

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEETH CONGRESS
First Regular Session

HOUSE BILL NO. 5584



Introduced by Representative Federico S. Sandoval II

EXPLANATORY NOTE

On March 8, 2004, the 12th Congress of the Philippines enacted **Republic Act 9262** or “AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES”, with the end view of addressing domestic violence and protecting in the process women and children.

Despite the implementation of **Republic Act 9262**, domestic violence continues to be a problem of the country today. Even after more than a decade after the passage of Republic Act 9262, the number of domestic violence, as reported by the Philippine National Police, is still on an upward trend. A comparative statistics conducted by the Philippine Commission on Women shows that the number of violence against women cases reported to the Philippine National Police from the year 2004 until 2013 shows that **Republic Act 9262** ranked first at (57%) fifty seven percent among the different VAW categories since its implementation in 2004.

To address this problem, it is important to re-examine **Republic Act 9262** and the need to supplement the same or come up with additional mechanism or legislation that will fully address domestic violence as they primarily contribute to the total effectiveness of any law against domestic violence.

It is interesting to note that prior to the passage of **Republic Act 9262**, the National Commission on the Role of Women (NCRFW) now referred to as Philippine Commission on Women (PCW) reported that for the year 2000-2003, (90%) ninety percent of the acts of violence against women are committed by their intimate partners— husbands and live in partners.

Originally, **Republic Act 9262** or simply the Anti-VAWC Act started as Senate Bill 2723, sponsored by then Senator Loi Estrada. She referred to the proposed law as a “Synthesize Measure”, because it is a union of two measures which are – “Anti-Domestic Violence Act” and the “Anti-Abuse of Women in Intimate Relationship Act”. The bill originally provides protection to all family members. These include men, children, live-in partners and other household members.

However, during the interpellation period of the bill, Senator Francis Pangilinan proposed an amendment to the scope of the law. He suggested that it would be better for the law to give protection only to the women, since they are the usual victims of domestic violence. He said that some women's group have expressed their concerns and relayed their fears to him, that the law will fail to lessen domestic violence if it will not focus on those mostly being victimized by domestic violence alone.

The same was supported by Senator Loren Legarda. She believed that countless women cannot file their case against their spouses or live-in partners after being subjected to battery and other domestic violence. Thus, she added that if the scope of the law will not be limited to women alone and that the same protection will also be granted to men, the law may be used to justify the abusive behaviours of men against women, hence, will fail to equalize the difficult situation for women.

Nonetheless, Senator Tito Sotto proposed an amendment to the amendment. While he agreed that excluding men from the scope of the law is justifiable, he does not agree that children as well should be excluded. He believed that children are also main victims of domestic violence. As a result from the amendments, men were excluded but not the children. The consolidated bill became a law on March 8, 2004 as **Republic Act 9262** entitled as "An Act Defining Violence Against Women and their Children Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes." ("Garcia v. Drilon", G.R. No. 179267, June 25, 2013)

Notwithstanding the positive effect of **Republic Act 9262**, individuals who live in homes where there is domestic violence undoubtedly leads to significant emotional and psychological trauma, regardless of their ages, gender and sexuality, social standing and disabilities and limitations, if any.

It is undoubted that victims of domestic violence do not only include women and children. There are men and even members of the LGBT community who find themselves in the middle of domestic violence which may come in many forms, be it physical, sexual or emotional.

It is interesting to note that no less than **Section 1, Article III of the Bill of Rights of the 1987 Constitution** provides that "No person shall be deprived of life, liberty, or property without due process of law, **nor shall any person be denied the equal protection of the laws.**"

While it is conceded that in cited case of "Garcia v. Drilon", the Supreme Court unanimously confirmed the validity of **Republic Act 9262** and held that the same did not violate the guarantee of equal protection of laws because it rests on substantial distinctions, given the unequal power relationship between men and women, and that "women are the usual and most likely victims of violence." *Nonetheless, the needed protection must not only be intended for women and children but those who are similarly victims of domestic violence, such as but not limited to members of the LGBT Community and men who for one reason or another equally suffer domestic violence.* Despite the **Republic Act 9262**, it is well to note that none of the latter can secure any protection order from family courts as there is no law authorizing it.

