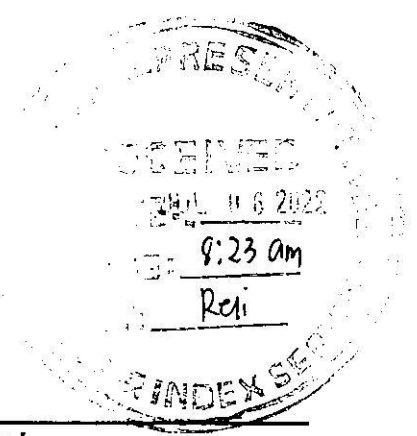


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

House Bill No. **1365**



Introduced by Hon. Margarita Ignacia B. Nograles

EXPLANATORY NOTE

All human beings are born free and equal in dignity and rights!

This freedom and equality are set forth in the Universal Declaration of Human Rights and in our 1987 Constitution without distinction of any kind, religion, opinion, politics, and much more in sexual orientation.

Though we claimed they're included in every facet of the workplace, family, school, and social and political venues, they are far from reach, especially from our compatriots from the LGBTQI+ community and men who are still at this point severely limit in their exercise and enjoyment of the of these basic rights. They continue to be discriminated against by society at large, on the basis of misconception and ignorance. More adversely, members of this community have suffered domestic violence leading to their loss of dignity without the protection of federal legislation.

But despite the lack of federal protection, Davao City is one of the few local government units that have begun to enact anti-discrimination ordinances that prohibit discrimination on the basis of sexual orientation and gender identity.

Here in Quezon City, where the foundation of this chamber stands, is the only local government unit that has passed an anti-discrimination ordinance with implementing rules and regulations.

On May 14, 2012, Department of Education Order No. 40 was issued creating a Child Protection Policy which describes as a "zero-tolerance policy for any act of child abuse, exploitation, violence discrimination, bullying and other forms of abuse specifying the basis of sexual orientation and gender identity."

It is the fervent hope of this proposed bill that seeks to amend Republic Act No. 9262 and include men and the LGBTQI+ community in its mandate and put an end to the discrimination and domestic abuse and attain a more inclusive society where all human beings are born free and equal.

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

M. Nograles

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

NINETEENTH CONGRESS
First Regular Session

House Bill No. 1365

Introduced by Hon. Margarita Ignacia B. Nograles

AN ACT EXPANDING THE COVERAGE OF REPUBLIC ACT 9262 OTHERWISE KNOWN AS "AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR THEIR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES"

Be it enacted by the Senate and the House of Representatives of the Republic of the Philippines assembled.

Section 1. Short Title. – This Act shall be known as the **EXPANDED VIOLENCE AGAINST WOMEN, PARTNERS, AND THEIR CHILDREN ACT OR OTHERWISE KNOWN AS "DOMESTIC VIOLENCE ACT OF 2022"**

Section 2. – Sec. 2 of RA 9262 is hereby amended as follows"

Section 2. Declaration of Policy - It is hereby declared that the State values the dignity of women and children and guarantees full respect for human rights. The State also recognizes the need to protect the family and its members, particularly women, PARTNERS, and children, from violence and threats to their personal safety and security.

Towards this end, the State shall exert efforts to address violence committed against women, PARTNERS, and children in keeping the fundamental freedoms guaranteed under the Constitution and the provisions of the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Rights of the Child and other international human rights instruments of which the Philippines is a party.

Section 3. – Sec. 3 of the same law is hereby amended to read as follows:

Definition of Terms.

- (a) "Violence against women, PARTNERS, and their children" refers to any act or a series of acts committed by any person, their spouse, former spouse, PARTNER, FORMER PARTNER, or against any other person with whom they have or had a sexual or dating relationship, or who they have a common child,

or against the other person's child whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty

The term "partner" includes intimate relationships of husband, men, heterosexual, lesbian, gay, bisexual, transgender, queer, intersex., and the like.

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B. *"Sexual violence" refers to an act which is sexual in nature, committed against a woman or her child. It includes, but is not limited to:*

a) rape, sexual harassment, acts of lasciviousness, treating a woman, A PARTNER, or her/HIS child as a sex object, making demeaning and sexually suggestive remarks, physically attacking the sexual parts of the victim's body, forcing her/him to watch obscene publications and indecent shows or forcing the woman, THE PARTNER or her/HIS child to do indecent acts and/or make films thereof, forcing the wife and mistress/lover to live in the conjugal home or sleep together in the same room with the abuser.

