



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Sixteenth Congress
Second Regular Session

HOUSE BILL NO. **5904**



Introduced by Honorable Carlos M. Padilla

EXPLANATORY NOTE

This bill seeks to provide protection against violence for persons with disabilities.

Section 11, Article II of the 1987 Constitution provides:

“The State values the dignity of every human person and guarantees full respect for human rights.”

Persons with disabilities are part of the society. However, due to their special conditions and limitations, persons with disabilities should be given more protection and support.

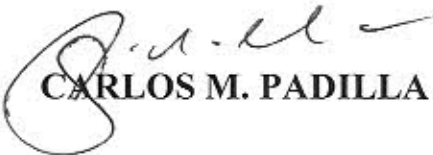
In a systematic review conducted by Liverpool John Moores University’s Centre for Public Health, a World Health Organization (WHO) Collaborating Centre for Violence Prevention and WHO’s Department of Violence and Injury Prevention and Disability, it was revealed that a person with disability is more likely to be a victim of violence than those without disability.

This bill seeks to define the concept of violence as inflicted on persons with disabilities. Further, this proposed measure seeks to deter the commission of violence against persons with disabilities by prescribing penalties on different kinds of violence or abuse such as physical, sexual,

psychological and economic, committed against persons with disabilities. Under this bill, violence against persons with disabilities is considered as a public crime, hence, any person having personal knowledge of the circumstances involving the commission of the crime may file a complaint against the perpetrator.

Under the proposed measure, the victim may file for protection orders to shield themselves from further abuse. The offended party, or another person on behalf of the offended party, may file for the issuance of Barangay Protection Order which can be immediately acted upon by barangay officials. Furthermore, this bill provides support and assistance programs for the victims such as legal and medical assistance. It also enumerates other rights and remedies which may be availed of by the victim from the different agencies of the government.

To ensure the full and equal enjoyment of all human rights and fundamental freedom without discrimination by persons with disabilities as set in the Constitution and international human rights instruments, approval of this bill is earnestly sought.


CARLOS M. PADILLA



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1 **AN ACT**

2 **DEFINING VIOLENCE AGAINST PERSONS WITH DISABILITIES,**
3 **PROVIDING PROTECTIVE MEASURES AND PRESCRIBING**
4 **PENALTIES THEREFOR**
5

6 *Be it enacted by the Senate and House of Representatives of the Philippines in*
7 *Congress assembled:*
8

9 SECTION 1. *Short Title.* – This Act shall be known as the “*Anti-*
10 *Violence Against Persons With Disabilities Act.*”

11 SEC. 2. *Declaration of Policy.* – The State values the inherent dignity
12 and worth of persons with disabilities in the mainstream of society. It also
13 recognizes the need to promote and protect the human rights and fundamental
14 freedoms of all persons with disabilities.

15 Towards this end, the State shall legislate appropriate measures by way of
16 protection orders to criminal cases aimed at obtaining protection or from preventing
17 further acts of violence. Such measures will promote, protect and ensure the full

1 and equal enjoyment by the persons with disabilities of all human rights and
2 fundamental freedom without discrimination as set in the Constitution and the
3 provisions of the United Nations Convention on the Rights of Persons with
4 Disabilities and Optional Protocol, International Bill of Human Rights, Universal
5 Declaration of Human Rights, International Convention on Human Rights and other
6 international human rights instruments of which the Philippines is a party.

7 SEC. 3. *Violence Against Persons With Disabilities.* – Violence against
8 persons with disabilities is committed by any person who, through single or
9 repeated acts, takes advantage of the disability of another, causes harm or distress
10 which renders the person with disability defenseless on any particular situation, or
11 demeans the integrity and dignity of the person with disability.

12 As used in this Act, *persons with disabilities* include those who have long-
13 term physical, mental, intellectual or sensory impairments which in interaction with
14 various barriers may hinder their full and effective participation in society on an
15 equal basis with others.