Instead of living in an emotionally and physically safe and nurturing home, many of these individuals, not covered by **Republic Act 9262**, suffer in deep silence. Reality is that the victims of domestic violence stand in the same footing. Equal protection of the laws signifies that all persons subject to legislation should be treated alike, under like circumstances and conditions, both in the privileges conferred and liabilities imposed. Victims of domestic violence in fact stand in the same footing. They all should therefore be given the equal protection of the laws as this signifies that all persons subject to legislation should be treated alike, under like circumstances and conditions, both in the privileges conferred and liabilities imposed.

The physical or sexual abuse, depression and life debilitating anxiety and psychological trauma from the impact of living in a household that is dominated by tension and fear and such domestic violence and as an aftermath of such domestic violence remain unnoticed. Thus, a need to supplement and improve an additional legislation similar to Republic Act 9262 by protecting all those that are victims of domestic violence specially those members of the LGBT Community.

In view of the foregoing, approval of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'F. Sandoval II', is positioned above the printed name.

HON. FEDERICO S. SANDOVAL II
Representative, Lone District of Malabon City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEETH CONGRESS
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HOUSE BILL NO. 5584

Introduced by Representative Federico S. Sandoval II

**AN ACT DEFINING DOMESTIC VIOLENCE AGAINST
INDIVIDUALS INCLUDING MEMBERS OF THE LGBT COMMUNITY
OTHER THAN WOMEN AND CHILDREN AND PROVIDING FOR
PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING
PENALTIES THEREFORE, AND FOR OTHER PURPOSES**

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Short Title. - This Act shall be known as the **"2017 Anti-Domestic Violence Act Against Individuals Including Members of the LGBT Community Other Than Women and Children."**

SECTION 2. Declaration of Policy.- It is hereby declared that the State values the dignity of all individuals regardless of age, gender and sexuality, social standing and disabilities and limitations and guarantees full respect for human rights. The State also recognizes the need to protect all family members and relationships regardless of gender and sexuality, from violence and threats to their personal safety and security. Towards this end, the State shall exert efforts to address domestic violence committed against these individuals in keeping with the fundamental freedoms guaranteed under the Constitution and the Provisions of the Universal Declaration of Human Rights, and other international human rights instruments of which the Philippines is a party.

SECTION 3. Definition of Terms- As used in this Act,

(a) *"Domestic Violence"* refers to any act or a series of acts committed constituting psychological, physical and sexual violence by any person under R.A. 9262 and shall also include those acts committed against any individual who is his/her spouse or former spouse or against such person with whom the person has or had a sexual or dating relationship, regardless of gender or sexuality within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty.

(b) *"Dating relationship"* refers to a situation wherein the parties live as husband and wife without the benefit of marriage or are romantically involved over time and on a continuing

basis during the course of the relationship. *A casual acquaintance or ordinary socialization between two individuals in a business or social context is not a dating relationship.*

(c) "Sexual relations" refers to a single sexual act.

SECTION 4. Construction.- This Act shall be liberally construed to promote the protection and safety of victims of domestic violence.

SECTION 5. Acts of Domestic Violence Against Individuals Other Than Women and Their Children.- The crime of violence against said individuals shall be limited to Physical, Sexual, Psychological Abuse as herein defined.

A. "Psychological Violence" refers to acts or omissions causing or likely to cause mental or emotional suffering of the victim such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse and mental infidelity. It includes causing or allowing the victim to witness the physical, sexual or psychological abuse of a member of the family to which the victim belongs, or to witness pornography in any form or to unlawful or unwanted deprivation of the right to custody and/or visitation of common children. **This shall also include:**

(a) Attempting to compel or compelling the individual to engage in conduct which such individual has the right to desist from or desist from such conduct which such individual has the right to engage in, or attempting to restrict or restricting the individual's freedom of movement or conduct by force or threat of force, physical or other harm or threat of physical or other harm, or intimidation directed against the individual. This shall include, but not limited to, the following acts committed with the purpose or effect of controlling or restricting the woman's or her child's movement or conduct:

- (1) Threatening to deprive or actually depriving the individual of custody to his/her child/children or family;
- (2) Preventing the individual in engaging in any legitimate profession, occupation, business or activity or controlling the victim's own money or properties, or solely controlling the common money, or properties;
- (3) Inflicting or threatening to inflict physical harm on oneself for the purpose of controlling such individual's actions or decisions;
- (4) Engaging in purposeful, knowing, or reckless conduct, personally or through another, that alarms or causes substantial emotional or psychological distress to the individual. This shall include, but not be limited to, the following acts:

- (a) Entering or remaining in the dwelling or on the property of the individual against his/her will;
- (b) Engaging in any form of harassment or violence;
- (c) Causing mental or emotional anguish, public ridicule or humiliation to the individual, including, but not limited to, repeated verbal and emotional abuse, and denial of custody of minor children of access to the their common child/children provided that such individual exercise parental authority over the common child/children and dutifully provides such corresponding support.

