

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

TWENTIETH CONGRESS
First Regular Session



House Bill No. 217

Introduced by
KABATAAN Party-list Rep. RENEE LOUISE M. CO
and **ACT Teachers Party-list Rep. ANTONIO L. TINIO**

AN ACT
DEFINING ELECTRONIC VIOLENCE AGAINST WOMEN AND THEIR
CHILDREN PROVIDING PROTECTIVE MEASURES, AND PRESCRIBING
PENALTIES FOR VIOLATIONS THEREOF, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 9262, OTHERWISE KNOWN AS THE "ANTI-VIOLENCE
AGAINST WOMEN AND THEIR CHILDREN

EXPLANATORY NOTE

On the occasion of International Women's Day in 2004, the Anti-Violence Against Women and Their Children Act was signed into law as Republic Act (RA) No. 9262. Since then, this law has provided protection and legal recourse for women subjected to various forms of violence, which it defines as: a) physical violence; b) sexual violence; c) psychological violence; and d) economic abuse. However, with the rapid spread of mobile technology, the increasing use of social media, and the expanding reach of the internet, electronic violence against women (EVAW) has emerged as a significant global issue, carrying potentially serious economic and societal consequences.

In 2008, a video scandal involving well-known actress Katrina Halili made national headlines. During the trial concerning a complaint filed by Halili against her former partner, Hayden Kho, for violating Republic Act No. 9262, the arguments centered on whether the recording of their sexual encounter had been consensual and whether any law had been breached by the act of videotaping itself. This case, along with a similar scandal involving actress Rhian Ramos, exposed the apparent limitations of RA 9262 in addressing specific forms of violence committed by individuals with whom the victims had a sexual or dating relationship.

Although the enactment of the Anti-Photo and Video Voyeurism Act of 2009 (Republic Act No. 9995) addressed certain aspects of these incidents, it did not incorporate the element of intimate or special relationships, which is central to RA 9262. Moreover, the internet and communication technologies can cause extensive damage and violence, which are often indelible. It is therefore concerning that RA 9262 does not explicitly acknowledge this evolving form of abuse, now recognized as electronic violence against women (EVAW).

The amendments being proposed positively recognize and include EVAW. EVAW is proposed to be defined as "any acts or omissions that involve the use or exploitation of information and communications technology (ICT) which causes or is likely to cause mental, emotional or psychological distress or suffering to the victim. It includes, but is not limited to, the following:

1. Recording, reproduction, or distribution of video/s showing the victim's private area or the victim's naked or undergarment clad genitals, pubic area, buttocks, or breasts;
2. Uploading or sharing without the consent of the victim any media that contain pictures, voice, or video with lewd, indecent, or sexual content or context;
3. Harassing or threatening the victim;
4. Stalking, including the hacking of personal accounts on social networking sites;
5. Using the victim's picture, video, voice, name, or any other aspect of the victim's identity in any video game, phone application, program, and the likes, which puts or tends to put the victim in a bad light;
6. Fabrication of fake information of news through text messaging or other cyber, electronic, or multimedia technology; and
7. Creation of fake social media accounts using an alias or a different individual's personal information with ill intent and malice to sow intrigue or inflict harm.

The proposed explicit inclusion of EVAW in the law aims to provide protection for women and their children, while holding accountable those who exploit technology to commit acts of violence. In an increasingly technology-dependent society, it is our responsibility to ensure that our laws evolve to address the rapidly changing nature and means of committing crimes. In this light, we believe that the proposed amendments to RA 9262 are timely and necessary.

In addition, women may avail themselves of up to twenty (20) days of paid leave to address medical and legal concerns. The proposed bill introduces more specific penalties for superiors, whether in public or private employment, who deny access to this leave. Since the enactment of the Anti-VAWC Law, there have been reports of women being denied the 10-day VAWC leave, with violators often escaping sanctions.

Gabriela Women's Party has been filing this proposed measure since the 15th Congress, and it was successfully passed on Third Reading by the House of Representatives during the 17th, 18th, and 19th Congresses. Additionally, the Committee on Women and Gender Equality has conducted extensive deliberations on the measure, underscoring its significance and urgency.

For the foregoing reasons, the passage of this bill is sought.



