham 2011; Benoit et al. 2017). Such labeling fuels, condones, and justifies the immensity of violence inflicted upon the women in the prostitution sector. It holds serious implications on the implementation of programs and policies concerning the rights of prostituted women.

For instance, by classifying entertainment establishments, such as nightclubs and massage clinics, as legitimate occupations and considering women employed in such establishments as employees (regardless of the wage or lack thereof), Article 138 of the Labor Code provides sex trade a veneer of harmlessness. It furnishes business owner, managers, and other associates with the power to control, supervise, and directly manage prostituted women. It conveniently covers the sexual transactions and other underground activities in the said settings, such as human and sex trafficking, which several scholars have pointed out (see Moselina 1979; Santos and Hofmann 1998; Santos 1999; Jones 1999; Enriquez 2003; Raymond 2013; Senent 2019).

Banking on the premise of income generation through sexual services, Melissa Ditmore (2015) attempts to link the sex workers' rights to labor rights. By presupposing that prostitution shares similar conditions to regular work, it forwards the notion that a democratic mutual equality exists between the buyer and the bought. However, Rosa Senent (2019) points out that legality in such settings only reinforces the sex buyers' purchasing power; sustains gender oppression, inequality, and violence against women; and fuels the binary power distribution and gendered relations that entail domination and subordination.

Moreover, the Center for Women's Resources (CWR) (1999, cited in Roces 2009) argues that the assimilation of the sex trade to the constitution of employment and livelihood normalizes prostitution and negates the swathe, profundity, and extent of damages inherent in the industry. Albeit classified by the Department of Labor and Employment (DOLE) as employees for the "purposes of labor and legislation," this treatment not only exonerates sexual predation and exploitation but also makes the "selling of the flesh socially acceptable" (ibid.).

Article 202 of the Revised Penal Code provides a legal contrast to Article 138 but buttresses its potency in perpetuating gender oppression. Unlike the employment categorization afforded by the latter, Article 202 criminalizes vagrancy and indexes women in the sex trade as lawbreakers. It subjects those who "for money or profit, habitually indulge in sexual intercourse or lascivious conduct" to fines and imprisonment.

Progressive groups in the Philippines raised that these laws directly violate the Magna Carta for Women (MCW) (Silverio 2012). It dismisses the existing economic disparity, social inequality, and power relations in the Philippine social system, and forges a sustainable terrain for sexual predation.

Article 341 on White Slave Trade, as amended by Batas Pambansa Bilang 186, complements Article 202. It imposes 8 to 12 years of imprisonment as penalty to any individual engaged in prostitution and "prostitution-related activities." Similar to Article 202, Article 341 was heavily criticized for situating the onus of

criminality and imposing legal sanctions exclusively on prostituted women. Women-led organizations and lawmakers pointed out its medieval treatment of the issue and provision of impunity to individuals who directly profit from the sex trade. They argue that these laws utter a sheathe of disregard in terms of gender inequality and recognition of women's rights. It ignores the gendered power relations between the "prostitutor" and the "prostituted" (Senent 2019) and the entire system of prostitution that enables the buyer and breeds the bought.

In 2012, Article 202 was amended and Republic Act 10158 was passed. This law decriminalizes vagrancy but retains prostitution in the list of criminal offenses. Sanctions include PHP 200 to 2,000 fines and incarceration. In 2013, it was again amended to include the procurers of women and individuals who capitalize and profit on the sexual services of the other. However, these individuals were awarded a tangential and secondary status and the loci of criminality remains tarried to the prostituted women.

The Philippine Commission on Women pinpointed the discriminatory, unjust, and oppressive nature of these policies. Prostituted women have been wrongfully condemned for the existence and persistence of the system of the sex trade. PCW raised the need to challenge this belief and arrest the demand side of the sex industry. This follows the Nordic Model of prostitution which decriminalizes the "prostituted" and criminalizes the "prostitutor" (Nordic Model Now n.d.). After all, sexual commodification is sexual torture committed for a monetary exchange (Santos 2001). Taking into account the socioeconomic conditions that drove Filipino women to engage in the trade, the Coalition Against Trafficking in Women-Asia Pacific (CATW-AP) categorized these dealings as "paid rape," and recognizes the agency of the "prostitutor" in capitating the sex trade.

These assertions by the PCW and CATW-AP were supported by Republic Act 9710 or the Magna Carta of Women Act. Formulated and shaped together with the women's movement in the Philippines, the Magna Carta seeks to protect the rights of Filipino women, especially the members of the marginalized sector against gender oppression and violence. Signed in 2009, it recognizes the political, economic, and sociocultural realities that surround women and emphasizes the need to protect those in vulnerable situations. It serves as the Philippine



government's commitment to the Convention on the Elimination of All Forms of Discrimination against Women's (CEDAW) Committee. The Magna Carta recognizes the principal duty of the state to put forward women's rights and to amend or repeal existing policies that are detrimental to gender development. Unlike Articles 202, 341, and 138, MCW hails prostitution as an exploitative and dehumanizing industry.

Republic Act 7610 and Republic Act 9208 acknowledge the conjugal and inseparable relationship between trafficking and sex trade. The former focuses on the protection of children against abuse, discrimination, and sexual exploitation while the latter seeks to eliminate trafficking in person regardless of age and sociodemographic background. It imposes sanctions for the perpetrators that cover PHP 1,000 to 2 million in penalties and three months to 15 years of imprisonment.

Based on a more progressive understanding of prostitution and the dynamics of local and global sex trade, both laws establish counterinitiatives and measures designed to combat human trafficking. It accounts the demand side of prostitution and the dimensions related to sex buying, "prostitutoring," and systematic entrapment of women for the purpose of acquiring revenues and sexual satisfaction.

The diverging foci of these laws must be noted, though. Republic Act 7610 or the Special Protection of Children Against Abuse, Exploitation, and Discrimination Act places emphasis on the abuse of children, specifically on coercion and sexual acts. It draws the threshold between child and adult prostitution, and implicitly advances the notion that the latter is a voluntary choice and a product of an informed decision-making. However, Jean Enriquez (2003), Mina Roces (2009), and Janice Raymond (2013) point out that some women were recruited for prostitution before they were 14 years of age. The use of proxy identities is a common strategy employed to bypass the law.

Compared to Republic Act 7610, Republic Act 9208 is more encompassing. Also known as the Anti-Trafficking in Persons Act of 2003, it not only goes against the grain of Article 202 but also expands the boundary of Republic Act 7610. It seeks to eliminate

human trafficking across all ages and demographics. It absolves women in prostitution and shifts the burden of criminal offense to the perpetrators of the trade. In 2013, Republic Act 9208 was amended by Republic Act 10363 or the Expanded Anti-Trafficking in Persons Act of 2012. It penalizes not only the individuals who directly traffic women but also those involved in the procurement of sexual gratification.

