

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

NINETEENTH CONGRESS
2nd Regular Session

House Bill No. 8985



Introduced by Representative PAOLO Z. DUTERTE

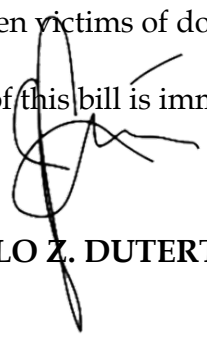
EXPLANATORY NOTE

While the 1987 Constitution emphasizes the role of women in nation-building and their fundamental equality with men before the law, gender-based violence remains prevalent. The Philippine National Police reports that in 2022, there are 7,424 cases of violations of the Anti-Violence Against Women and their Children Act while there were 8,430 cases in 2021. To add to that is the lump of domestic violence cases that remain unreported due to imminent fear of battered wives and children.

Abused Women and Children, according to Republic Act 9262 or the *Anti-Violence Against Women and their Children Act of 2004*, pertains to a woman who is the wife, former wife, or a woman with whom the person has or had a sexual or dating relationship, or with whom the person has a common child, and a child whether legitimate or illegitimate, within or without the family abode, which the said person has exhibited physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty.

Therefore, despite the various initiatives in addressing the issues of domestic violence, a facility that will immediately cater, accommodate and lend reintegration, protection, support, and treatment to abused women and children must be established. The Department of Social Welfare and Development has already launched "Haven for Women" which is mandated to provide temporary shelter and protective custody to women ages 18-59 years old who are victims of involuntary or forced prostitution, illegal recruitment, battered/abused women, victims of sexual abuse, women in detention, women victims of armed conflicts and others. It is about time that we codify similar facilities in to legislation for its institutionalization, thereby increasing the number halfway houses for women and children victims of domestic violence across the country.

In view of the foregoing, the passage of this bill is immediately sought.


PAOLO Z. DUTERTE

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AN ACT
ESTABLISHING HALFWAY HOUSES FOR THE WOMEN AND CHILDREN
VICTIMS OF DOMESTIC VIOLENCE

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 “Halfway Houses for the Abused Women and Children Act” of the Philippines.

SEC. 2. *Declaration of Policy.* – It is the declared policy of the State to recognize the role of women in nation-building and shall ensure the fundamental equality before the law of women and men. As such, the State shall foster an empowering environment and the most appropriate equipment and infrastructure that will enable women and in especially difficult circumstances to resolve their problems and restore their normal social functioning, and thus regain self-worth and dignity through the provision of protective and rehabilitative services.

SEC. 3. *Definition of Terms.* – The following terms as used in this Act shall be referred to as the following:

- a. **Abused Women and Children** refers to a woman who is the wife, former wife, or a woman with whom the person has or had a sexual or dating relationship, or with whom the person has a common child, and a child whether legitimate or illegitimate, within or without the family abode, which the person has exhibited physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty;
- b. **Child** refers to a person under eighteen (18) years of age or a person 18 years or over but is unable to fully take care or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of physical or psycho-social disability or condition;

- c. **Custody** refers to an aspect of exercising parental authority over a child;
- d. **Halfway Houses** refers to a facility that provides temporary shelter and protective custody to abused women and children. The facility shall include, but not limited to, the following services: residential care, medical services, psychological testing, maternal and child care skills development, self-enhancement skills development, livelihood skills development, spiritual development or renewal, social communication skills development, legal services, case work, group work, community participation skills development, and others services such as education, transportation, and after care.

SEC. 4. *Creation of Halfway Houses for the Abused Women and Children.* – The Department of Social Welfare (DSWD) shall procure, build, install, operate, manage, and/or maintain at least one (1) Halfway House for every province in the country which is geographically accessible to every municipality in the province.

The respective local government unit (LGU) of any highly urbanized cities, independent cities, and component cities is hereby mandated to have at least one (1) Halfway House in their own city.

Halfway Houses shall be used by the DSWD and the LGUs solely to accommodate abused women and children in pursuit of the victim's immediate relief, reintegration, protection, support, and treatment, with a maximum of ninety (90) days of accommodation.

SEC. 4. *Custody or Legal Guardianship of the Abused Women and Children.* – Republic Act No. 9262 or the *Anti-Violence Against Women and Their Children Act of 2004* states that the woman victim of violence shall be entitled to the custody and support of her child/children, while children under seven (7) years old or those older but with mental or physical disabilities shall automatically be given to the mother, with right to support, unless there are compelling reasons that the court finds. Furthermore, a victim who is suffering from battered woman syndrome shall not be disqualified from having custody of her children and in no case shall custody of minor children be given to the perpetrator of a woman who is suffering from Battered woman syndrome.

Accordingly, after the ninety-day (90) period of stay in the facility or less and upon the concurrence of the abused women and children, their custody shall be entrusted to their most immediate family member, or in their absence, a qualified legal guardian to be determined by the Registered Social Worker of that particular Halfway House. *Provided*, that such custody shall be exercised in accordance to the Family Code and Republic Act No. 9262 or *Anti-Violence Against Women and Their Children Act of 2004*.

SEC. 5. *Composition and Qualifications of Halfway Houses Personnel.* – Every Halfway House shall have at least two (2) personnel from the Department of Social Welfare (DSWD), one of whom is a Registered Social Worker who shall not have

been found guilty by final judgment of moral turpitude by any competent court or tribunal.

SEC. 6. *Appropriations.* - The funds necessary to carry out the initial implementation of this Act for the current year shall be charged against the respective budget of concerned agencies, particularly the Department of Social Welfare (DSWD) for Halfway Houses in the provinces and the respective local government units (LGUs) of the highly urbanized, independent, and component cities for the Halfway Houses in the cities, particularly the Gender and Development (GAD) Budget of the LGUs' mandated agencies. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act and the annual Local Government Unit (LGU) Budget respectively.

SEC. 7. *Implementing Rules and Regulations.* - The Department of Social Welfare and Development, as head of the Inter-Agency Council on Violence Against Women and Their Children (IAC-VAWC), shall coordinate with the Department of Interior and Local Government and other relevant agencies in promulgating the rules and regulations for the effective enforcement of the provisions of this Act.

SEC. 8. *Separability Clause.* - Should any part of this Act be declared unconstitutional or invalid, the other provisions hereof that are not affected thereby shall continue to be in full force and effect.

SEC. 9. *Repealing Clause.* - All laws, decrees, executive orders, proclamations, rules and regulations, and issuances, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 10. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper or general circulation.

Approved,