16 SEC. 4. *Acts of Violence Against Persons With Disabilities.* – Violence
17 against persons with disabilities may be committed through any of the following
18 acts:

- 19 a) Inflicting physical harm to the person with disability;
- 20 b) Attempting to cause the person with disability physical harm;

1 c) Placing the person with disability in fear of imminent physical harm;
2 d) Attempting to compel or compelling the person with disability to
3 engage in conduct which the person with disability has the right to desist from or to
4 desist from conduct which the person with disability has the right to engage in, or
5 attempting to restrict or restricting the freedom of movement or conduct by force or
6 threat of force, physical or other harm or threat of physical or other harm, or
7 intimidation directed against the person with disability. This includes, but not
8 limited to, the following acts committed with the purpose or effect of controlling or
9 restricting the movement or conduct of the person with disability:

10 1. Threatening to deprive or actually depriving the person with
11 disability of the right to a family's visit or access to the family;

12 2. Depriving or threatening to deprive the person with disability of
13 financial support;

14 3. Depriving or threatening the person with disability of a legal
15 right;

16 4. Preventing the person with disability to engage in any legitimate
17 profession, occupation, business or activity or controlling the money or
18 properties of the person with disability except in cases wherein the objection
19 is on valid, serious and moral grounds;

1 e) Causing or attempting to cause the person with disability to engage in
2 any sexual activity which does not constitute rape, by force or threat of force,
3 physical harm, or through intimidation;

4 f) Causing mental or emotional anguish, public ridicule or humiliation to
5 the person with disability including repeated verbal and emotional abuse; and

6 g) Engaging in purposeful, knowing, or reckless conduct, personally or
7 through another that alarms or causes substantial emotional or psychological stress
8 to the person with disability which includes the following:

9 1. Entering or remaining in the dwelling or on the property owned
10 by the person with disability;

11 2. Destroying the property or personal belongings, or inflicting
12 harm to animals or pets of the person with disability;

13 3. Depriving the person with disability of financial resources or the
14 right to use and enjoy the property owned.

15 SEC. 5. ***Penalties.*** – Acts of violence committed against persons with
16 disabilities provided under Section 4 of this Act are penalized as follows:

17 a) Acts falling under Section 4 (a) constituting attempted, frustrated and
18 consummated murder or homicide shall be punished in accordance with the
19 provisions of the Revised Penal Code. Likewise, if these acts resulted in mutilation,
20 it shall be punishable under the Revised Penal Code.

b) Acts falling under Section 4 (a) constituting serious physical injuries and those acts falling under Sections 4 (f) to 4 (g) shall be punished by imprisonment of not less than six (6) years but not more than twelve (12) years.

c) Acts falling under Section 4 (a) constituting less serious physical injuries and those acts falling under Section 4 (e) shall be punished by imprisonment of not less than six (6) months but not more than six (6) years.

d) Acts falling under Section 4 (a) constituting slight physical injuries and those acts falling under Sections 4 (b) to 4 (d) shall be punished by imprisonment of one (1) month but not more than six (6) months.

In addition to imprisonment, the perpetrator shall pay a fine in the amount of not less than One hundred thousand pesos (P100,000.00) but not more than Three hundred thousand pesos (P300,000.00) and shall undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to the court.

SEC. 6. Venue. – The regional trial court shall have original and exclusive jurisdiction over cases of violence committed against the person with disability under this Act. The filing of cases of violence in the regional trial court is based on where the crime or any of its elements was committed at the option of the complainant.

SEC. 7. Protection Orders. – The protection orders that may be issued under this Act are the barangay protection order (BPO), temporary protection order

(TPO) and permanent protection order (PPO), which shall include any, some or all of the following reliefs:

a) Prohibition of the respondent from threatening to commit or committing, personally or through another, any of the acts mentioned in Section 4 of this Act;

b) Prohibition of the respondent from harassing, annoying, telephoning, contacting or otherwise communicating with the person with disability, directly or indirectly;

c) Removal and exclusion of the respondent from the residence of the person with disability, regardless of ownership of the residence, either temporarily for the purpose of protecting the person with disability, or permanently where no property rights are violated, and, if respondent must remove personal effects from the residence, the court shall direct a law enforcement agent to accompany the respondent to the residence, remain there until respondent has gathered the things and escort respondent from the residence;

d) Directing the respondent to stay away from person with disability and designated family or household member at a distance specified by the court, and to stay away from the residence, school, place of employment, or any specified place frequented by the person with disability and any designated family or household member;