By integrating a feminist analysis of prostitution as a system where “prostitutors” methodically prostitute the other, these laws revolutionized the legal topography and forward women as human beings condemned by their political and economic deprivation, manipulated and prostituted by the political and economic power of those above them. It makes the argument of consent and choice implicit in Republic Act 7610 immaterial and moot (Roces 2009). Consistent with the findings of Decker and colleagues (2015) pertaining to human rights violation under punitive laws, it reveals that the loci of criminality pinned on prostituted women in Article 202 of the Revised Penal Code, Republic Act 10158, and Article 341 on White Slave Trade enable prostitution, provide a blanket of impunity to both sex buying and sex buyers, and across the board, is simply wrong, egregious, and inhumane.

## Local City Ordinances and Programs

In 1968, the City Ordinance 56, Series of 1968 was passed by the Olongapo City Council and was implemented in the same year. Women who wished to enter the employment sector in Olongapo were compelled to secure a permit that would certify their sexual health. They were also required to obtain an ID from the City Health Officer, if their physical check-up and pap test yielded a favorable result.

Female employees who worked in restaurants were required to have cervical smear examination at least twice per year. In the event of STIs, Section 4 of the ordinance authorizes the employers to withdraw the infected woman’s certification permit. Those under the age of 18 are prohibited to engage in any employment in entertainment establishments and the public market; however, Enriquez (2003), Roces (2009), and Raymond (2013) provide evidence on the use of proxy identities to bypass this prohibition.

The ordinance also prompted a partnership with the US military for the establishment of the Social Hygiene Clinic. The US military provided medicines, medical supplies, and logistical and material support for the testing and monitoring of the women and STIs, including human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) (Moselina 1979; Santos and Hofmann 1998; Santos 1999, 2001; Go 2013). In 1987, women in Olongapo's entertainment sector were required to submit themselves to physical examination, specifically sexually transmitted disease (STD) and HIV testing. The results, however, were not released to concerned individuals. Instead, the names of the sexually infected women were posted and disseminated in the Subic military bases for public identification (Santos and Hofmann 1998) by sex buyers.

Prostituted women who contracted STIs were discarded by businesses, leaving them economically, politically, socioculturally, and legally more vulnerable. Consistent with the findings of Shannon et al. (2018), the criminalization and stigma associated with Article 202 of the Revised Penal Code, Republic Act 10158, and Article 341 on White Slave Trade—and aggravated by the cost of medical examination, bi-weekly check-ups, blood tests every six months, smear examination, and legal fees for health certificate and mayor's permit paid by the women themselves—not only scrapped the prostituted women's right to sexual health but also made it difficult for women to access and sustain reproductive health rights, including medical treatment such as antiretroviral therapy (ART) and voluntary counseling and testing (VCT).

This work requirement, compounded by public identification, discriminated the women and created the *babaeng hamog*,<sup>3</sup> referring to Olongapo's on-street prostituted women as the lowest and filthiest in the prostitution hierarchy. Although in general, prostituted women experience violence, harassment, and discriminatory practices under these punitive laws (Decker et al. 2015), the degree and impact of those experiences are greater among those in the streets. Without a health card and the means to secure one, and with a criminal identification under the existing laws, the *babaeng hamog* are exposed to varying dangers and hazards including pressure to have unprotected sex, sexual violence, extortion, arrest, discrimination, and police brutality (see Decker et al. 2015; Shannon et al. 2018; Jordal, Öhman, and Wijewardene 2020).

Although City Ordinance 56 was presented as a way to protect the women from STIs, it cannot be denied that, in practice, the said ordinance and the Social Hygiene Clinic both function as coercive pinions in the job screening process that genuinely recognizes and ensures not the sexual health of the prostituted women but that of the sex buyers. By sorting and certifying the quality, cleanliness, and sexual safety of the prostituted women, these laws and the institutional practices in place facilitated a schism that not only categorized the value of the women based on their health status but, more importantly, bars them from accessing and exercising their human rights.

## Constructivism

Constructivism has been used extensively in research dealing with individual learning, cognition, and behavior. At its core, it presupposes that people subject and comprehend the reality of events and organizations of the world through their systems of personal constructs (Nicotera 1995). Thus, it seeks to understand how such worldview is plausible (Stern 2019).

David Moshman (1982) distinguished three constructivist paradigms: exogenous constructivism, endogenous constructivism, and dialectical constructivism. The exogenous paradigm contends that external reality provides an avenue for knowledge accumulation and dictates the course of individual development. In contrast, endogenous constructivism positions the individual as the decisive element of construct-building. These mental stencils are assembled in the reflective processes of the internal thoughts, that is, in the abstract realm of cognition. Recognizing the usual bifurcation of constructivism into two models and using Jean Piaget as the anchor of his study, Moshman (1982) integrates the aforementioned worldviews through dialectical constructivism. It places both the organism and the environment in constant interactions and motions that (re)produce unceasing sources of knowledge through pre-existing collections of meanings, lived experiences, lifeworld, and social dealings situated within the properties of the material realm. It furthers not the absolute truth but a continuum of progress generated by regular interplays in certain contexts and time period.

Moored in human sense-making, constructivism claims that people interpret and analyze the world using their wealth of personal constructs as templates of reality (Delia 2008; 2009). It offers a holistic approach (Nicotera 1995) that seeks to explain the individual's comprehension of events and formation of actuality through interaction, meaning-making, reciprocation, and emergence. Jesse Delia (2008; 2009) posits that the ceaseless interplay of construct systems through human communication and exchanges among and in-between social entities (re)shapes the acuity of social events. This capacity to define and influence the trajectory of events, however, depends on the number of existing constructs per individual entity, and the relationship and integration of the construct systems (Delia, Clark, and Switzer 1974 cited in Nicotera 1995).

In the mainstream construction, prostitution is forwarded as a lucrative occupation (Kennedy et al. 2008; Raymond 2013). The sale of the flesh and sexual services is widely believed as the most ancient profession of all. Janice Raymond (2013), however, counters this credence by arguing that pimping came before and paved the ground for sex trade.

This assertion is consistent with the history of Olongapo. The antecedents in the annals of the place stand in straightforward opposition against the groundless assumptions and misguided notions about the city's sex trade. Initially thriving as a fishing and farming community, the "prostitutionalization" of Olongapo was not a scion sired in a vacuum; it emanated, rather, in the perpetual, hemic, and intersectional processes of imperialism, colonialism, sociocultural hegemony, and lopsided power relations. This is reinforced by the widespread postulation of the US servicemen who view Filipino women as "prostitutable" (Fitle 2012) and who prostitute them in the process.

Although the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights, and the International Covenant on Civil and Political Rights entitle people to human rights and protection, the prostituted women's rights seem to fall into disregard within the framework of these conventions (Decker et al. 2015). Its materialization is made especially difficult when combined with the contradictory and punitive laws that breed

social injustices, police violence, discrimination, and pernicious implementation.

Anne Johnston, Barbara Friedman, and Meghan Sobel (2015) argue that prostitution and issues relating to prostituted women are normally presented as topical events that merit policy interventions. However, in this representation, emphasis and influence are allotted to perspectives, worldviews, and belief systems of the authorities of the law (see Dunn 1994; Kempadoo 2003; Enriquez 2003; DeRiviere 2008; Hallgrimsdottir, Phillips, and Benoit 2009; Raymond 2013; Decker et al. 2015). This highlights the importance of exploring the construct systems that build, configure, or obstruct the materialization of the rights of prostituted women so as to aid participatory processes, echo the narratives and voices from the ground, and incorporate these in crafting policies and measures sensitive and suitable to the existing conditions in place.