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D. *"Economic abuse" refers to acts that make or attempt to make a woman, A PARTNER financially dependent which includes, but is not limited to the following:*

1. withdrawal of financial support or preventing the victim from engaging in any legitimate profession, occupation, business or activity, except in cases wherein the other spouse/partner objects on valid, serious and moral grounds as defined in Article 73 of the Family Code;

2. deprivation or threat of deprivation of financial resources and the right to the use and enjoyment of the conjugal, community or property owned in common;

3. destroying household property;

4. controlling the victims' own money or properties or solely controlling the conjugal money or properties.

Section 4. – Sec. 5 of RA 9262 is hereby amended as follows:

SECTION 5. Acts of Violence Against Women, PARTNER, and Their Children. - The crime of violence against women, PARTNER, and their children is committed through any of the following acts:

(a) Causing physical harm to the woman, PARTNER, or her child;

- (b) Threatening to cause the woman, PARTNER, or her/HIS child physical harm;
- (c) Attempting to cause the woman, PARTNER, or her/HIS child physical harm;
- (d) Placing the woman, or her child in fear of imminent physical harm;
- (e) Attempting to compel or compelling the woman, or her child to engage in conduct which the woman or her child has the right to desist from or desist from conduct which the woman or her child has the right to engage in or attempting to restrict or restricting the woman's or her child'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 woman or child. 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 woman or her child of custody to her/his family;
 - (2) Depriving or threatening to deprive the woman or her children of financial support legally due her or her family, or deliberately providing the woman's children insufficient financial support;
 - (3) Depriving or threatening to deprive the woman or her child of a legal right;
 - (4) Preventing the woman in engaging in any legitimate profession, occupation, business, or activity or controlling the victim's own money or properties, or solely controlling the conjugal or common money, or properties;
- (f) Inflicting or threatening to inflict physical harm on oneself for the purpose of controlling her actions or decisions;
- (g) Causing or attempting to cause the woman or her child to engage in any sexual activity which does not constitute rape, by force or threat of force, physical harm, or through intimidation directed against the woman or her child or her/his immediate family;
- (h) Engaging in purposeful, knowing, or reckless conduct, personally or through another, that alarms or causes substantial emotional or psychological distress to the woman or her child. This shall include, but not be limited to, the following acts:
 - (1) Stalking or following the woman or her child in public or private places;
 - (2) Peering in the window or lingering outside the residence of the woman or her child;
 - (3) Entering or remaining in the dwelling or on the property of the woman or her child against her/his will;
 - (4) Destroying the property and personal belongings or inflicting harm to animals or pets of the woman or her child; and

(5) Engaging in any form of harassment or violence;

(i) Causing mental or emotional anguish, public ridicule, or humiliation to the woman or her child, including, but not limited to, repeated verbal and emotional abuse, and denial of financial support or custody of minor children of access to the woman's child/children.

Section 5. - Sec. 39 of RA 9262 is hereby amended to include:

Inter-Agency Council on Violence Against Women and Their Children (IAC-VAWC). In pursuance of the abovementioned policy, there is hereby established an Inter-Agency Council on Violence Against Women and their children, hereinafter known as the Council, which shall be composed of the following agencies:

- (a) Department of Social Welfare and Development (DSWD);
- (b) National Commission on the Role of Filipino Women (NCRFW);
- (c) Civil Service Commission (CSC);
- (d) Commission on Human rights (CHR)
- (e) Council for the Welfare of Children (CWC);
- (f) Department of Justice (DOJ);
- (g) Department of the Interior and Local Government (DILG);
- (h) Philippine National Police (PNP);
- (i) Department of Health (DOH);
- (j) Department of Education (DepEd);
- (k) Department of Labor and Employment (DOLE); and
- (l) National Bureau of Investigation (NBI).
- (m) Department of Foreign Affairs
- (n) Philippine Commission on Women
- (o) Department of Information and Communications Technology (DICT)
- (p) 2 Representatives from the LGBTQ+ community

Section 6. Suppletory Application. – For purposes of this Act, The Revised Penal Code, and other applicable laws, shall have suppletory application,

Section 7. Separability Clause. – If any section or provision of this Act is held unconstitutional or invalid, the remaining portions or provisions shall not be affected.

Section 8. 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 9. Effectivity. – This Act shall take effect fifteen (15) days from the date of its publication in the Official Gazette or in a newspaper of general circulation.

Approved.