1 e) Directing lawful possession and use by the person with disability of
2 any vehicle and other essential personal effects and directing the appropriate law
3 enforcement officer to accompany the person with disability to the residence of the
4 respondent to ensure that the person with disability is safely restored to the
5 possession of the vehicle and other essential personal effects, or to supervise the
6 removal of personal belongings of the person with disability or respondent;

7 f) Granting a temporary or permanent custody of the person with
8 disability;

9 g) Prohibition of the respondent from any use or possession of any
10 firearm or deadly weapon and order the respondent to surrender the same to the
11 court for appropriate disposition by the court, including revocation of license and
12 disqualification to apply for any license to use or possess a firearm. If the offender
13 is a law enforcement agent, the court shall order the offender to surrender the
14 firearm and shall direct the appropriate authority to investigate the offender and
15 take appropriate action;

16 h) Restitution for actual damages caused by the violence inflicted,
17 including damage to property, medical expenses, health care expenses and loss of
18 income;

i) Directing the Department of Social Welfare and Development (DSWD) or any appropriate agency to provide the person with disability temporary shelter and other social services; and

j) Provision of such other forms of relief as the court deems necessary to protect and provide for the safety of the person with disability and any designated family or household member.

SEC. 8. *Who May File Petition for Protection Orders.* – A petition for protection order may be filed by any of the following:

a) The offended person with disability;

b) Ascendants, descendants or collateral relatives within the fourth civil degree of consanguinity or affinity of the offended person with disability;

c) Guardian of the offended person with disability;

d) Officers or social workers of the DSWD or social workers of local government units (LGUs);

e) Police officers;

f) Punong Barangay or Barangay Kagawad;

g) Lawyer, counselor, therapist or healthcare provider of the person with disability; and

h) At least two (2) concerned responsible citizens of the city or municipality where the violence against the person with disability occurred and who have personal knowledge of the offense committed.

The issuance of a BPO or the pendency of an application for BPO shall not preclude a person with disability from applying for, or the court from granting a TPO or PPO.

SEC. 9. *Where to Apply for a Protection Order.* – Applications for BPO shall follow the rules on venue under Section 409 of the Local Government Code of 1991 and its implementing rules and regulations. An application for a TPO or PPO may be filed in the regional trial court, metropolitan trial court, municipal trial court, municipal circuit trial court with territorial jurisdiction over the place of residence of the person with disability.

SEC. 10. *How to Apply for a Protection Order.* – The application for a protection order must be in writing, signed and verified under oath by the applicant. It may be filed as an independent action or as incidental relief in any civil or criminal case the subject matter or issue thereof partake of a violence under Section 4 of this Act. A standard protection order application form, written in English with translation to the major local languages, shall be made available to facilitate applications for protection orders, and shall contain, among others, the following information:

- 1 a) Names and addresses of the person with disability and respondent;
- 2 b) A statement of the circumstances of the abuse;
- 3 c) Description of the reliefs requested by the person with disability as
- 4 specified in Section 7 of this Act;
- 5 d) Request for a lawyer to provide the needed legal assistance;
- 6 e) Request for waiver of application fees until hearing; and
- 7 f) An attestation that there is no pending application for a protection
- 8 order in another court.

9 If the applicant is not the victim, the application must be accompanied by an
10 affidavit of the applicant attesting to the circumstances of the abuse suffered by the
11 victim and the circumstances of consent given by the victim for the filing of the
12 application. When disclosure of the address of the victim will pose danger to life, it
13 shall be so stated in the application. In such a case, the applicant shall attest that the
14 victim is residing in the municipality or city over which the court has territorial
15 jurisdiction, and shall provide a mailing address for the purpose of service
16 processing.