Laden by power (re)distribution and ownership, reality is an interminable cycle consistently shaped by the dialogic and dialectic of interaction of people through knowledge accumulation, meaning-making, social contexts and structures, as well as sociocultural practices and processes within the social echelons. Constructivism contests that the (re)construction of reality depends on the standpoints, acuity, lifeworld experiences, and accumulated amount of knowledge of the social entities involved in it. This extends to the functions social entities perform in (re)structuring the material and sociocultural organization of the events and phenomena, as well as the capacity given by the environment to individuals in terms of assessing, modifying, and challenging the existing construct systems (Wu, Shih, and Carroll 2014).

By recognizing the dialogic and dialectic nature of these constructs, as well as the nascent contingencies from the assembly of cumulative constructs, this article contends that the actuality of prostitution in Olongapo, specifically the rights of the prostituted women, hinges on the individual and collective constructs of the social entities deeply inundated in the trade. By juxtaposing these construct systems with the laws and social practices that surround the trade, the article argues that its authenticity and lifeworld eventuation highly depend on the degree of political power and availability of political

platform afforded to these entities. These power relations embedded in the systems of personal constructs influence the trajectories of prostitution policies and program initiatives.

## Methodology

The study was conducted in Olongapo, Zambales. The city lies about 130 kilometers northwest of Metro Manila and is bounded by Bataan and Subic to its north and south, respectively. It houses the former US military bases and is prominent for its red-light districts. According to a 2013 socioeconomic study, Olongapo has a population of 258,817. In 2022, this figure is projected to increase at 314,534. About half of its population is younger than 23 years old. Its annual growth rate is pegged at 2.19 percent, with a 20.76 percent poverty incidence. As of 2014, the city has more than 7,000 registered business establishments.

Prostitution operates as an underground economy. Because of this, records about the individuals and the population frame of those involved in the trade are not readily available. Thus, the study employed a combination of convenient and snowball sampling. The samples came from prominent red-light districts in Olongapo, specifically the Triangle Park in Magsaysay Avenue and registered entertainment industries in Barrio Barretto.

Data were gathered in February to March 2015. However, before this period, I have already visited and stayed in Buklod ng Kababaihan, a nonprofit women's organization dedicated to raise awareness regarding prostitution and women's rights, for my previous research.

The respondents were taken from the groups that make up the prostitution sector: prostituted women, sex buyers, pimps/recruiters, and policymakers or local legislators in Olongapo. A total of 41 respondents were garnered for the study, 30 of whom are prostituted women. The rest makes up the remaining figure, and are hitherto referred in this article as social actors. This disparity of numbers may pose bias; however, it is significant to note that aside from exploring the construct systems, this research also aims to provide space for the prostituted women.

An interview schedule was used in gathering the qualitative data. The respondents were asked about their knowledge, awareness, and understanding of the prostituted women's rights as well as the existing laws and local ordinances that surround the sex trade. To capture the meanings, maintain the diversity of perspectives, avoid the possible loss of gradation from the respondents' narratives, and provide space for their voices, the responses were used to draw or construct labels, codes, categories, and subcategories.

The answers of the participants were coded using Johnny Saldana (2009) coding analysis. A code is "a word or short phrase that symbolically assigns a summative, salient, essence-capturing, and/or evocative attribute for a portion of language-based or visual data" (Saldana 2009). Patterns among the responses were identified and categorized. The codes formed several subcategories which then became a part of the "overall hierarchical coding scheme." Themes eventually emerged from the process, presenting a typology of the respondents' constructs of rights presented in Table 1.

Furthermore, the study also employed Strauss and Corbin's (1998 cited in Gray 2004) simple coding process, illustrated as follows: (1) open coding or the disaggregation of the data into units; (2) axial coding or the recognition of the relationships between categories; and (3) thematic coding or the integration of categories to produce salient themes.

## Constructs of Rights

The constructs of the social actors about the rights of the prostituted women can be categorized into: (1) the right to humane treatment, (2) the right to voice out, (3) the right to economic stability, and (4) unclassified rights. Each classification of rights has sub-classifications that provide a more detailed landscape of the social actors' cognitive stencils (see Table 1).



**Table 1. Prostituted Women's Constructs of Rights**

Classification of Rights	Rights per Subclassification	Social Actors
Right to humane treatment	Freedom from violence	Local sex buyers <i>Babaeng hamog</i> Bar girls Street pimps Policymakers
	Freedom from stigma	<i>Babaeng hamog</i> Street pimps Bar manager Policymakers
	Respect	Bar girls Local sex buyers Bar manager Street pimps
	Self-defense	<i>Babaeng hamog</i> Bar girls Local sex buyers
	Vengeance	Street pimps
Right to voice out	Right to be heard	<i>Babaeng hamog</i> Street pimps
	Right to refuse	Bar girls Foreign sex buyers Local sex buyers
Economic stability	Just compensation	Bar girls Bar manager
Unclassified rights	Non-existent	<i>Babaeng hamog</i>
	Flattery	Local sex buyers
	Obligation-centered	Bar girls
	Procurement of sex buyers	Local sex buyers

The constructs of rights pertaining to humane treatment primarily stem from the violence and stigma primordial in the trade. This is opposed to the widespread misconception pertaining to prostitution as a lucrative industry (Kennedy et al. 2008; Raymond 2013). It is rooted in the women's ceaseless exposure to, and direct experiences of, transgression. Although all social actors construe humane treatment as a right of the prostituted women, the subclassification of the construct system varies per social actor.

For prostituted women, the right to humane treatment include freedom from violence and stigma, basic respect, and self-defense in case of ruthless encounters; some of which are shared by the sex buyers. However, it is significant to note the phenomenological (dis)similarities of these constructs: the dialectic experiences between the sex buyers and the prostituted women, wherein one was “prostitutoring” while the other was being “prostituted,” gave birth to these construct systems. Policymakers also construe the freedom from violence and stigma as the rights of the prostituted women; however, unlike the aforesaid respondents, they are situated outside the phenomenological rims of the prostitution reality.

Prostituted women and sex buyers construe the right to voice out as a right that should be afforded to the women in the trade. It covers two aspects: the right to refuse and the right to be heard. Though both constructions fell under the same category pertaining to speaking out, especially in regards to the culture of forced silence embedded in the sex trade, a distinction exists: the former construct exists within the confines of legally registered establishments while the latter was forged in the street. This can be attributed to the differences in the nature of the said environments. The right to refuse was conceived by bar girls and sex buyers. It refers to the option to turn down the latter and their demands, and the former’s perceived autonomy to decide who should purchase or *lease* their body. Unlike the conditions in the streets where economic deprivation rooted on the unavailability of the sex buyers is present, these buyers frequent these entertainment establishments, providing women a relative choice not available to the *babaeng hamog*.