Rep. RENEE LOUISE M. CO
KABATAAN Party-List



Rep. ANTONIO L. TINIO
ACT Teachers Party-List

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AN ACT DEFINING ELECTRONIC VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING PROTECTIVE MEASURES, AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9262, OTHERWISE KNOWN AS THE "ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN

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

SECTION 1. Section 1 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 1. Short Title. – This Act shall be known as the '**EXPANDED** Anti-Violence Against Women and Their Children ~~[Act of 2004]~~ **(E-VAWC) ACT**'."

SECTION 2. Section 3, paragraph (a) 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. 3. Definition of Terms. - xxx (a) xxx

"A. xxx

"B. xxx

"C. '*Psychological violence*' refers to acts or omissions **THAT MAY BE COMMITTED THROUGH PHYSICAL, VERBAL, EMOTIONAL, ELECTRONIC OR INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT) DEVICES OR OTHER MEANS** causing or likely to cause mental or emotional suffering of ~~[the victim]~~ **A WOMAN AND/OR HER CHILDREN** such as ~~[but not limited to]~~ intimidation, harassment, stalking, damage to property, public ridicule or humiliation, ~~[repeated]~~ verbal abuse and marital infidelity. It includes **THE ACT OF** causing or ~~[allowing the victim]~~ **COERCING A WOMAN AND/OR HER CHILDREN** to witness the physical, sexual or psychological abuse of a member of the family to which the ~~[victim belongs]~~ **WOMAN AND/OR HER CHILDREN BELONG** [s], or to witness pornography in any form or to witness

abusive injury to pets or to unlawful or unwanted deprivation of the right to custody and/or visitation of common children.

"D. xxx

"E. '*ELECTRONIC VIOLENCE OR ICT-RELATED VIOLENCE*' REFERS TO ANY ACT OR OMISSION INVOLVING THE USE OR EXPLOITATION OF DATA OR ANY FORM OF INFORMATION AND COMMUNICATIONS TECHNOLOGY WHICH CAUSES OR IS LIKELY TO CAUSE MENTAL, EMOTIONAL, OR PSYCHOLOGICAL DISTRESS OR SUFFERING TO THE WOMAN AND/OR HER CHILDREN, INCLUDING THE FOLLOWING:

"(1) RECORDING, REPRODUCTION, DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY PHOTOGRAPH, VIDEO, OR OTHER FORMS OF ELECTRONIC OR ARTISTIC PRESENTATION SHOWING OR DEPICTING IN ANY FORM OR MANNER THE GENITALIA OF A WOMAN OR THOSE OF HER CHILDREN'S GENITALIA, PUBIC AREA, BUTTOCKS, BREASTS, EXCRETORY BODY PART OR FUNCTION, NUDITY, SCENES WITH SEXUAL CONTEXT OR PORTRAYAL OF SEXUAL CONDUCT SUCH AS SEXUAL INTERCOURSE, MASTURBATION, KISSING, CARESSING, HUGGING, AND PETTING;

"(2) RECORDING, REPRODUCTION, DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY PHOTOGRAPH, VIDEO, OR ANY OTHER FORMS OF ELECTRONIC OR ARTISTIC PRESENTATION EXHIBITING ANY SEXUALLY-RELATED VERBAL OR NONVERBAL EXPRESSION OR GESTURE OF THE WOMAN AND/OR HER CHILDREN WHICH MAY BE CONSTRUED AS LEWD, INDECENT, OR OBSCENE;

"(3) RECORDING, REPRODUCTION, DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY PHOTOGRAPH, VIDEO, OR ANY OTHER FORM OF ELECTRONIC OR ARTISTIC PRESENTATION DEPICTING ANY PURPORTED VIOLENT OR ERRANT BEHAVIOUR OF THE WOMAN AND/OR HER CHILDREN, OR THE USE OF INTOXICATING OR PROHIBITED SUBSTANCES OR DRUGS;

"(4) ANY SIMILAR RECORDING, REPRODUCTION, DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY AUDIO PRESENTATION AND DATA, INCLUDING SOUND CLIPS OF THE SAME NATURE AS THOSE ENUMERATED IN SUBSECTION (a) E. (1)-(3);