17 An application for protection order filed with a court shall be considered an
18 application for both a TPO and PPO.

1 Barangay officials and court personnel shall assist applicants in the
2 preparation of the application. Law enforcement agents shall also extend assistance
3 in the application for protection orders in cases brought to their attention.

4 SEC. 11. ***Enforceability of Protection Orders.*** – A TPO or PPO issued
5 under this Act shall be enforceable anywhere in the Philippines. A violation thereof
6 shall be punishable with a fine ranging from Five thousand pesos (P5,000.00) to
7 Fifty thousand pesos (P50,000.00) or imprisonment of six (6) months.

8 SEC. 12. ***Legal Representation of Petitioners for a Protection Order.*** – If
9 the person with disability requests in the application for a protection order for the
10 appointment of counsel because of lack of economic means to hire a counsel *de*
11 *parte*, the court shall immediately direct the Public Attorney's Office (PAO) to
12 represent the person with disability in the hearing on the application. If the PAO
13 determines that the applicant can afford to hire the services of a counsel *de parte*, it
14 shall facilitate the legal representation of the person with disability by a counsel *de*
15 *parte*. The lack of access to family or conjugal resources by the applicant, shall
16 qualify the person with disability to legal representation by the PAO.

17 A private counsel offering free legal service is not barred from representing
18 the person with disability.

19 SEC. 13. ***Barangay Protection Order (BPO).*** – Barangay Protection
20 Order refers to the protection order issued by the Punong Barangay ordering the

1 perpetrator to desist from committing the acts under Section 4 (a) and 4 (b) of this
2 Act. A Punong Barangay who receives applications for a BPO shall issue the
3 protection order to the applicant on the date of filing after *ex parte* determination of
4 the basis of the application. If the Punong Barangay is unavailable to act on the
5 application for a BPO, the application shall be acted upon by any available
6 Barangay Kagawad. If the BPO is issued by a Barangay Kagawad, the order must
7 be accompanied by an attestation by the Barangay Kagawad that the Punong
8 Barangay was unavailable at the time for the issuance of the BPO. A BPO shall be
9 effective for fifteen (15) days. Immediately after the issuance of an *ex parte* BPO,
10 the Punong Barangay or Barangay Kagawad shall personally serve a copy of the
11 same on the respondent, or direct any barangay official to effect its personal service.

12 The parties may be accompanied by a non-lawyer advocate in any proceeding
13 before the Punong Barangay.

14 SEC. 14. ***Temporary Protection Order (TPO).*** – Temporary Protection
15 Order refers to the protection order issued by the court on the date of filing of the
16 application after *ex parte* determination that such order should be issued. A court
17 may grant in a TPO any, some or all of the reliefs mentioned in this Act and shall be
18 effective for thirty (30) days. The court shall schedule a hearing on the issuance of
19 a PPO prior to or on the date of the expiration of the TPO. The court shall order the
20 immediate personal service of the TPO on the respondent by the court sheriff who

1 may obtain the assistance of law enforcement agents for the service. The TPO shall
2 include notice of the date of the hearing on the merits of the issuance of a PPO.

3 SEC. 15. ***Permanent Protection Order (PPO).*** – Permanent Protection
4 Order refers to protection order issued by the court after notice and hearing. The
5 non-appearance of the respondent despite proper notice, or the lack of a lawyer, or
6 the non-availability of the lawyer shall not be a ground for rescheduling or
7 postponing the hearing on the merits of the issuance of a PPO. If the respondent
8 appears without counsel on the date of the hearing on the PPO, the court shall
9 appoint a lawyer for the respondent and immediately proceed with the hearing. In
10 case the respondent fails to appear despite proper notice, the court shall allow *ex*
11 *parte* presentation of the evidence by the applicant and render judgment on the basis
12 of the evidence presented. The court shall allow the introduction of any history of
13 abusive conduct of the respondent even if the same was not directed against the
14 applicant or the person for whom the application is made.