Compared to the *babaeng hamog*, whose survival directly hinges on the sex buyers, bar girls were given a nightly allowance ranging from PHP 140 to 500. This, however, is subject to change depending on the commission per ladies’ drinks and bar fines per sex buyer, as well as deductions in terms of: failure to meet the women’s drink quota per night, tardiness for a penalty of up to PHP 10 per minute penalty for tardiness, and PHP 150 to 500 penalty per absences. These amounts vary depending on the rules of the establishment, with women having to shell out personal money to settle these sanctions. Prostituted women, in this case, are not only repetitively exploited; they are also swindled.

It is significant to note that these circumstances, exploitative as they may be, enabled bar girls to construe economic stability as their right, a construct that is not present among the *babaeng hamog*. Unlike bar girls, the *babaeng hamog* lives a life that is anchored on every day and perpetual survival than financial security. Bar girls and bar managers associate just compensation to the nightly allowance vis-à-vis its increase or decrease in bar settings.

It must also be noted that bar girls handle conflict situations diplomatically. Cases of harassments, especially those considered “mild,” are settled within the confines of the establishment to avoid any possible ramifications that may affect the business, its client relations, and its revenue. After all, sex buyers belong to a captured market and this grants them the power and privileges in ensuring the operations and success of the industry.

For those in the streets, the right to be heard directly points to the authorities. The dismissal of their narratives and lived experiences, as well as the constant threats of harassment, detention, and arrest are typical encounters with the police. This exposure to police violence, compounded by the stigma and justified by punitive laws, is consistent with the findings of Decker and colleagues (2015), Shannon and colleagues (2018), and Jordal and colleagues (2020). In contrast to this (mis)handling, according to the respondents, authorities afford partiality to sex buyers. When assault was committed, respondents narrated how convenient it is for sex buyers to invent storylines and use it as alibi. In these situations, the scripts of sex buyers are usually taken with candor which, most often than not, lead to the incarceration of, and forced silence imposed upon, the prostituted women.

The interaction between prostituted women and sex buyers is also present in the unclassified rights. In this category, the *babaeng hamog* construe their rights as non-existent. This non-existence is tethered to the economic power of sex buyers that compels them to set aside their rights to humane treatment in order to facilitate their day-to-day survival. Interestingly, sex buyers construe gifts and flattery, as well as procurement of other sex buyers, as the rights of prostituted women. Both constructs convene as instruments of sexual gratification, reinforce the relationship between the buyer and the bought, the “prostitutor” and the prostituted, and buttress the cessation of prostituted women’s rights.

Placed within the confines of Olongapo City, these conditions not only sustain gender oppression and unequal power relations; it also impedes the sexual and reproductive health rights of the prostituted women, hinders their access to HIV prevention initiatives and treatment, facilitates the increase of HIV cases and consumption of harmful substances and alcohol among their group (Decker et al. 2015; Shannon et al. 2018), normalizes the stigma and justifies the violence inflicted upon them, and enables the system that unceasingly prostitutes them in varying degrees.

## Vengeance and Retribution

When the prostituted women are subjected to these severities, the right to self-defense and vengeance for the purpose of retribution come into the fore. The right to self-defense is primarily construed by prostituted women and sex buyers, specifically regarding the conflict that transpires inside the confines of borrowed spaces.

For sex buyers, the concept of employment applied in the sex trade justifies the annihilation of the prostituted women's identity as human beings and their replacement as objects of sexual gratification. This is consistent with the assertion of Senent (2019): prostitution is "predominantly a male practice" that breathes and fosters in sex buying and exploitation of the other. By remodeling the paradigms of prostitution, Article 138 provides a platform of dominance that reduced women into a static, ancillary item devoid of rights and in need of an overseer to ensure their commercial efficiency.

Within this territory, economic power translates to political power wherein the sex buyers, enabled by Article 138, purchase not only the license to undress the women but also the power to strip their rights, subjugate them, render them inferior, and normalize these practices. One of the respondents linked their status to a place where the materialization of their rights sits next to impossibility: "*Sa ganitong lugar, hindi mo iisipin ang karapatan mo dito, lalo na kung sila ang may pera. Mahirap maghanap ng lalaking titingin ng karapatan ng babae. Wala kang karapatan dahil sila ang may pera.*" (In this environment, you won't think about your rights especially if [the sex buyers] have the money. It's difficult to find a man who recognizes the rights of the woman. You have no right because they have the money.)

According to the respondents, brutality is not uncommon in Olongapo's sex trade. Emboldened by their purchasing power, prostituted women (bar girls and *babaeng hamog*) described their experiences in the hands of the sex buyers as *sinasadista* (subject to sadism). This mainly refers to the extent of violence carried out by sex buyers including hitting, slapping on the face, punching, bondage, and to some, having a gun pointed at their temple during sexual intercourse.

Prostituted women narrated how some sex buyers exhibit a sense of ownership once money has been laid on the table. In the case of bar girls, this begins in the bar, where they are tasked to entertain them, and extends to the hotel room, should the sex buyer decide to take them out. As one of them remarked, "*Meron silang ugali na kesyo binayaran ka na, parang pag-aari ka na nila.*" (They have this attitude wherein once they pay you, it's as if they own you.) This complements the view of sex buyers on women in prostitution as sexual devices. After all, according to those buyers, there are things they want to do to a woman that they cannot do to their wives, hence they resort to sex buying.

However, the differences in handling these situations must be noted. Those employed in bars accept these incidents as inevitable, even prosaic. Although acknowledging the dangers and perils in the aforesaid spaces, one of the respondent's description of the place reeks of normalization: "*Bar 'yun, hindi mo maiiwasang mabastos ka. Lahat ng nagtatrabaho doon, binabastos.*" (It's a bar, you cannot avoid humiliation. Everyone who works in that place experiences humiliation.)

When disputes ensue in this environment, it is customary to manage the situation in a diplomatic manner. Should women fail to deliver the demands of sex buyers, sex buyers have the opportunity to raise their contentions to the *mamasang*.<sup>4</sup> The *mamasang*, on her end, is obliged to resolve the conflict without losing the client. Unlike prostituted women, the *mamasang* does not construe freedom from violence as a right, and this sustains the sex buyer's power over them and reinforces their overall vulnerability against the highly organized system of prostitution.

Compared to other social actors in the sex industry, both *babaeng hamog* and street pimps exhibit a higher degree of militancy. Street

pimps specifically construe that vengeance for the sake of retribution is a right that should be afforded to prostituted women. Unlike bar girls who settle disputes within the borders of the establishments, *babaeng hamog* and street pimps often bypass the authorities and take the matter in their own hands. In circumstances where violence thrives, prostituted women, together with pimps and allies, retaliate using any means available to them or *resbak* (slang that means to retaliate, avenge, or strike back).