B. "Physical Violence" or "Battery" refers to an act of inflicting grave and repeated physical harm upon the individual resulting to the physical and psychological or emotional distress.

C. "Sexual Violence" refers to an act which is sexual in nature, committed against such individual aside from a woman or her child. It includes, but is not limited to:

- a) sexual assault, harassment, acts of lasciviousness, treating such person as a sex object, making demeaning and sexually suggestive remarks, physically attacking the sexual parts of the victim's body, forcing him/her to watch obscene publications and indecent shows or forcing the woman or her child to do indecent acts and/or make films thereof, forcing the individual to live in the conjugal home or sleep together in the same room with the abuser; and
- b) acts causing or attempting to cause the victim to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion;

SECTION 6. Penalties.- The crime of domestic violence against individuals other than women and their children, under Section 5 hereof shall be punished according to the following rules:

(a) Physical abuse constituting attempted, frustrated or consummated parricide or murder or homicide shall be punished in accordance with the provisions of the Revised Penal Code. If these acts resulted in mutilation, it shall be punishable in accordance with the Revised Penal Code; those constituting serious physical injuries shall have the penalty of prison mayor; those constituting less serious physical injuries shall be punished by prison correccional; and those constituting slight physical injuries shall be punished by arresto mayor.

Acts falling under Psychological and Sexual Abuse under Section 5 shall be punished by prison correccional or an imprisonment of six months one (1) day to six years at the discretion of the court and may be subject of probation if committed for the first time.

In addition to imprisonment, the perpetrator shall (a) 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 (300,000.00); (b) undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to the court.

SECTION 7. Venue.- The Regional Trial Court designated as a Family Court shall have original and exclusive jurisdiction over cases of violence against individuals including members of the LGBT community other than women and their children under this law. In the absence of such court in the place where the offense was committed, the case shall be filed in the Regional Trial Court where the crime or any of its elements was committed at the option of the complainant.

SECTION 8. Protection Orders.- A protection order is an order issued under this act for the purpose of preventing further acts of violence against such individual specified in Section 5 of this Act and granting other necessary relief. The relief granted under a protection order serves the purpose of safeguarding the victim from further harm, minimizing any disruption in the victim's daily life, and facilitating the opportunity and ability of the victim to independently regain control over her life. The provisions of the protection order shall be enforced by law enforcement agencies. 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). The protection orders that may be issued under this Act 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 5 of this Act;

(b) Prohibition of the respondent from harassing, annoying, contacting or otherwise communicating with the petitioner, directly or indirectly;

(c) Removal and exclusion of the respondent from the residence of the petitioner, regardless of ownership of the residence, either temporarily for the purpose of protecting the petitioner, 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 has gathered his things and escort respondent from the residence;

(d) Directing the respondent to stay away from petitioner 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 petitioner and any designated family or household member;

(e) Directing lawful possession and use by petitioner of an automobile and other essential personal effects, regardless of ownership, and directing the appropriate law enforcement officer to accompany the petitioner to the residence of the parties to ensure that the petitioner is safely restored to the possession of the automobile and other essential personal effects, or to supervise the petitioner's or respondent's removal of personal belongings;

(f) Granting a temporary or permanent custody of a child/children to the petitioner;

(g) Prohibition of the respondent from any use or possession of any firearm or deadly weapon and order him to surrender the same to the court for appropriate disposition by the court, including revocation of license and disqualification to apply for any license to use or possess a firearm. If the offender is a law enforcement agent, the court shall order the offender to surrender his firearm and shall direct the appropriate authority to investigate on the offender and take appropriate action on matter;

(i) Restitution for actual damages caused by the violence inflicted, including, but not limited to, property damage, medical expenses, childcare expenses and loss of income;

(j) Directing the DSWD or any appropriate agency to provide petitioner his/her needs; and

(k) Provision of such other forms of relief as the court deems necessary to protect and provide for the safety of the petitioner and any designated family or household member, provided petitioner and any designated family or household member consents to such relief.

Any of the reliefs provided under this section shall be granted even in the absence of a decree of legal separation or annulment or declaration of absolute nullity of marriage.

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

SECTION 9. *Who may file Petition for Protection Orders.* – A petition for protection order may be only be filed by the victim/offended party.