"(5) USE OF A PHOTOGRAPH, VIDEO, VOICE RECORDING, NAME OR ANY MARK, REFERENCE OR CHARACTER IDENTIFIABLE WITH A WOMAN AND/OR HER CHILDREN AND SUGGESTIVE OF A WRONGDOING, CONDUCT OR ATTRIBUTE THAT TENDS TO

BESMIRCH THE REPUTATION OF THE WOMAN AND/OR HER CHILDREN;

(6) HARASSING, INTIMIDATING, COERCING, THREATENING OR VILIFYING THE WOMAN AND/OR HER CHILDREN THROUGH TEXT MESSAGING OR OTHER CYBER, ELECTRONIC, OR MULTIMEDIA TECHNOLOGY;

“(7) STALKING, INCLUDING THE HACKING OF PERSONAL ACCOUNTS ON SOCIAL NETWORKING SITES AND THE USE OF LOCATION DATA FROM ELECTRONIC DEVICES;

“(8) FABRICATION OF FAKE INFORMATION OR NEWS THROUGH TEXT MESSAGING OR OTHER CYBER, ELECTRONIC OR MULTIMEDIA TECHNOLOGY; AND

“(9) CREATION OF FAKE SOCIAL MEDIA ACCOUNTS USING AN ALIAS OR A DIFFERENT INDIVIDUAL’S PERSONAL INFORMATION RESULTING IN HARM TO THE WOMAN AND/OR HER CHILDREN’S REPUTATION.

“xxx.”

SECTION 3. Section 5 of Republic Act No. 9262 is hereby amended to read as follows:

“SECTION 5. Acts of Violence Against Women and Their Children. -- xxx

“(a) xxx

“(b) xxx

“(c) xxx

“(d) xxx

“(c) xxx

“(f) xxx

“(g) xxx

“(h) xxx

“(1) xxx

“(2) xxx

“(3) xxx

“(4) Destroying the property and personal belongings or inflicting harm to animals or pets of the woman [or] AND/OR her [child; and] CHILDREN;

“(5) xxx

“(6) RECORDING, REPRODUCING OR DISTRIBUTION OF VIDEOS WHICH SHOW THE WOMAN AND/OR HER CHILDREN NAKED OR IN UNDERGARMENT CLAD GENITALS, PUBIC AREA, BUTTOCKS OR BREASTS;

“(7) SHARING ANY MEDIA THAT CONTAINS PICTURES, VOICE RECORDING OR VIDEO OF THE WOMAN AND/OR HER CHILDREN WHICH MAY BE CONSTRUED AS LEWD, INDECENT OR OF SEXUAL CONTENT; AND

“(8) USING THE PICTURES, VIDEO, VOICE NAME OR ANY OTHER ASPECT OF THE IDENTITY OF A WOMAN AND/OR HER CHILDREN FOR MALICIOUS PURPOSES INCLUDING PORNOGRAPHY, OTHER SEXUALLY-RELATED CRIMES, AND VIOLATIONS UNDER REPUBLIC ACT NO. 10175, OTHERWISE KNOWN AS THE 'CYBERCRIME PREVENTION ACT OF 2012'.

“(i) xxx

“(J) INFLECTING OR COMMITTING ELECTRONIC OR ICT-RELATED VIOLENCE AGAINST A WOMAN AND/OR HER CHILDREN; AND

“(K) THREATENING TO CAUSE ELECTRONIC OR ICT-RELATED VIOLENCE AGAINST A WOMAN AND/OR HER CHILDREN;”

“(L) OTHER SIMILAR ACTS ENUMERATED UNDER THIS PROVISION THAT MAY CAUSE OR LIKELY TO CAUSE VIOLENCE AGAINST A WOMAN AND/OR HER CHILDREN.”

SECTION 4. Section 6 of Republic Act No. 9262 is hereby amended to read as follows:

"SECTION 6. Penalties. – XXX

"(a) xxx

“(b) xxx

“(c) xxx

"(d) xxx

"(e) xxx

"(f) xxx

"(G) ACTS FALLING UNDER SECTION 5(J) AND 5(K) OF THIS ACT SHALL BE PUNISHED BY RECLUSION TEMPORAL.

"If the acts are committed while the woman or child is pregnant or committed in the presence of ~~[her]~~ **THE WOMAN'S** child, the penalty to be applied shall be the maximum period of penalty prescribed in this section.