Respondents no longer seek the assistance of the police as prior experience taught them that it would only put them in peril and endanger their lives. According to the respondents, the police never listened to their concerns and grievances. Instead, at best, they were met with threats and extortion amounting to at least PHP 50, lest they would be imprisoned. At worst, they were arrested, beaten, locked up in jail, and “reprostituted” by the police while in detention. One of the respondents put it succinctly: “*Mga pulis ang nagbibigay sa mga kano. Pulis as bugaw.*” (The police hands [us] to the Americans. Police as pimps.) Instead of protecting their human rights and, in the event of breach and transgression, providing them the necessary refuge and legal remedies, prostituted women found the authorities inoculating them with more ruthlessness; this exact entanglement of stigma, exclusion, danger, and cruelty drives them to snatch their retribution in a way that is relatively safe and available to them.

Respondents point the origin of *resbak* to their direct experiences of police brutality, extortion, and miscarriage of justice, all of which are warranted under the punitive laws governing prostitution and justified through sociocultural stigma attached to the prostituted women. Their worse-than-a-criminal status, magnified by the social exclusion afforded to the prostituted women, brands them as the community’s menace, bars them from accessing their human rights, and provides harbor for their construct of vengeance. One of the respondents succinctly described their state: “*Parang ’yung mga babae, mas masahol pa sa kriminal ang tingin.*” (It seems as if women are more depraved than criminals.) This is more pronounced among prostituted women, especially the *babaeng hamog* who do not have the health card and are not employed in what is deemed in Olongapo as legally registered establishments.

Compounded by problematic practices and abuse of power, this legal and sociocultural exclusion not only threatens prostituted women with sanctions and penalties; it also deprives them of their rights to refuge and justice, disables them from seeking lawful means and legal remedies, and condemns them as criminals and social disgraces in the process. This kind of existence is captured by a prostituted woman: “*Marahas. Wala ka na ngang kasalanan, mahahatulan ka pa.*” (Violent. Even if you did not commit anything, you will still be judged.)

In the sociopolitical context of prostitution in Olongapo, laws that should have been instrumental in promoting human rights and gender development stand in direct opposition against these women. Article 202 of the Revised Penal Code, Article 341 on the White Slave Trade, and Republic Act 10158 criminalize prostituted women and promote the idea that they are the geneses of felony and lawbreaking. Republic Act 7610 disregards the social structures that situate women at a disadvantage and assumes adult prostitution as a product of sound and informed decision-making, despite the plethora of inquiries pertaining to the children (as early as 14 years old) who were trafficked and deprived of any means to leave the industry (see Enriquez 2003; Roces 2009; Raymond 2013).

Added to this, Article 138 of the Labor Code not only assimilates prostitution in the customs of traditional employment; it also nullifies the profundity of despotism inherent in the trade (CWP 1999 cited in Roces 2009). It offers a conducive environment wherein prostituted women are remodeled as sex devices, and paid rape transpires with grueling legitimacy. The provisions of this law not only render the atrocious incidents invisible but, more importantly, dilute its magnitude as mere occupational hazards.

Linda DeRiviere (2008) classifies this ruthlessness as the human cost of sexual exploitation, where its impact on women’s well-being cannot be denied. What is new in this case is the certitude that the helix of ruthlessness, including stigma and labelling, inflicted upon the women are not only socioculturally driven but also institutionally justified and executed. Enabled by existing policies which openly declare prostituted women as criminals, these onslaughts distort women into a chassis of insidious object deserving punishment and devoid of human rights.

At the microlevel, City Ordinance 56, Series of 1968, institutionalized by the Social Hygiene Clinic, constructed a catalog that ranked the value of the women based on their health records, perceived cleanliness, and sexual consumption safety. This hierarchy buttressed the conversion of prostituted women as sexual gratification devices whose existence are subject to quality assessment, market segregation, sex buyers' demands, and institutional disposal.

In the event of conflict between sex buyers and prostituted women, these customs and laws are wielded to dismiss and silence the narratives and lived experiences of the women. According to the respondents, it is not uncommon for the police to handle these brutalities with standard operating procedures. At best, the police file their affidavits, without any regard to the outcome of the case. At worst, they follow the provisions for criminal offenses and incarcerate prostituted women. One of the respondents narrated her experience: "*Hindi pinapakinggan 'yung side namin ng mga pulis. 'Pag nagrereklamo ako, gagawan ako ng statement, pero wala namang gagawin.*" (The police do not listen to our side. When we complain, they record our statement but there wouldn't be further action.)

This tyrannical nature, coupled with problematic practices, alienate and disenfranchise both the prostituted women and the authorities of the law. It not only deprives the former a legal venue where justice and remedies can be obtained; it also omits their human rights and extirpates its possible materialization. At worst, those who should have been instrumental in upholding these rights are the ones who swing the banner of criminalization and paid rape, tip power relations, execute complacency, and uphold gender violence and oppression.

### Pipe Dream for the Ladies

Decontextualizing their existence and dismissing the social order, prostituted women are not only socioculturally and institutionally constructed as sexual devices; they are also forwarded as embodiments of contempt and open mockery. Consistent with the findings of Caroline Dunn (1994), Hallgrimsdottir and colleagues (2006), and Jannaya Jensen (2014), prostituted women in Olongapo are treated as the birthplace of moral destitution, STDs, and felonies.



This treatment exposed the women to a tether of injuries that provided the cornerstone for their construction of rights. Banking on the extent of their lived experiences in the sex trade and their legal exclusion, these women construe that basic respect, freedom from violence, and, in the event of unwarranted encounters, right to self-defense, and vengeance for the sake of retribution must be afforded to them.

Though most of the constituents construe freedom from violence as the right of the prostituted women, their compartmentalized definition of violence must be noted. It made the hallmark and intersectional components of ruthlessness invisible. Notwithstanding the fact that sex buyers in the prostitution industry are recognized by the prostituted women as individuals who inflict harm, they are also seen as agents who override women's economic necessities.

In the bar setting, this is accomplished through commissions given by the bar to the women from ladies' drinks and, in the event where sex buyers decide to take them out, bar fines. Although some respondents recognized the commission system as unjust (specifically, in terms of financial allocation), bar owners, business associates, and those who profit from them for PHP 200 to 250 nightly allowance are still awarded the status of job providers and not "prostitutor."

Unwarranted consequences arise in cases where prostituted women, in order to have the payment in full, opted to exclude the bar and transact with sex buyers directly. In these instances, the bar's accountability to prostituted women and everything that may transpire ceases to exist. As one of the respondents put it: "*Bahala na sila mag-usap ng babae, bahala na sila sumama. Kapag namatay sila, hindi na iyon sagot ng bar.*" (It is up to them to talk with the women, it is up to them to go [with the sex buyer]. If [the women] die, they are no longer covered by the bar.)

To these people, atrocious circumstances occur in episodic fragments and in total isolation, which happen at the individual level to specific women, and begin and end in specific points in time. It stands for the physical beatings paid by the sex buyers and occasionally inflicted upon the prostituted women as job-related perils. To them, the possibility of death only befalls those who deliberately disregard the bar protocols.

In contrast with this cognizance, not all marks and bruises can be physically examined. In prostitution, women negotiate not only the economic value of their flesh but, more importantly, their identity and worth as a person. This negotiation transpires in three dimensions, both external and internal: between women and sex buyers, women and the outside society, and women and themselves.