SECTION 10. *Where to Apply for a Protection Order.* – Applications for BPOs 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 petitioner. Provided, however, that if a family court exists in the place of residence of the petitioner, the application shall be filed with the said court.

SECTION 11. *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 issues thereof partakes of a violence as described in 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 order, and shall contain, among others, the following information:

- (a) names and addresses of petitioner and respondent;
- (b) description of relationships between petitioner and respondent;
- (c) a statement of the circumstances of the abuse;
- (d) description of the reliefs requested by petitioner as specified in Section 8 herein;
- (e) request for counsel and reasons for such;
- (f) request for waiver of application fees until hearing; and
- (g) an attestation that there is no pending application for a protection order in another court.

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

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

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

SECTION 12. *Enforceability of Protection Orders.* – All TPOs and PPOs issued under this Act shall be enforceable anywhere in the Philippines and a violation thereof shall be punishable with a fine ranging from Five Thousand Pesos (P5,000.00) to Fifty Thousand Pesos (P50,000.00) and/or imprisonment of six (6) months.

SECTION 13. *Legal Representation of Petitioners for Protection Order.* – If the individual requests in the application for a protection order for the appointment of counsel because of lack of economic means to hire a counsel de parte, the court shall immediately direct the Public Attorney's Office (PAO) to represent the petitioner in the hearing on the application. If the PAO determines that the applicant can afford to hire the services of a counsel de parte, it shall facilitate the legal representation of the petitioner by a counsel de parte. The lack of access to family or conjugal resources by the applicant, such as when the same are controlled by the perpetrator, shall qualify the petitioner to legal representation by the PAO.

However, a private counsel offering free legal service is not barred from representing the petitioner.

SECTION 14. *Barangay Protection Orders (BPOs); Who May Issue and How.* - Barangay Protection Orders (BPOs) refer to the protection order issued by the *Punong Barangay* ordering the perpetrator to desist from committing acts under Section 5 (a) and (b) of this Act. A *Punong Barangay* who receives applications for a BPO shall issue the protection order to the applicant on the date of filing after *ex parte* determination of the basis of the application. If the *Punong Barangay* is unavailable to act on the application for a BPO, the application shall be acted upon by any available *Barangay Kagawad*. If the BPO is issued by a *Barangay Kagawad*, the order must be accompanied by an attestation by the *Barangay Kagawad* that the *Punong Barangay* was unavailable at the time for the issuance of the BPO. BPOs shall be effective for fifteen (15) days. Immediately after the issuance of an *ex parte* BPO, the *Punong Barangay* or *Barangay Kagawad* shall personally serve a copy of the same on the respondent, or direct any barangay official to effect its personal service. The parties may be accompanied by a non-lawyer advocate in any proceeding before the *Punong Barangay*.

SECTION 15. *Temporary Protection Orders.* - Temporary Protection Orders (TPOs) refers to the protection order issued by the court on the date of filing of the application after *ex parte* determination that such order should be issued. A court may grant in a TPO any, some or all of the reliefs mentioned in this Act and shall be effective for thirty (30) days. The court shall schedule a hearing on the issuance of a PPO prior to or on the date of the expiration of the TPO. The court shall order the immediate personal service of the TPO on the respondent by the court sheriff who may obtain the assistance of law enforcement agents for the service. The TPO shall include notice of the date of the hearing on the merits of the issuance of a PPO.

SECTION 16. *Permanent Protection Orders.* - Permanent Protection Order (PPO) refers to protection order issued by the court after notice and hearing. Respondent's non-appearance despite proper notice, or his lack of a lawyer, or the non-availability of his lawyer shall not be a ground for rescheduling or postponing the hearing on the merits of the issuance of a PPO. If the respondent appears without counsel on the date of the hearing on the PPO, the court shall appoint a lawyer for the respondent and immediately proceed with the hearing. In case the respondent fails to appear despite proper notice, the court shall allow *ex parte* presentation of the evidence by the applicant and render judgment on the basis of the evidence presented. The court shall allow the introduction of any history of abusive conduct of a respondent even if the same was not directed against the applicant or the person for whom the application is made.

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

The court may grant any, some or all of the reliefs specified in Section 8 hereof in a PPO. A PPO shall be effective until revoked by a court upon application of the person in whose favor the order was issued. The court shall ensure immediate personal service of the PPO on respondent. *The court shall not deny the issuance of protection order on the basis of the lapse of time between the act of violence and the filing of the application. Regardless of the conviction or acquittal of the respondent, the Court must determine whether or not the*

PPO shall become final. Even in a dismissal, a PPO shall be granted as long as there is no clear showing that the act from which the order might arise did not exist.