15 The court shall, to the extent possible, conduct the hearing on the merits of
16 the issuance of a PPO in one (1) day. Where the court is unable to conduct the
17 hearing within one (1) day and the TPO issued is due to expire, the court shall
18 continuously extend or renew the TPO for a period of thirty (30) days at each time
19 until final judgment is issued. The extended or renewed TPO may be modified by
20 the court as may be necessary or applicable to address the needs of the applicant.

1 The court may grant any, some or all of the reliefs specified in Section 7 of
2 this Act in a PPO. A PPO shall be effective until revoked by a court upon
3 application of the person in whose favor the order was issued. The court shall
4 ensure immediate personal service of the PPO on the respondent.

5 The court shall not deny the issuance of protection order on the basis of the
6 lapse of time between the act of violence and the filing of the application.

7 Regardless of the conviction or acquittal of the respondent, the court must
8 determine whether or not the PPO shall become final. Even in a dismissal, a PPO
9 shall be granted as long as there is no clear showing that the act from which the
10 order might arise did not exist.

11 SEC. 16. *Notice of Sanction in Protection Orders.* – The following
12 statement must be printed in bold-faced type or in capital letters on the protection
13 order issued by the Punong Barangay or court:

14 **"VIOLATION OF THIS ORDER IS PUNISHABLE BY LAW."**

15 SEC. 17. *Mandatory Period For Acting on Applications For Protection*
16 *Orders.* – Failure to act on an application for a protection order within the
17 reglementary period specified in the previous section without justifiable cause shall
18 render the official or judge administratively liable.

19 SEC. 18. *Priority of Application for a Protection Order.* – *Ex parte* and
20 adversarial hearings to determine the basis of applications for a protection order

1 under this Act shall have priority over all other proceedings. Barangay officials and
2 the courts shall schedule and conduct hearings on applications for a protection order
3 under this Act above all other business and, if necessary, suspend other proceedings
4 in order to hear applications for a protection order.

5 SEC. 19. ***Violation of Protection Orders.*** – A complaint for a violation of
6 BPO issued under this Act shall be filed directly with any municipal trial court,
7 metropolitan trial court, or municipal circuit trial court that has territorial
8 jurisdiction over the barangay that issued the BPO. Violation of a BPO shall be
9 punishable by imprisonment of thirty (30) days without prejudice to any other
10 criminal or civil action that the offended party may file for any of the acts
11 committed.

12 A judgment of violation of a BPO may be appealed according to the Rules of
13 Court. During trial and upon judgment, the trial court may *motu proprio* issue a
14 protection order as it deems necessary without need of an application.

15 Violation of any provision of a TPO or PPO issued under this Act shall
16 constitute contempt of court punishable under Rule 71 of the Rules of Court,
17 without prejudice to any other criminal or civil action that the offended party may
18 file for any of the acts committed.

19 SEC. 20. ***Applicability of Protection Orders to Criminal Cases.*** – The
20 foregoing provisions on protection orders shall be applicable and impliedly

1 instituted with the criminal actions involving violence against the person with
2 disability.

3 SEC. 21. *Bond to Keep the Peace.* – The court may order any person
4 against whom a protection order is issued to give a bond to keep the peace, to
5 present two sufficient sureties who shall undertake that such person will not commit
6 the violence sought to be prevented.

7 Should the respondent fail to give the bond as required, the respondent shall
8 be detained for a period which shall in no case exceed six (6) months, if the
9 respondent shall have been prosecuted for acts punishable under Section 4 (a) to 4
10 (e) and not exceeding thirty (30) days, if for acts punishable under Section 4 (f) to 4
11 (g).

12 The protection orders referred to in this section are the TPOs and the PPOs
13 issued only by the courts.

14 SEC. 22. *Prescriptive Period.* – Acts falling under Section 4 shall
15 prescribe in twenty (20) years.

16 SEC. 23. *Public Crime.* – Violence against person with disability shall be
17 considered a public offense which may be prosecuted upon the filing of a complaint
18 by any citizen having personal knowledge of the circumstances involving the
19 commission of the crime.