"In addition to imprisonment, the perpetrator shall (a) pay a fine in the amount of not less than ~~[One]~~ **THREE** hundred thousand pesos (~~[P100,000.00]~~ **P300,000.00**) but not more than ~~[Three]~~ **FIVE** hundred thousand pesos (~~[P300,000.00]~~ **P500,000.00**); **PROVIDED, THAT, IN CASES OF ELECTRONIC OR ICT-RELATED VIOLENCE, THE FINE THAT MAY BE IMPOSED SHALL NOT BE LESS THAN THREE HUNDRED THOUSAND PESOS (P300,000.00) BUT NOT MORE THAN FIVE HUNDRED THOUSAND PESOS (P500,000.00); AND** (b) SHALL undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to the court."

"LIABILITY UNDER THIS ACT SHALL BE WITHOUT PREJUDICE TO ANY LIABILITY FOR VIOLATION OF ANY PROVISION OF THE REVISED PENAL CODE, AS AMENDED, OR SPECIAL LAWS."

SECTION 5. Section 7 of Republic Act No. 9262 is hereby amended to read as follows:

"SECTION. 7. JURISDICTION AND Venue. - The Regional Trial Court designated as a Family Court shall have original and exclusive jurisdiction over cases of violence against women and their children under this law. **IN CASES OF ELECTRONIC OR ICT-RELATED VIOLENCE, THE COURT ACQUIRES JURISDICTION IF ANY OF THE ELEMENTS IS COMMITTED WITHIN THE PHILIPPINES, OR COMMITTED WITH THE USE OF ANY COMPUTER SYSTEM THAT IS WHOLLY OR PARTLY SITUATED IN THE COUNTRY, OR WHEN SUCH COMMISSION CAUSES ANY DAMAGE TO A WOMAN AND/OR HER CHILDREN WHO, AT THE TIME OF THE COMMISSION OF THE OFFENSE, ARE IN THE PHILIPPINES. CRIMINAL ACTION FOR VIOLATION OF THIS ACT SHALL BE FILED WITH THE REGIONAL TRIAL COURT DESIGNATED AS A FAMILY COURT WHERE THE OFFENSE WAS COMMITTED.**

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. **IN CASES OF ELECTRONIC OR ICT-RELATED VIOLENCE, THE CASE MAY BE FILED IN THE PLACE WHERE ANY PART OF THE COMPUTER SYSTEM USED IS SITUATED, WHERE ANY OF THE DAMAGE CAUSED TO THE WOMAN AND/OR HER CHILDREN TOOK PLACE, OR WHERE THE WOMAN AND/OR HER CHILDREN RESIDE AT THE TIME THEY LEARN OF THE COMMISSION OF THE OFFENSE."**

SECTION 6. Section 8 of Republic Act No. 9262 is hereby amended to read as follows:

"SECTION 8. Protection Orders. – xxx

"(a) xxx

"(b) xxx

"(c) xxx

"(d) xxx

"(e) xxx

"(f) xxx

"(g) xxx

"(h) xxx

"(i) xxx

"(j) xxx; [and]

"(k) xxx [.]; AND

"(L) FOR E-VAWC CASES, ORDERING THE IMMEDIATE BLOCKING, BLACKLISTING, REMOVAL, OR SHUTDOWN OF ANY UPLOAD, PROGRAM, OR APPLICATION THAT CAUSES OR TENDS TO CAUSE VIOLENCE AGAINST A WOMAN AND/OR HER CHILDREN. FAILURE OF AN INTERNET SERVICE PROVIDER TO COOPERATE WITH LAW ENFORCEMENT AGENCIES SHALL CONSTITUTE THE CRIME OF OBSTRUCTION OF JUSTICE. THE DUTIES OF AN INTERNET SERVICE PROVIDER AS PROVIDED FOR UNDER SECTION 9 (B) OF REPUBLIC ACT NO. 11930, OTHERWISE KNOWN AS THE "ANTI-ONLINE SEXUAL ABUSE OR EXPLOITATION OF CHILDREN (OSAEC) AND ANTI-CHILD SEXUAL ABUSE OR EXPLOITATION MATERIALS (CSAEM) ACT", SHALL BE APPLICABLE; AND

SECTION 7. Section 24 of Republic Act No. 9262 is hereby amended to read as follows:

"SECTION 24. Prescriptive Period. - Acts falling under Sections 5(a) to 5(f) OF THIS ACT shall prescribe in twenty (20) years. Acts falling under Sections 5(g) to 5(i) OF THIS ACT shall prescribe in ten (10) years. ACTS FALLING UNDER SECTION 5(J) AND 5(K) OF THIS ACT SHALL BE IMPRESCRIPTIBLE."

