

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7534



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

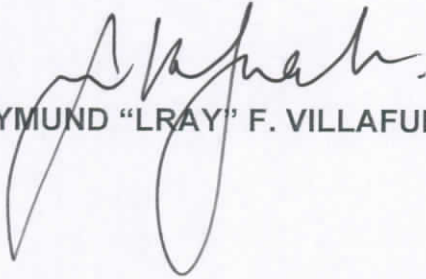
EXPLANATORY NOTE

The passage of the Anti-Violence Against Women and Children Act (Anti-VAWC) in 2004 marked the State's commitment to fighting against any forms of abuse and violence against women and children and guaranteed full respect for human rights. The Department of Social Welfare and Development took the reign in advocating that all government agencies take the lead in implementing and enforcing the law. More than 10 years since its enactment, stories of abuse and violence still remains to be constantly heard.

Quezon City has recorded 512 cases of violence against women in 2017. Results from the National Demographic and Health Survey of the same year would also tell of the same predicament—married women in rural areas continue to experience abuse from male partners. The numbers are rising, as opposed to the wisdom the law hoped to impart. Victims of violence and abuse remain prejudiced in the workplace, with no relief given by their employers. Time has proven, unfortunately, that cognizance and prevention are separate of each other. Marrying the two, even with government initiative, has not been a walk in the park.

This bill intends to strengthen the Anti-VAWC Act and protect victims of VAWC, who are employed, from retribution in cases where they are unable to attend to their jobs. It seeks to prevent employers or agencies to deny the application for a leave by a victim of violence. It intends to adhere to the wisdom of the Anti-VAWC law in giving women the basic rights such as the right to healthful working conditions.

The approval of this bill is earnestly sought.


LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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AN ACT

PRESCRIBING THE PENALTIES FOR AN IMMEDIATE SUPERIOR OR SENIOR OFFICIAL OF AN AGENCY, PUBLIC OR PRIVATE, WHO DENIES APPLICATION FOR LEAVE OF ABSENCE BY A VICTIM – SURVIVOR OF VIOLENCE AGAINST WOMEN AND THEIR CHILDREN AS PROVIDED UNDER SECTION 42 ON THE IMPLEMENTING RULES AND REGULATIONS (IRR) OF REPUBLIC ACT NO. 9262, OTHERWISE KNOWN AS THE ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT OF 2004, AMENDING FOR THE PURPOSE THE SAID LAW

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

SECTION 1. Section 42 of Republic Act No. 9262, otherwise known as the Anti-Violence Against Women and Their Children Act of 2004, is hereby revised to read as follows:

SECTION 42. Ten-day paid leave in addition to other leave benefits. – Any time during the application of any protection order, investigation prosecution and/or trial of the criminal case, a victim of VAWC who is employed shall be entitled to a paid leave of up to ten (10) days in addition to other paid leaves under the Labor Code and Civil Service Rules and Regulations and other existing laws and company policies, extendible when the necessity arises as specified in the protection order. The Punong Barangay/Kagawad or prosecutor or the Clerk of Court, as the case may be, shall issue a certification at no cost to the woman that such an action is

pending, and this is all that is required for the employees, in addition to the aforementioned certification, the employee concerned must file an application for leave citing as basis R.A. 9262. The administrative enforcement of this leave entitlement shall be considered within the jurisdiction of the Regional Director of the DOLE under the Article 129 of the Labor Code of the Philippines, as amended, for employees of the private sector, and the Civil Service Commission, for the government employees.

The availment of the ten-day leave of absence shall be at the option of the woman employee, which shall cover the days that she has to attend to medical and legal concerns. Leave not availed of are non-cumulative and not convertible to cash.

The immediate superior of the person applying for a ten-day paid leave must approve the application on the same day of application. If the immediate superior is unavailable to act on the application for a leave, the application shall be acted upon by any available senior official of the private company or government agency.

Every private company and government agency shall record all application for leave in a logbook specifically for cases of VAWC. They shall submit a quarterly report of all applications issued to the Regional Director of the DOLE for employees of the private sector, and Civil Service Commission, for government employees.

Failure to act on an application for a ten-day leave of absence within the given period without justifiable cause shall render the immediate superior or senior official administratively liable for suspension for fifteen (15) days. Administrative complaint against the immediate superior or senior official for failure to perform her/his duties can be filed by victim-survivor with Regional Director of the DOLE for employees of the private sector, and the Civil Service Commission, for government employees, for gross neglect of duty or malfeasance.

The immediate superior or senior official who denies the application for leave, and who shall prejudice the victim-survivor or any person for assisting a co-employee who is a victim-survivor under the Act shall be liable for a fine not exceeding ten

thousand pesos (Php 10,000.00) and suspension for thirty (30) days for discrimination and violation of R.A. 9262.

Any senior official who has knowledge of, but failed to act on, or has in any way influenced, the denial of the immediate superior to grant leave to a victim-survivor shall be held administratively liable for suspension for fifteen (15) days.

SECTION 2. All laws, decrees, order, rules and regulations, and other issuances or parts thereof, inconsistent with this Act are hereby repealed or amended accordingly.

SECTION 3. *Effectivity Clause.* – This Act shall take effect in fifteen (15) days after publication in the Official Gazette or in one (1) newspaper of general circulation in the Philippines.

Approved,