In these exchanges, the prostituted women's market value annihilates their human identity as well as their human rights and, in its place, situates them as the object of ridicule and paid sexual indulgence. This sundered identity is not exclusively corralled in the internal confines of the bars and isolated spaces of rented rooms; it transcends the rims and spills its lacerations in the material reality where prostituted women have to perpetually salvage their human components, no matter how marred and damaged, and don its remnants to enable their constructs of rights to, at least, become probable.

The existing conditions on the ground, combined with punitive laws, sustain these experiences and stifle the materialization of their rights. In this environment, the narratives and lived experiences of prostituted women are dismissed as inconsequential and heavy emphasis is granted to the perspectives of the authorities. Although these individuals recognize freedom from violence and stigma as rights of the prostituted women, this recognition does not equate to the actual living of these perspectives, hence phenomenologically disabling them from grasping the extent and magnitude of being prostituted and translating this into concrete and pragmatic measures strong enough to break this highly organized system of prostitution.

If anything, this facilitates the alienation and detachment of the construct system of the authorities from the construct system of their constituents. It legitimizes the exclusion of prostituted women and enables sexual predation to thrive in silence. Policies and programs that should have been instrumental in advancing gender rights and development are reduced into a set of crowbars tactically positioned to keep prostituted women precisely where they are. The medieval orientation of these measures governing the sex trade relieves the buying side of prostitution of accountability and condemns the bought with the sum aggregation of the blame.

Article 202 of the Revised Penal Code and Republic Act 10158 deliberately classify prostitution as a criminal offense and the prostituted women as the loci of criminality. This is complemented by Article 341 on White Slave Trade, as amended by Batas Pambansa Bilang 186, which imposes 8 to 12 years of imprisonment as the women's sanction for engaging in sex trade. Though Republic Act 7610 acknowledges the conjugal and inseparable relationship of human trafficking and sex trade, the law implicitly forwards the notion that distinguishes adult from child prostitution, regardless of the fact that most prostituted women were recruited, trafficked, and deprived of their individual agency as early 14 years old (Enriquez 2003; Roces 2009; Raymond 2013).

Adding salt to a festering lesion, Article 138 of the Labor Code assimilates sex trade to the constitution of Olongapo's livelihood. Extending this treatment, Article 138 renders the process of "prostitutoring" as essential steps in business enterprises composed of benign tasks and activities meticulously positioned in specific sequences to produce the commodities for the intended market.

This production is complemented by Olongapo City Ordinance 56 and the Social Hygiene Clinic. Prostituted women should be safe for sexual consumption and should not, in any way, contract sexually transmitted diseases for fear of being relieved of their work permit and ditched to survive the mercy of the streets. These laws did not only build the hierarchy that ranked women based on their health cards and perceived cleanliness; it also ensured the reliability and continuity of sex buying.

These handlings proved the validity of the contention of CWR (1999, cited in Roces 2009): by dialectically positioning prostitution as a criminal offense and traditional career path, these laws nullify the extent and profundity of violence embedded in the trade. These laws dismiss the damages afforded to the women by diluting its impacts as occupational hazards. It stigmatizes them, invalidates their narratives, devalues their struggles, and cancels their right to a meaningful existence.

This dissociation of constructs renders phenomenological disability and results in the formulation and enforcement of oppressive

measures and program initiatives not rooted in the material realm. Perhaps unbeknownst to them, policymakers—by crafting laws that have no tether to the construct system of the affected constituents—function as integral components in enabling prostitution and propagating a swath of structural tyranny. This schism incapacitates these authorities from detecting those injuries not readily visible but deeply lodged in the sex industry.

## Conclusion and Recommendation

Prostituted women are not conceived in a vacuum; they are the offspring of historical and material forces, power relations and perpetual subjugation, exclusion and exploitation, dissociation and detachment, structural tyranny and oppressive legislation, and dispossession and institutional malady. The case of Olongapo, Zambales is the living embodiment of these forces.

Though there are governing laws on women's rights and gender development, the punitive nature of these laws—magnified by the compartmentalized constructs of the social actors and phenomenological detachment of the authorities—bred violent practices, enabled exclusion, and undermined the advantageous outcomes deemed to arise from these measures. These laws provided a conducive environment in prostituting women, institutionalized its business processes, and sustained the reliability of the sex trade.

By assimilating prostitution to the labor market, Republic Act 138 of the Labor Code not only provided a leeway for sex buyers, but also ploughed an auspicious domain for paid rape and sexual consumption. It adds weight and validity to the assertion of Senent (2019) pertaining to the inner workings of prostitution as predominantly male and sex-buyer driven. Article 202 of the Revised Penal Code, Article 341 on White Slave Trade, and Republic Act 10158 provided a fertile ground for sexual predation by institutionally excluding prostituted women, depriving them of their rights and access to refuges, protection, and legal remedies while protecting sex buyers and bar owners by dousing them with invisibility, impunity even. These laws failed to take into account the quotidian and underground incidents that transpire in

prostitution exchanges and, in the process, diluted its impacts as job-related perils and employment risks.

Although City Ordinance 56 and the Social Hygiene Clinic were forwarded as measures to ensure the sexual health of the women, in practice, it functions as a job screening process that guarantees the quality of prostituted women for sexual consumption. A health certificate, on the other hand, is not only used as a proof of the prostituted women's cleanliness from sexually transmitted diseases; it also serves as a vital instrument in a highly efficient and organized engine of prostitution that ensures the progression, continuity, and sustainability of sex buying. Moreover, despite these requisites, health and reproductive rights remain absent from the construct system of the respondents.

The material conditions on the ground created by the aforesaid laws and exacerbated by the dubious practices and abuse of authorities rendered these measures, at best, detached and insufficient and, at worst, oppressive, tyrannical, and incapable of delivering a genuine social justice. Within these conditions, Olongapo disintegrates as an urban space and morphs into a gigantic underbelly that converts women into sex products, segregates and discards these products based on the result of the quality assessment, and auctions the final product according to market and institutional demands.

Magnified by precarious applications, these laws facilitated the efficient "productification" of women and capacitated both the sex trade potentates and the sex buyers in siphoning their maximum benefits out of these "productified" bodies. Within these conditions, prostituted women are not only repetitively exploited; they are also swindled to an immeasurable extent. Prostitution is methodologically constructed by fusing the crux of its actuality to the existence of the prostituted women and transmogrifying their rights into a riot of pipe dreams where the genuine materialization of gender rights and development, despite the laws and ordinances (or because of the laws and ordinances and its abusive applications) is being held at a standstill and simply cannot come into being.

It is highly recommended that the existing laws pertaining to prostitution, including Article 138 of the Revised Penal Code, be

extensively and comprehensively evaluated using the construct system of the prostituted women as indicators of accountability, inclusion, program effectiveness, regulatory quality, and quality of life. The vertical and horizontal relationships between and among the authorities of the law, including the police and policymakers, and the social actors in prostitution should be assessed. The result can be used to amend and strengthen the Magna Carta of Women and laws concerning human and sex trafficking.