1 SEC. 24. *Prohibited Defense.* – Being under the influence of alcohol, any
2 illicit drug, or any other mind-altering substance shall not be a defense under this
3 Act.

4 SEC. 25. *Duties of Prosecutors and Court Personnel.* – Prosecutors and
5 court personnel shall observe the following duties when dealing with victims under
6 this Act:

7 a) Communicate with the victim in a language understood by the person
8 with disability; and

9 b) Inform the victim of the rights including legal remedies, procedure and
10 privileges available for indigent litigants.

11 SEC. 26. *Duties of Barangay Officials and Law Enforcers.* – Barangay
12 officials and law enforcers shall have the following duties:

13 a) Respond immediately to a call for help or request for assistance or
14 protection of the victim by entering the dwelling if necessary whether or not a
15 protection order has been issued and ensure the safety of the victim;

16 b) Confiscate any deadly weapon in the possession of the perpetrator or
17 within plain view;

18 c) Transport or escort the victim to a safe place of their choice or to a
19 clinic or hospital;

20 d) Assist the victim in removing personal belongings from the house;

e) Assist the barangay officials and other government officers and employees who respond to a call for help;

f) Ensure the enforcement of the protection orders issued by the Punong Barangay or by the courts;

g) Arrest the suspected perpetrator even without a warrant when any of the acts of violence defined by this Act is occurring, or when the barangay officials or law officer has personal knowledge that any act of abuse has just been committed and there is imminent danger to the life or limb of the victim as defined in this Act; and

h) Immediately report the call for assistance of the DSWD, Municipal or City Social Welfare and Development Office of LGUs or accredited non-government organizations (NGOs).

Any barangay official or law enforcer who fails to report the incident shall be liable for a fine not exceeding Ten thousand pesos (P10,000.00) or whenever applicable shall be held administratively liable.

SEC. 27. *Healthcare Provider Response to Abuse.* – Any healthcare provider including an attending physician, nurse, clinician, barangay health worker, therapist or counselor who suspects abuse or has been informed by the victim of violence shall:

1 a) Properly document any of the victim's physical, emotional or
2 psychological injuries;

3 b) Properly record any of victim's suspicions, observations and
4 circumstances of the examination or visit;

5 c) Automatically provide the victim free of charge a medical certificate
6 concerning the examination or visit;

7 d) Safeguard the records and make them available to the victim upon
8 request at actual cost; and

9 e) Provide the victim immediate and adequate notice of rights and
10 remedies provided under this Act and services available to them.

11 **SEC. 28. *Duties of Other Government Agencies and LGUs.*** – Other
12 government agencies and LGUs shall establish programs such as education and
13 information campaign and seminars or symposia on the nature, causes, incidence
14 and consequences of such violence particularly towards educating the public on its
15 social impacts.

16 It shall be the duty of the government agencies and LGUs to ensure the
17 continuous education and training of their officers and personnel on the prevention
18 of violence against a person with disability under this Act.

19 **SEC. 29. *Prohibited Acts.*** – A Punong Barangay, Barangay Kagawad or
20 the court hearing an application for a protection order shall not order, direct, force

1 or in any way unduly influence the applicant for a protection order to compromise
2 or abandon any of the reliefs sought in the application for protection under this Act.

3 Failure to comply with this section shall render the official or judge
4 administratively liable.

5 SEC. 30. *Persons Intervening Exempt from Liability.* – In every case of
6 violence against person with disability as herein defined, any person, private
7 individual or police authority or barangay official who, acting in accordance with
8 law, responds or intervenes without using violence or restraint greater than
9 necessary to ensure the safety of the victim, shall not be liable for any criminal,
10 civil or administrative liability resulting therefrom.

11 SEC. 31. *Rights of Victims.* – In addition to their rights under existing
12 laws, victims of violence against person with disability shall have the following
13 rights:

- 14 a) To be treated with respect and dignity;
- 15 b) To avail of legal assistance from the PAO of the Department of Justice
16 (DOJ) or any public legal assistance office;
- 17 c) To be entitled to support services from the DSWD and LGU; and
- 18 d) To be informed of their rights and the services available to them
19 including their right to apply for a protection order.