SECTION 17. *Notice of Sanction in Protection Orders.* – The following statement must be printed in bold-faced type or in capital letters on the protection order issued by the *Punong Barangay* or court: **“VIOLATION OF THIS ORDER IS PUNISHABLE BY LAW.”**

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

SECTION 19. *Priority of Application for a Protection Order.* – Ex parte and adversarial hearings to determine the basis of applications for a protection order under this Act shall have priority over all other proceedings. Barangay officials and the courts shall schedule and conduct hearings on applications for a protection order under this Act above all other business and, if necessary, suspend other proceedings in order to hear applications for a protection order.

SECTION 20. *Violation of Protection Orders.* – A complaint for a violation of a BPO issued under this Act must be filed directly with any Municipal Trial Court, Metropolitan Trial Court, or Municipal Circuit Trial Court that has territorial jurisdiction over the barangay that issued the BPO. Violation of a BPO shall be punishable by imprisonment of thirty (30) days without prejudice to any other criminal or civil action that the offended party may file for any of the acts committed.

A judgement of violation of a BPO may be appealed according to the Rules of Court. During trial and upon judgment, the trial court may *motu proprio* issue a protection order as it deems necessary without need of an application. Violation of any provision of a TPO or PPO issued under this Act shall constitute **contempt of court** punishable under Rule 71 of the Rules of Court, without prejudice to any other criminal or civil action that the offended party may file for any of the acts committed.

SECTION 21. *Applicability of Protection Orders to Criminal Cases.* – The foregoing provisions on protection orders shall be applicable in impliedly instituted with the criminal actions involving violence against women and their children.

SECTION 22. *Bond to Keep the Peace.* – The Court may order any person against whom a protection order is issued to give a bond to keep the peace, to present two sufficient sureties who shall undertake that such person will not commit the violence sought to be prevented. Should the respondent fail to give the bond as required, such person shall be detained for a period which shall in no case exceed six (6) months. The protection orders referred to in this section are the TPOs and the PPOs issued only by the courts.

SECTION 23. *Prescriptive Period.* – Any of the acts falling under this Act and not covered by the Revised Penal Code shall prescribe in five (5) years.

SECTION 24. *Private Crime.* – Violence against individuals other than women and their children shall not be considered a public offense and may only be prosecuted *de parte* upon the filing of a complaint by the offended party.

SECTION 25. *Duties of Prosecutors/Court Personnel.* – Prosecutors and court personnel should observe the following duties when dealing with victims under this Act:

- a) communicate with the victim in a language understood by the individual; and
- b) inform the victim of his/her rights including legal remedies available and procedure, and privileges for indigent litigants.

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

- (a) respond immediately to a call for help or request for assistance or protection of the victim by entering the necessary whether or not a protection order has been issued and ensure the safety of the victim/s;
- (b) confiscate any deadly weapon in the possession of the perpetrator or within plain view;
- (c) transport or escort the victim/s to a safe place of their choice or to a clinic or hospital;
- (d) assist the victim in removing personal belongs 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 Barangy* or the courts;
- (g) arrest the suspected perpetrator without a warrant when any of the acts of violence defined by this Act is occurring, or when he/she 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 assessment or assistance of the DSWD, Social Welfare Department 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 criminal, civil or administrative liability.

SECTION 27. *Healthcare Provider Response to Abuse* – Any healthcare provider, including, but not limited to, an attending physician, nurse, clinician, barangay health worker, therapist or counselor who suspects abuse or has been informed by the victim of violence shall:

- (a) properly document any of the victim's physical, emotional or psychological injuries;
- (b) properly record any of victim's suspicions, observations and circumstances of the examination or visit;
- (c) automatically provide the victim free of charge a medical certificate concerning the examination or visit;
- (d) safeguard the records and make them available to the victim upon request at actual cost; and
- (e) provide the victim immediate and adequate notice of rights and remedies provided under this Act, and services available to them.

SECTION 28. *Duties of Other Government Agencies and LGUs* – Other government agencies and LGUs shall establish programs such as, but not limited to, education and information campaign and seminars or symposia on the nature, causes, incidence and consequences of such violence particularly towards educating the public on its social impacts. It shall be the duty of the concerned government agencies and LGU's to ensure the sustained education and training of their officers and personnel on the prevention of violence against women and their children under the Act.