Article 138 of the Labor Code should explicitly exclude prostitution and all forms related to it from the list of legitimate employment. All businesses and business owners who profited, directly and indirectly, from prostituted women should be held criminally liable. The damages they have brought upon the exploitation and swindling of the prostituted women, including emotional and psychological ones, should be quantified in economic terms and settled with the aggrieved party. Articles 202 and 341, as well as all the other ordinances deemed detrimental to gender development in any way (both direct and indirect) should be expunged.

To dispel the stigma on prostituted women, City Ordinance 56 should be repealed. Though it is significant to ensure the access of the prostituted women to health and protection services, the use of the health card for identification purposes should be legally prohibited. Health records of the women should be afforded full confidence and privacy; access should be restricted to medical professionals; and fees should be sponsored by the state. In contrast, sex buyers should be given treatment analogous to the current directives employed upon the prostituted women. This group should be compelled to secure a health card, subject themselves to weekly checkups in the city clinic, maintain an STI-free status, and present their records in their transactions, especially in exchanges that include women. The local government unit should establish an institution designed to cater the needs of those found with sexually transmitted diseases.

Banking on the principal duty of the state to put forward women's rights, Olongapo should be subjected to intensive information and education campaigns on prostitution and sex trafficking. Prostitution and sex trade must be reconceptualized as a demand-oriented, male-driven social issue tethered predominantly on sex buying. These campaigns should be specifically tailored to suit the characteristics

of the constituents, most especially the local officials and other relevant authorities. Instead of focusing on statistics, figures, and other technical data, these campaigns should humanize the state of the women in the sex trade and present their lived experiences and lifeworld. To break exclusion and marginalization, this presentation should be done by prostituted women themselves. Education initiatives on health and reproductive rights of the women should also be given to the constituents.

Police officers should be investigated and those found guilty of (re)prostituting the women, and inflicting violence and abuse upon the women, should be held accountable. Like the business owners, the damages they have brought upon the prostituted women (e.g., physical, emotional, and psychological) should be quantified and settled with the aggrieved parties. Both policymakers and police authorities should be required to undergo rigorous and constant training on gender oppression and gender development. They should be compelled to fully immerse themselves in the lives of their constituents and the inner workings of the sex trade, especially in the context of sex buying, in order to equip them with phenomenological understanding needed in the development of the construct system with roots entrenched in the material reality.

Sex buyers, recruiters, pimps, and *mamasang* should also be held accountable. All entertainment establishments engaged in the sex trade should be closed. Instead of legalizing prostitution, prostituted women recommend the provision of prostitution-free livelihood that will help them meet their daily needs and subsistence. Legalization, as exhibited by Article 138 combined with Local Ordinance 56, will not only sustain the perpetual exploitation and swindling of the prostituted women; by providing both leeway and liberty to the sex buyers, it will also fertilize the terrain of sexual predation and paid rape.

In crafting new measures, prostituted women should not only be included in consultations and treated as beneficiaries and passive stakeholders; rather, they should be placed at the core of the decision-making processes and be given political power in determining their access to the materialization of their rights as well as the course of their development. Institutional and sociocivic support for the prostituted women should also be in place. Active women's movement not only

in Olongapo but in the entire country should be fully supported and empowered to help in the materialization and sustainability of these recommendations, hold those who abuse and neglect their power accountable, and enable social justice.

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### Notes

1. This article is a product of the 2019 Philippine Journal of Public Policy Writeshop held on June 27 and 28, 2019.

2. A blend of two words, *akyat* (climb) and *barko* (ship), *akyat-barko* is a form of sex trade that transpires exclusively in sea vessels. This practice is most common in ports and harbors.

3. *Babaeng hamog* is the local term for a prostituted woman who roams the streets of Olongapo at dawn. Those who cannot afford to pay the health check-ups required by the entertainment industries also end up in the streets. These prostituted women have lower status and cost cheaper than bar girls.

4. A bar manager, who was previously a bar girl, overseeing the establishment on behalf of the bar owner.



## References

- Benoit, Cecilia, Mikael Jansson, Michaela Smith, and Jackson Flagg. 2017. "Prostitution Stigma and Its Effect on the Working Conditions, Personal Lives, and Health of Sex Workers." *Journal of Sex Research* 55, nos. 4–5: 457–71.
- Bonnet, François-Xavier. 2017. "From Oripun to the Yapayuki-San: An Historical Outline of Prostitution in the Philippines." *Moussons* 29: 41–64.
- Decker, Michele R., Anna-Louise Crago, Sandra K. H. Chu, Susan G. Sherman, Meena S. Seshu, Kholi Buthelezi, Mandeep Dhaliwal, and Chris Beyrer. 2015. "Human Rights Violations Against Sex Workers: Burden and Effect on HIV." *The Lancet* 385: 186–99.
- Delia, Jesse G. 2009. "Constructivism and the Study of Human Communication." *Quarterly Journal of Speech* 63, no. 1: 66–83.
- DeRiviere, Linda. 2008. "A Human Capital Methodology for Estimating the Lifelong Personal Costs of Young Women Leaving the Sex Trade." *Feminist Economics* 12, no. 3: 367–402.
- de Zalduondo, Barbara O. 1991. "Prostitution Viewed Cross-culturally: Toward Recontextualizing Sex Work in AIDS Intervention Research." *Journal of Sex Research* 28, no. 2: 223–48.
- Ditmore, Melissa Hope. 2015. "Sex Workers' Rights." *International Encyclopedia of Human Sexuality*, 1115–354.
- Dunn, Caroline. 1994. *The Politics of Prostitution in Thailand and the Philippines: Policies and Practice*. Victoria, Australia: Monash University Press.
- Enriquez, Jean. 2003. "Trafficking of Women and Children: Updates, Trends, and Challenges." *Review of Women's Studies* 13, no. 2: 186–202.
- File, Angela. 2012. "Bar Girls and Mail-order Brides: American Imperialism in the Philippines during the Marcos Era, 1965–1986." Undergraduate thesis. University of Missouri, Kansas City.
- Go, Kimberly. 2013. "Un/disciplined Desire: Regulating Intimate Relations Around U.S. Military Bases in Postcolonial." Undergraduate thesis, University of Chicago.
- Gray, David. 2004. *Doing Research in the Real World*. Thousand Oaks, CA: SAGE Publications, Inc.
- Hallgrimsdottir, Helga Kristin, Rachel Phillips, and Cecilia Benoit. 2009. "Fallen Women and Rescued Girls: Social Stigma and Media Narratives of the Sex

