

Simplification as an agenda of dominant meta-narratives also conflates tradition and religion with violations of women's human rights and freedoms. It is too simplistic to treat tradition and religion as inherently against the advancement of women. It is also as simplistic to say that the secular State is as modern and rational as it appears. Both are political and cultural forums subject to contestations. Political struggles have been played out in these platforms resulting in laws and the inherent ambiguity of the legal text. The judiciary participates in these contestations when it determines what is factually relevant when engaging the ambiguity of legal words or terms.

Therefore, in our interpretation of laws, we must always keep in mind that even the most dominant of narratives or stereotypes within our societies will not result in their pure monolithic position in our legal orders. Fundamental values are also found with equal priority now in our legal orders. For instance, the Philippine Constitution provides for equal protection before the law and ensures the fundamental equality of women and men. Similar provisions are contained in international conventions to which the Philippines are a signatory such as CEDAW. But in spite of such provisions in laws and covenants, women's human rights continue to be curtailed.

The case pending before the Philippine Supreme Court regarding the constitutionality of the Responsible Parenthood and Reproductive Health Act of 2012 is portrayed as a battle royale between Church and State. Those who seek to nullify the law are portrayed as either morally upright in protecting the right of the unborn or irrational sticklers to dogma who defend the unborn at the expense of women's right to health. As for those who defend the law, they are either the champion of women's rights or the agents of death. A meta-narrative that simplifies identities and provides dichotomies would also force us to choose between these rights. From the judicial perspective, when we simplify, we play into the hand of the politically dominant. This is unacceptable.

The advancement of one right over the other or the interest of one group over the other may settle a dispute, but it will not advance the public interest. It may settle the case, but will not result in more meaningful freedoms or true equality before the law. The law, like tradition or religion, becomes dogmatic when it is applied and interpreted from a single point of view. Law turns into dogma when it is interpreted according to universal or absolute pronouncements or the belief that cultures, identities and rules are static or ought to remain so.

Our cultures and identities are products of human interactions. Cultures intermingle, viewpoints are dynamic. They change because our understanding and interpretation of reality changes too. The law must be interpreted so that it keeps pace with the manifold experiences of realities that take place in the everyday realm of human interactions. In this light, the following considerations allow for better nuance and interpretation of laws:

1. Generally, courts must take great care not to arbitrarily alter the plain text of the law. Judges must be sensitive to the political inroads that progressive movements have made and understand how the text accommodates such realities;
2. The authoritativeness of legal texts is no excuse to provide an unworkable result. Texts may be authoritative, but the judges' reading of it may not be exhaustive of the entirety of meaning. To read is to deploy experience and culture. It is also to advance the purposes of many of our human rights. The role of the judiciary is to identify the critical values that are embedded in our laws. It is the judiciary's role to articulate the fundamental framework of order and values that should inform political debate;