1 SEC. 32. ***Damages.*** – Any victim of violence under this Act shall be
2 entitled to actual, compensatory, moral and exemplary damages.

3 SEC. 33. ***Exemption from Payment of Docket Fee and Other Expenses.*** –
4 If the victim is an indigent or there is an immediate necessity due to imminent
5 danger or threat of danger to act on an application for a protection order, the court
6 shall accept the application without payment of the filing fee and other fees and of
7 transcript of stenographic notes.

8 SEC. 34. ***Mandatory Programs and Services for Victims.*** – The DSWD,
9 and LGUs shall provide the victims temporary shelters, provide counseling, psycho-
10 social services or, recovery, rehabilitation programs and livelihood assistance. The
11 Department of Health shall provide medical assistance to victims.

12 SEC. 35. ***Counseling and Treatment of Offenders.*** – The DSWD shall
13 provide rehabilitative counseling and treatment to perpetrators towards learning
14 constructive ways of coping with anger and emotional outbursts and reforming their
15 ways. When necessary, the offender shall be ordered by the court to submit to
16 psychiatric treatment or confinement.

17 SEC. 36. ***Training of Persons Involved in Responding to Violence***
18 ***Against Person with Disability.*** – All agencies involved in responding to violence
19 against person with disability cases shall be required to undergo education and
20 training to acquaint them with:

- 1 a) The nature, extent and causes of violence against person with
2 disability;
- 3 b) The legal rights of, and remedies available to, victims of violence
4 against person with disability;
- 5 c) The services and facilities available to victims or survivors;
- 6 d) The legal duties imposed on police officers to make arrest and to offer
7 protection and assistance; and
- 8 e) Techniques for handling incidents of violence against person with
9 disability that minimize the likelihood of injury to the officer and promote the
10 safety of the victim or survivor.

11 The Philippine National Police, in coordination with LGUs, shall establish an
12 education and training program for police officers and barangay officials to enable
13 them to properly handle cases of violence against a person with disability.

14 SEC. 37. *Leave Entitlement.* – The person with disability who is
15 employed is entitled to take a paid leave of absence up to ten (10) days in addition
16 to other paid leaves under the Labor Code and civil service rules and regulations,
17 extendible when the necessity arises as specified in the protection order.

18 Any employer who shall prejudice the right of the person under this section
19 shall be penalized in accordance with the provisions of the Labor Code and civil
20 service rules and regulations. Likewise, an employer who shall prejudice any

1 person for assisting a co-employee who is a victim under this Act shall likewise be
2 liable for discrimination.

3 SEC. 38. ***Confidentiality.*** – All records pertaining to cases of violence
4 against a person with disability including those in the barangay shall be confidential
5 and all public officers and employees of public or private clinics or hospitals shall
6 respect the right to privacy of the victim. Whoever publishes or causes to be
7 published, in any format, the name, address, telephone number, school, business
8 address, employer, or other identifying information of a victim or an immediate
9 family member, without the latter's consent, shall be liable to the contempt power of
10 the court.

11 Any person who violates this provision shall suffer the penalty of one (1)
12 year imprisonment and a fine of not more than Five hundred thousand pesos
13 (P500,000.00).

14 SEC. 39. ***Repealing Clause.*** – All laws, decrees, orders, rules and
15 regulations and other issuances or parts thereof, which are inconsistent with the
16 provisions of this Act are hereby repealed or modified accordingly.

17 SEC. 40. ***Separability Clause.*** – If any provision of this Act shall be held
18 unconstitutional or invalid, the other provisions not otherwise affected shall remain
19 in full force and effect.

1 SEC. 41. ***Effectivity.*** – This Act shall take effect fifteen (15) days after its
2 publication in the *Official Gazette* or in any newspaper of general circulation.

3 Approved,