SECTION. 8. Section 32 of the same Act is amended to read as follows:

"SEC. 32. Duties of Other Government Agencies and LGUs. – Other government agencies and LGUs, INCLUDING PHILIPPINE EMBASSIES AND CONSULAR OFFICES, shall establish programs such as, but not limited to, education and information campaign and seminars or symposia on SEXUAL AND

REPRODUCTIVE HEALTH, AND the nature, causes, incidence and consequences of such violence **AGAINST WOMEN AND/OR THEIR CHILDREN** particularly towards educating the public on its social impacts.

SECTION 9. Section 39 of Republic Act No. 9262 is hereby amended to read as follows:

"SECTION 39. Inter-Agency Council on Violence Against Women and Their Children (IAC-VAWC). –

xxx

“(a) xxx

“(b) [~~National Commission on the Role of Filipino Women (NCRFW)~~] **PHILIPPINE COMMISSION ON WOMEN (PCW);**

“(c) xxx

“(d) xxx

“(e) xxx

“(f) xxx

“(g) xxx

“(h) xxx

“(i) xxx

“(j) xxx

“(k) xxx; [and]

“(l) xxx [.];

“(M) MOVIE AND TELEVISION REVIEW AND CLASSIFICATION BOARD (MTRCB);

“(N) DEPARTMENT OF SCIENCE AND TECHNOLOGY (DOST);

“(O) NATIONAL TELECOMMUNICATIONS COMMISSION (NTC);

“(P) DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY (DICT);

“(Q) DEPARTMENT OF FOREIGN AFFAIRS (DFA);

“(R) COMMISSION ON FILIPINOS OVERSEAS (CFO); AND

“(S) DEPARTMENT OF MIGRANT WORKERS (DMW);

“(T) OVERSEAS WORKERS WELFARE AND ADMINISTRATION (OWWA);
AND

“(U) TWO (2) REPRESENTATIVES FROM WOMEN’S RIGHTS ORGANIZATION WITH PROVEN TRACK RECORD OF INVOLVEMENT IN THE PREVENTION AND ELIMINATION OF VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (VAWC) WHO SHALL BE CHOSEN BY THE GOVERNMENT AGENCY REPRESENTATIVES OF THE COUNCIL TO SERVE FOR A TERM OF THREE (3) YEARS.

“These agencies are tasked to formulate programs and projects to eliminate ~~[VAW]~~ VAWC based on their mandates as well as develop capability programs for their employees to become more sensitive to the needs of their clients. The Council will also serve as the monitoring body as regards ~~[to—VAW]~~ **THE IMPLEMENTATION OF THIS ACT AND ANTI-VAWC** initiatives.

“xxx.”

SECTION 10. Section 40 of Republic Act No. 9262 is hereby amended to read as follows:

"SEC. 40. Mandatory Programs and Services for ~~[Victims]~~ WOMEN AND THEIR CHILDREN. – IN CASES FILED UNDER THIS ACT, the DSWD, and LGUs shall provide ~~[the—victims]~~ **WOMEN AND THEIR CHILDREN** temporary shelters, provide counseling, psycho-social services and/or ~~[.]~~ recovery, rehabilitation programs and livelihood assistance.