SECTION 29. *Prohibited Acts*. – A *Punong Barangay, Barangay Kagawad* or the court hearing an application for a protection order shall not order, direct, force or in any way unduly influence the applicant for a protection order to compromise or abandon any of the reliefs sought in the application for protection under this Act. Section 7 of the Family Courts Act of 1997 and Sections 410, 411, 412 and 413 of the Local Government Code of 1991 shall not apply in proceedings where relief is sought under this Act. Failure to comply with this Section shall render the official or judge administratively liable.

SECTION 30. *Persons Intervening Exempt from Liability*. – In every case of violence against individuals other than women and their children as herein defined, any person, private individual or police authority or barangay official who, acting in accordance with law, responds or intervenes without using violence or restraint greater than necessary to ensure the safety of the victim, shall not be liable for any criminal, civil or administrative liability resulting therefrom.

SECTION 31. *Rights of Victims*. – In addition to their rights under existing laws, victims of violence against women and their children shall have the following rights:

- (a) to be treated with respect and dignity;
- (b) to avail of legal assistance from the PAO of the Department of Justice (DOJ) or any public legal assistance office in accordance with their rules and guidelines;
- (c) To be entitled to support services from the DSWD and LGUs', if applicable.
- (d) To be entitled to all legal remedies and support as provided for under the Family Code; and
- (e) To be informed of their rights and the services available to them including their right to apply for a protection order.

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

SECTION 33. *Hold Departure Order*. – The court shall expedite the process of issuance of a hold departure order in cases prosecuted under this Act.

SECTION 34. *Exemption from Payment of Docket Fee and Other Expenses*. – If the victim is an indigent or there is an immediate necessity due to imminent danger or threat of danger to act on an application for a protection order, the court shall accept the application without payment of the filing fee and other fees and of transcript of stenographic notes.

SECTION 35. *Mandatory Programs and Services for Victims*. – The DSWD, and LGU's shall provide the victims temporary shelters, provide counseling, psycho-social services and /or, recovery, rehabilitation programs and livelihood assistance.

SECTION 36. *Counseling and Treatment of Offenders.* – The DSWD shall include in its rehabilitative counseling and treatment of offenders under RA 9262, the offenders under this act towards learning constructive ways of coping with anger and emotional outbursts and reforming their ways. When necessary, the offender shall be similarly ordered by the Court to submit to psychiatric treatment or confinement.

SECTION 37. *Entitled to Leave.* – Victims under this Act shall also be entitled to take a paid leave of absence up to ten (10) days in addition to other paid leaves under the Labor Code and Civil Service Rules and Regulations, extendible when the necessity arises as specified in the protection order.

Any employer who shall prejudice the right of the person under this section shall be penalized in accordance with the provisions of the Labor Code and Civil Service Rules and Regulations. Likewise, an employer who shall prejudice any person for assisting a co-employee who is a victim under this Act shall likewise be liable for discrimination.

SECTION 38. *Confidentiality.* – All records pertaining to cases of violence covered by this act including those in the barangay shall be confidential and all public officers and employees and public or private clinics to hospitals shall respect the right to privacy of the victim. Whoever publishes or causes to be published, in any format, the name, address, telephone number, school, business address, employer, or other identifying information of a victim or an immediate family member, without the latter's consent, shall be liable to the contempt power of the court. Any person who violates this provision shall suffer the penalty of one (1) year imprisonment and a fine of not more than Five Hundred Thousand pesos (P500,000.00).

SECTION 39. *Funding* – The amount necessary to implement the provisions of this Act shall be included in the annual General Appropriations Act (GAA) and shall be deemed included in the implementation of R.A. 9262 as provided by the same law.

SECTION 40. *Implementing Rules and Regulations.* – Within six (6) months from the approval of this Act, the DOJ, the NCRFW, the DSWD, the DILG, the DOH, and the PNP, and three (3) representatives from NGOs to be identified by the NCRFW, shall promulgate the Implementing Rules and Regulations (IRR) of this Act.

SECTION 41. *Suppletory Application* – For purposes of this Act, R.A. 9262, the Revised Penal Code and other applicable laws, shall have suppletory application.

SECTION 42. *Separability Clause.* – If any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions shall not be affected.

SECTION 43. *Repealing Clause* – All laws, Presidential decrees, executive orders and rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 44. *Effectivity* – This Act shall take effect fifteen (15) days from the date of its complete publication in at least two (2) newspapers of general circulation.

Approved,