- Industry in Victoria, B.C., from 1980 to 2005." *Canadian Review of Sociology* 43, no. 3: 265–80.
- Jensen, Jannaya. 2014. "The Master Problem of the Age: Print Culture and the Sex Trade in Canada, 1880–1920." *Dalhousie Journal of Interdisciplinary Management* 10, no. 1: 1–16.
- Johnston, Anne, Barbara Friedman, and Meghan Sobel. 2015. "Framing an Emerging Issue: How U.S. Print and Broadcast News Media Covered Sex Trafficking, 2008–2012." *Journal of Human Trafficking* 1, no. 3: 235–54.
- Jones, Preston. 1999. "The U.S. Military and the Growth of Prostitution in Southeast Asia." ECPAT-USA. Accessed May 5, 2015. [https://www.jbu.edu/assets/faculty/resource/file/faculty\\_profiles/preston\\_jones/navy\\_and\\_asia.pdf](https://www.jbu.edu/assets/faculty/resource/file/faculty_profiles/preston_jones/navy_and_asia.pdf).
- Jordal, Malin, Ann Öhman, and Kumudu Wijewardene. 2020. "Respectability and Rights: Sexual and Reproductive Health and Rights of Sri Lankan Women Formerly Involved in Prostitution." *Contemporary South Asia* 28, no. 1: 28–42.
- Kempadoo, Kamala. 2003. "Globalizing Sex Worker's Rights." *Canadian Woman Studies* 22, nos. 3/4: 143–50.
- Kennedy, Alexis, Carolin Klein, Jessica T.K. Bristowe, Barry S. Cooper, and John C. Yuille. 2008. "Routes of Recruitment: Pimps' Techniques and Other Circumstances that Lead to Street Prostitution." *Journal of Aggression, Maltreatment & Trauma* 15, no. 2: 1–19.
- Link, Bruce, and Jo Phelan. 1995. "Social Conditions as Fundamental Causes of Disease." *Journal of Health and Social Behavior* 35: 80–94.
- Lorena, Ferdinand Dax C. 2001. "An Empirical Analysis of the Socio-economic Factors and Prostitution Prevalence in Olongapo City." Undergraduate Thesis, University of the Philippines Los Baños.
- Moselina, Leopoldo M. 1979. "Olongapo's Rest and Recreation Industry: A Sociological Analysis of Institutionalized Prostitution—With Implications for a Grassroot-oriented Sociology." *Philippine Sociological Review* 27, no. 3: 181–93.
- Moshman, David. 1982. "Exogenous, Endogenous, and Dialectical Constructivism." *Developmental Review* 2, no. 4: 371–84.
- Mydans, Seth. 1988. "Olongapo Journal; At an Old Port of Call, a New Scourge." *New York Times*, April 23, 1988.
- Nicotera, Anne Maydan. 1995. "The Constructivist Theory of Delia, Clark, and Associates." In *Watershed Research Traditions in Human Communication*

- Theory*, edited by Branislav Kovacic and Donald P. Cushman, 45–66. Albany, NY: State University of New York Press.
- Nordic Model Now. n.d. “What is the Nordic Model?” Accessed March 18, 2019. <https://nordicmodelnow.org/what-is-the-nordic-model/>.
- Raymond, Janice G. 2013. *Not a Choice, Not a Job: Exposing the Myths About Prostitution and the Global Sex Trade*. Washington, DC: Potomac Books.
- Reyes, Victoria. 2015. “Legacies of Place and Power: From Military Base to Freeport Zone.” *City and Community* 14, no. 1: 1–26.
- Roces, Mina. 2009. “Prostitution, Women’s Movements and the Victim Narrative in the Philippines.” *Women’s Studies International Forum* 32, no. 4: 270–80.
- Saldana, Johnny. 2009. *The Coding Manual for Qualitative Researchers*. Thousand Oaks, CA: SAGE Publications, Inc.
- Sallman, Jolanda. 2010. “Living with Stigma: Women’s Experiences of Prostitution and Substance Use.” *Affilia* 25, no. 2: 146–59.
- Santos, Aida F. 1999. “Blazing Trails, Confronting Challenges: The Sexual Exploitation of Women and Girls in the Philippines.” In *Making the Harm Visible, Global Sexual Exploitation of Women and Girls, Speaking Out and Providing Services*, edited by Claire Roche and Donna M Hughes. New York, NY: Coalition Against Trafficking in Women.
- . 2001. “Introduction to the First Edition: From the Shadows into the Light.” In *Halfway through the Circle: The Lives of Eight Filipino Survivors of Prostitution and Sex Trafficking*, by Louie C. Amilbangsa, Flor Caagusan, Andrea Luisa C. Anolin, Irene F. Dabuno, Marilyn T. Erpelo, Pauline S. Hortelano, and Lorna Q. Israel, ix–xii. Quezon City: The Women’s Education, Development, Productivity and Research Organization.
- Santos, Aida F., and Cecilia T. Hofmann. 1998. “Prostitution and the Bases: A Continuing Saga of Exploitation.” *Coalition Against Trafficking in Women-Asia Pacific*. Accessed May 5, 2015. <https://catwap.wordpress.com/resources/speeches-papers/prostitution-and-the-bases-a-continuing-saga-of-exploitation/>.
- Senent, Rosa. 2019. “Men that Buy Inequality: Critical Analysis of Sex Buyers’ Discourse on Prostituted Women and Girls.” *Asparkia* 35: 23–43.
- Shalom, Stephen. 2019. “Securing the U.S.-Philippine Military Bases Agreement of 1947.” *Bulletin of Concerned Asian Scholars* 22, no. 4: 3–12.
- Shannon, Kate, Anna-Louise Crago, Stefan Baral, Linda-Gail Bekker, Deanna Kerrigan, Michele Decker, Tonia Poteat, Andrea L. Wirtz, Brian Weir, Marie-Claude Boily, Jenny Butler, Steffanie A. Strathdee, and Chris

- Beyrer. 2018. "The Global Response and Unmet Actions for HIV and Sex." *The Lancet* 392, no. 10148: 698–710.
- Silverio, Ina Alleco. 2012. "Amended Law Decriminalizing Vagrancy Attacks Exploited Women—Gabriela." *Bulatlat*, April 13, 2012. <https://www.bulatlat.com/2012/04/13/amended-law-decriminalizing-vagrancy-attacks-exploited-women-gabriela/>.
- Stern, Donnel B. 2019. "Constructivism in the Age of Trump: Truth, Lies, and Knowing the Difference." *Psychoanalytic Dialogues* 29, no. 2: 189–96.
- Thanh-Dam, Troung. 1983. "The Dynamics of Sex Tourism: The Case of Southeast Asia." *Development and Change* 14, no. 4: 533–53.
- Tomura, Miyuki. 2009. "A Prostitute's Lived Experiences of Stigma." *Journal of Phenomenological Psychology* 40, no. 1: 51–84.
- Winter, Bronwyn. 2011. "Guns, Money and Justice: The 2005 Subic Rape Case." *International Feminist Journal of Politics* 13, no. 3: 371–89.
- Wong, William, Eleanor Holroyd, and Amie Bingham. 2011. "Stigma and Sex Work from the Perspective of Female Sex Workers in Hong Kong." *Sociology of Health & Illness* 33, no. 1: 50–65.
- Wu, Yu, Patrick Shih, and John Carroll. 2014. "Design for Supporting Dialectical Constructivist Learning Activities." *EDULEARN14 Proceedings*: 4156–64.
- Zimelis, Andris. 2009. "Human Rights, the Sex Industry, and Foreign Troops: Feminist Analysis of Nationalization in Japan, South Korea, and the Philippines." *Cooperation and Conflict: Journal of the Nordic International Studies Association* 44, no. 1: 51–71.