“IN THE CASE OF WOMEN MIGRANT WORKERS AND/OR THEIR CHILDREN, RELEVANT EMBASSIES AND FOREIGN AFFAIRS PERSONNEL AND EMPLOYEES SHALL ENSURE THAT THEY ARE GIVEN ADEQUATE RESOURCES AND ACCESS TO LEGAL, MEDICAL, AND SOCIAL SERVICES IN THE RECEIVING STATE, DURING TRANSIT AND UPON RETURN, ESPECIALLY DURING REPATRIATION. THESE SERVICES INCLUDE THE PROVISION OF TEMPORARY SHELTERS, PSYCHOSOCIAL SERVICES, AND LEGAL AID, AND PRIORITIZING WOMEN’S AND CHILDREN’S SPECIFIC HEALTH NEEDS AT THE COMMUNITY LEVEL, PARTICULARLY ACCESS TO SEXUAL AND REPRODUCTIVE HEALTH SERVICES, AND ANTI-SEXUAL ASSAULT KITS TO INCLUDE EMERGENCY CONTRACEPTION AND POST EXPOSURE PROPHYLAXIS FOR HIV.

“The DOH shall provide medical assistance to ~~[victims]~~ WOMEN AND THEIR CHILDREN.

"THE DSWD, LGUS AND DOH SHALL ENSURE THAT ALL RECORDS OF A WOMAN AND HER CHILDREN OBTAINED IN CONNECTION WITH THE PROVISIONING OF SUCH SERVICES BY THE AGENCIES SHALL BE HELD CONFIDENTIAL UNLESS THERE IS A COURT ORDER AUTHORIZING THE RELEASE OF ANY INFORMATION OR DATA.

"THE DOJ SHALL ESTABLISH AND ADMINISTER AN IDENTITY AND LOCATION CONFIDENTIALITY PROGRAM TO BE REFERRED TO AS THE "PROGRAM", WHICH SHALL ENSURE THE PROTECTION AND SAFETY OF WOMEN AND THEIR CHILDREN BY PROVIDING THEM WITH A SUBSTITUTE ADDRESS TO BE USED WHEN INTERACTING WITH GOVERNMENT AGENCIES AND A NEW MAILING ADDRESS WHICH KEEPS THEIR ACTUAL WHEREABOUTS CONFIDENTIAL AND FREE FROM THE RISK OF DISCOVERY BY THIRD PARTIES. THE PROGRAM SHALL CATER TO WOMEN AND THEIR CHILDREN WHO INTEND TO ESTABLISH A NEW RESIDENCE OR THOSE WHO HAVE ALREADY RELOCATED TO ANOTHER PLACE UNKNOWN TO THEIR ASSAILANTS OR ABUSERS WHO MAY USE PUBLIC RECORDS TO FIND THEM.

"IN THIS REGARD, THE APPLICATION FOR INCLUSION IN THE PROGRAM AS WELL AS OTHER SUPPORTING DOCUMENTS SUBMITTED BY WOMEN AND THEIR CHILDREN SHALL NOT BE CONSIDERED AS PUBLIC RECORD AND SHALL BE KEPT CONFIDENTIAL BY THE DOJ AND SHALL ONLY BE RELEASED UPON THE ORDER OF THE COURT.

"ANY OFFICIAL OR EMPLOYEE WHO WILLFULLY BREACHES THE CONFIDENTIALITY OF THESE RECORDS OR WILLFULLY DISCLOSES THE NAME, RESIDENTIAL OR MAILING ADDRESS OF A WOMAN AND HER CHILDREN IN VIOLATION OF THIS PROVISION, SHALL SUFFER THE PENALTY OF ONE (1) YEAR IMPRISONMENT AND A FINE OF NOT LESS THAN THREE HUNDRED THOUSAND PESOS (P300,000.00) BUT NOT MORE THAN FIVE HUNDRED THOUSAND PESOS (P500,000.00)

SECTION 10. Section 43 of Republic Act No. 9262 is hereby amended to read as follows:

~~"SECTION. 43. [Entitlement to Leave.—Victims under this Act shall 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.]~~

ADDITIONAL LEAVE BENEFITS. - DURING THE APPLICATION OF ANY PROTECTION ORDER, INVESTIGATION, PROSECUTION, AND/OR TRIAL OF THE CRIMINAL CASE, A VICTIM OF E-VAWC WHO IS EMPLOYED SHALL BE ENTITLED TO A PAID LEAVE OF ABSENCE OF UP TO TWENTY (20) DAYS IN ADDITION TO OTHER PAID LEAVES UNDER THE LABOR CODE, 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, PNP WOMEN'S AND

