

A CASE STUDY FROM THE PHILIPPINES

AN ILLICIT VIDEO AND ONE WOMAN'S BATTLE FOR JUSTICE

Keywords: taking video without consent; publishing video without consent; sharing private information; abusive comments; emotional harm; harm to reputation; invasion of privacy; YouTube; blogs; pornography websites; video; DVD; abuser is known; reported to law enforcement; investigation initiated; reported to platform; platform deems no action necessary; survivor's age is 18-30

THE STORY AND THE VIOLENCE

Ruby is a model, actor and brand endorser who lives in the Philippines. When she was 21 years old, Ruby sought cosmetic treatment from a man named Dr. Yu at a well-known cosmetic clinic. Not long after that, Ruby and Yu became lovers. Like most secret loves, their affair was carried out in a hotel room. The relationship soon fizzled out, but in 2008 – the year after she met Yu – Ruby received a tip from a reporter: a sex video involving her and Yu would be released soon. In December 2008, three videos of Yu and Ruby depicting their time together at the hotel were published online. Subsequently people began downloading the videos and selling them as DVDs. Ruby maintains that she was unaware she was being recorded, whereas Yu contends that she knew there was a camera, but he was not responsible for uploading the images.

The videos went viral and each time they were re-posted, Ruby felt she was being violated again and again. Having already been labelled a “sexy actress”, she faced acute harassment and violence online following the release of the videos. One commenter writes, “I really don't pity Ruby because she did it on herself... She gave a signal to the whole world that she's not the type of woman whom you will respect.” In fact, because at the time of their affair Yu was in a relationship with the owner of the cosmetic clinic, many people believed that it was the owner and Yu who were the real victims. Another commenter states,

“Don't you all think that she maliciously has done a great harm to her own gender... Ruby is such a slut!”

Following wide circulation of the video, Ruby was diagnosed with depression and began to undergo psychotherapy. She says, “I felt like I lost something – perhaps my confidence. For one year, I did not talk to people. I felt like there was nothing for me to say.” Ruby felt deeply betrayed by Yu, whom she had once trusted. During this time Ruby began to lose modelling assignments and product endorsements as a result of the video scandal. She says, “I had been working for five years and I did not expect to lose my job... I [had] just bought a house and I had to pay for the balance.”

Alongside the three videos of Ruby that were released, more videos containing sexual content featuring Yu and other women were uploaded as well. Ruby was the only one who took the case forward; however, instead of being lauded for her bravery she was seen as airing her dirty laundry in public, and received further abuse.

SEEKING JUSTICE

In May 2009, six months after the videos were made public, Ruby and her two lawyers filed a complaint with the National Bureau of Investigation (NBI), which recommended the case to the Department of Justice. Here a criminal case against Yu was filed under the Anti-Violence against Women and Children Act, where Yu was charged with videotaping sexual inter-

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course and uploading the video without Ruby's consent. Simultaneously, Ruby filed a civil medical malpractice lawsuit against Yu and a libel case against Yu's mother for slanderous statements she made in a TV interview. In December 2009, the criminal court dismissed Ruby's case on the grounds that Ruby was aware of being filmed and that the uploading of the video could not be traced back to Yu. One possible reason for the dismissal was that *there was no legal provision for technology-related violence against women* at the time, which weakened Ruby's case. Furthermore *the accused was not required to testify*, which Ruby believed biased the courts against her. In November that year, following Yu's suspension by the Philippine Medical Association, the Professional Regulations Commission revoked Yu's medical licence, securing at least partial justice for Ruby.

In their attempts to discover who originally published the leaked video (it turned out that the clinic owner and others had access to Yu's hard drives), the NBI tracked down the first pornography website that uploaded the video. The website owners claimed they received the videos from an unknown email address; however, because *intermediary liability law is unclear*, they were not compelled to share the address with law enforcement.

FINDING AGENCY

A crucial element in Ruby's fight for justice was *the support she received*, which included her then-estranged father, a friend who helped her with legal fees, and people from the acting industry who pub-

licly supported her. One television executive was quoted as saying, "Her name may have been blemished and her dignity as a woman maligned, but she still fought and that is what is important." Another source of support for Ruby was a women's organisation that provided her with *counselling* and allowed her to *share her story with other women survivors of violence*. The support and strength of other women who could relate to her story made Ruby realise, "If I did not confront it now, it would hound me later." Alongside her family, friends and colleagues, two provinces in the Philippines declared Yu as a *persona non grata*, giving Ruby further confidence to pursue justice. Indicative of her strength, Ruby was quoted as saying, "I intend to fight, win or lose. Whatever happens, at least I have fought for my rights. At least people are realising that what was done to me was wrong... If you keep quiet for life, more women will be victimised."

Ruby's courage to speak and fight was not in vain. Just before Ruby filed her case, a senator delivered a speech on the issue, and later that year the Senate conducted a related inquiry. One congressman was quoted saying, "If not for Ruby who fought for her right, people would not have noticed the importance of the law." The law he was referring to was still awaiting approval by the Senate, but by early 2010, the Anti-Photo and Video Voyeurism Act was signed into law. The background and battle for this legislation were lengthy, comprising several cases and individuals; however, it is likely that Ruby's case was an important catalyst in the passing of this landmark Act.



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