

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 10643

Introduced by Representative Joseph Gilbert F. Violago



EXPLANATORY NOTE

The 1987 Constitution enshrines that the State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men. (Art. II, Sec. 14) The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation. (Art. XIII, Sec. 14)

According to the Philippine Commission on Women (PCW), citing a 2022 National Demographic and Health Survey (NDHS) conducted by the Philippine Statistics Authority, "17.5% of Filipino women aged 15-49 have experienced any form of physical, sexual, and emotional violence from their intimate partners."¹ As of 2021, there were 8,399 reported cases of physical violence, 1,791 on rape, and 1,505 on acts of lasciviousness.²

Emotional violence was the most prevalent at 15.2%, followed by physical violence at 6.4%, and sexual violence at 2.3%.³ Furthermore, among women who have ever been married and have experienced physical violence, 48% of them was perpetrated by their current husband or partner, 25% was from a former husband or partner.⁴ For the never-married women who experienced physical violence, 26% of them said it came from mothers or stepmothers, while 25% said their fathers or stepfathers were the perpetrators.⁵

For this reason, the landmark legislation to address violence committed against women and children in keeping with the fundamental freedoms guaranteed under the Constitution and international instruments was passed in 2004. Under Republic Act No.

¹ <https://pcw.gov.ph/violence-against-women/>

² *Ibid.*

³ Abad, Michelle. "IN NUMBERS: State of Filipino women in 2022". *Rappler*. 10 March 2023. Web. <<https://www.rappler.com/philippines/numbers-state-filipino-women-2022/>>

⁴ *Ibid.*

⁵ *Ibid.*

9262, otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004", grants 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 (Sec. 43).

However, ten days may not be sufficient to attend to the victim's medical, including psychological support, legal and other valid concerns related to the domestic abuse case. For this reason, this measure seeks to grant a total of twenty days of paid leave of absence to cater to the victim's needs.

A similar version of the bill was filed in the 18th Congress, and the present proponent acknowledges the hard work and wisdom of his predecessors.

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



JOSEPH GILBERT F. VIOLAGO

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AN ACT
GRANTING ADDITIONAL LEAVES FOR VICTIMS OF DOMESTIC
VIOLENCE, AMENDING FOR THE PURPOSE SECTION 43 OF REPUBLIC
ACT NO. 9262, OTHERWISE KNOWN AS THE “ANTI-VIOLENCE
AGAINST WOMEN AND THEIR CHILDREN ACT OF 2004”

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

SECTION 1. Section 43 of Republic Act No. 9262, otherwise known as the “Anti-Violence Against Women and Their Children Act of 2004”, is hereby amended to read as follows:

“**SECTION 43. *Entitled to Leave.*** – Victims under this Act shall be entitled to take a paid leave of absence up to [ten (10)] **TWENTY (20)** 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.

THE AVAILEMENT OF THE TWENTY (20)-DAY LEAVE OF ABSENCE SHALL BE AT THE OPTION OF THE WOMAN EMPLOYEE, WHICH SHALL COVER THE DAYS THAT SHE HAS TO ATTEND MEDICAL, INCLUDING PSYCHOLOGICAL CONSULTATIONS, LEGAL, AND OTHER VALID CONCERNS RELATED TO THE PENDING CASE. LEAVES NOT AVAILED ARE NON-CUMULATIVE AND NOT CONVERTIBLE TO CASH.

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 2. *Implementing Rules and Regulations.* – Within sixty (60) days from the effectivity of this Act, the Secretary of Labor and Employment shall formulate and prepare the necessary rules and regulations to implement the provisions of this Act.

SECTION 3. *Separability Clause.* – If any provision or part of this Act is declared unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SECTION 4. *Repealing Clause.* – All laws, executive orders, issuances, rules, and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 5. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

SECTION 6. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,