CHILDREN'S DESKS OR PROSECUTOR OR THE CLERK OF COURT, PHYSICIANS, SOCIAL WORKERS, AND LICENSED COUNSELORS AS THE CASE MAY BE, SHALL ISSUE A CERTIFICATION, AT NO COST TO THE WOMAN, THAT SUCH IS PENDING UNDER THEIR JURISDICTION. THIS CERTIFICATION SHALL BE THE ONLY REQUIREMENT FOR THE EMPLOYER TO GRANT THE TWENTY (20) -DAY PAID LEAVE APPLICATION. IN ADDITION TO THE AFOREMENTIONED CERTIFICATION, AN EMPLOYEE OF THE GOVERNMENT MUST FILE AN APPLICATION FOR LEAVE, CITING THIS ACT. THE ADMINISTRATIVE ENFORCEMENT OF THIS LEAVE ENTITLEMENT SHALL BE CONSIDERED WITHIN THE JURISDICTION OF THE REGIONAL DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE) UNDER ARTICLE 129 OF THE LABOR CODE OF THE PHILIPPINES, AS AMENDED, FOR EMPLOYEES IN THE PRIVATE SECTOR, AND THE CIVIL SERVICE COMMISSION (CSC), FOR GOVERNMENT EMPLOYEES.

"THE AVAILMENT 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 TO MEDICAL, LEGAL, AND OTHER VALID CONCERNS RELATED TO THE PENDING CASE. LEAVES NOT AVAILED OF ARE NONCUMULATIVE AND NOT CONVERTIBLE TO CASH.

"THE IMMEDIATE SUPERIOR OF THE PERSON APPLYING FOR A TWENTY (20)-DAY PAID LEAVE MUST APPROVE THE APPLICATION ON THE SAME DAY THAT IT WAS FILED. 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.

"ALL PRIVATE COMPANIES AND GOVERNMENT AGENCIES SHALL RECORD ALL APPLICATIONS FOR LEAVE IN A LOGBOOK SPECIFICALLY FOR CASES OF VAWC. THEY SHALL SUBMIT A QUARTERLY REPORT ON ALL APPLICATIONS FILED TO THE REGIONAL DIRECTOR OF THE DOLE FOR EMPLOYEES OF THE PRIVATE SECTOR, AND THE CSC, FOR GOVERNMENT EMPLOYEES.

"FAILURE TO ACT ON AN APPLICATION FOR A TWENTY (20)-DAY PAID LEAVE OF ABSENCE WITHIN THE PRESCRIBED PERIOD WITHOUT JUSTIFIABLE CAUSE SHALL IMMEDIATE SUPERIOR OR SENIOR OFFICIAL ADMINISTRATIVELY LIABLE, AND THE PENALTY OF SUSPENSION FOR FIFTEEN (15) DAYS SHALL BE IMPOSED UPON THE OFFICIAL. AN ADMINISTRATIVE COMPLAINT AGAINST THE IMMEDIATE SUPERIOR OR SENIOR OFFICIAL FOR FAILURE TO PERFORM ONE'S DUTIES CAN BE FILED BY A VICTIM-SURVIVOR WITH THE REGIONAL DIRECTOR OF THE DOLE FOR EMPLOYEES OF THE PRIVATE SECTOR, AND THE CSC, FOR GOVERNMENT EMPLOYEES, FOR GROSS NEGLIGENCE 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 THIS ACT SHALL BE LIABLE FOR A FINE NOT EXCEEDING TEN THOUSAND PESOS (P10,000.00) AND SUSPENSION FOR THIRTY (30) DAYS FOR DISCRIMINATION AND VIOLATION OF THIS ACT.

“ANY SENIOR OFFICIAL, INCLUDING THE HEAD OF THE AGENCY, WHO HAS KNOWLEDGE OF, BUT FAILS TO ACT ON, OR HAS IN ANY WAY INFLUENCED, THE DENIAL OF THE IMMEDIATE SUPERIOR OF THE LEAVE APPLICATION OF A VICTIM-SURVIVOR SHALL BE HELD ADMINISTRATIVELY LIABLE AND SHALL BE SUSPENDED FOR FIFTEEN (15) DAYS.

SECTION 11. Separability Clause. - If any portion or provision of this Act is held unconstitutional or invalid, the remaining portions or provisions shall not be affected.

SECTION 12. Repealing Clause. - All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 13. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,