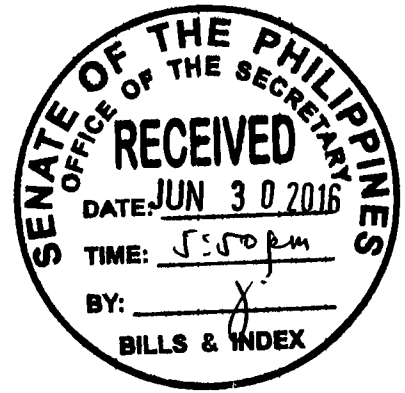


SEVENTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

SENATE
S. B. No. 180



Introduced by Senator Maria Lourdes Nancy S. Binay

AN ACT AMENDING REPUBLIC ACT NO. 9262, DEFINING ELECTRONIC VIOLENCE AGAINST WOMEN OR E-VAW, PROVIDING PROTECTIVE MEASURES AND PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Since the enactment of Republic Act No. 9262, or the Anti-Violence Against Women and Their Children Act of 2004 (“VAWC Law”), women and their children have been provided with additional legal alternatives and protection against abusive conduct and violence. However, the law has not taken into consideration the prevalent and widespread reach of the internet and communications technology.

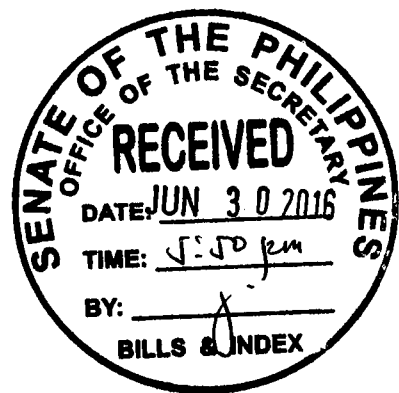
With the ongoing development in information and communications technology, the general public has gained another medium of expression, both responsibly and irresponsibly. More than a form of communication, social media was used in several instances as a mode of disseminating scandals involving both television personalities and private individuals. While Republic Act No. 9995 or the Anti-Photo and Video Voyeurism Act of 2009, sought to prevent further acts of said nature from permeating the various medium of information and communications technology, the said law failed to address the form of violence brought on victims of such scandals, by reason of their special relationships with their assailants.

In this regard, the proposed amendment of the VAWC Law includes electronic violence against women and to offer protection to women in the form of E-VAW Protection Orders.

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


MARIA LOURDES NANCY S. BINAY

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1 AN ACT AMENDING REPUBLIC ACT NO. 9262, DEFINING ELECTRONIC
2 VIOLENCE AGAINST WOMEN OR E-VAW, PROVIDING PROTECTIVE MEASURES
3 AND PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES
4

5 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
6 *assembled:*
7

8 SECTION 1. *Title.* This Act shall be known as “The E-VAW Law of 2016.”
9

10 SECTION 2. Section 3(a) of Republic Act No. 9262, otherwise known as the Anti-Violence
11 Against Women and Their Children Act of 2004, is hereby amended to read as follows:
12

13 “SECTION 3. *Definition of Terms.* – As used in this Act,
14

15 (a) ‘*Violence against women and their children*’ refer to any act or series of acts
16 committed by any person against a woman who is his wife, former wife, or
17 against a woman with whom the person has or had a sexual or dating
18 relationship, or with whom he has a common child, or against her child whether
19 legitimate or illegitimate, within or without the family abode, which result in or
20 is likely to result in physical, sexual, psychological harm or suffering, or
21 economic abuse including threats of such acts, battery, assault, coercion,
22 harassment or arbitrary deprivation of liberty. It includes, but is not limited to,
23 the following acts:
24

25 X X X
26

27 E. “*ELECTRONIC VIOLENCE*” REFERS TO ANY ACT OR OMISSION
28 INVOLVING THE USE OR EXPLOITATION OF EPHEMERAL DATA OR
29 ANY FORM OF INFORMATION AND COMMUNICATIONS
30 TECHNOLOGY (ICT) WHICH CAUSES OR IS LIKELY TO CAUSE
31 MENTAL, EMOTIONAL OR PSYCHOLOGICAL DISTRESS OR
32 SUFFERING TO THE VICTIM, INCLUDING BUT NOT LIMITED TO THE
33 FOLLOWING:
34

35 1. UNAUTHORIZED RECORDING, REPRODUCTION OR
36 DISTRIBUTION OF VIDEOS SHOWING THE VICTIM’S PRIVATE
37 AREA OR THE VICTIM’S NAKED OR UNDERGARMENT-CLAD
38 GENITALS, PUBIC AREA, BUTTOCKS OR BREASTS;

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2. UPLOADING OR SHARING WITHOUT THE CONSENT OF THE VICTIM, ANY FORM OF MEDIA THAT CONTAIN PICTURES, VOICE OR VIDEO OF THE VICTIM WITH LEWD, INDECENT, OBSCENE OR SEXUAL CONTENT;

3. HARASSING OR THREATENING THE VICTIM THROUGH TEXT MESSAGING OR OTHER CYBER, ELECTRONIC OR MULTIMEDIA MEANS;

4. CYBER-STALKING WHICH INCLUDES, BUT IS NOT LIMITED TO THE HACKING OF PERSONAL ACCOUNTS ON SOCIAL NETWORKING SITES AND THE USE OF LOCATION TRACKERS ON CELLULAR DEVICES; AND

5. UNAUTHORIZED USE OF THE VICTIM'S PICTURE, VIDEO, VOICE, NAME OR ANY OTHER ASPECT OF THE VICTIM'S IDENTITY AND DISTRIBUTING THE SAME IN ANY VIDEO GAME, PHONE APPLICATION, PROGRAM AND THE LIKE, WHICH PUTS OR TENDS TO PUT THE VICTIM IN A BAD LIGHT OR INJURE THE VICTIM'S REPUTATION."

SECTION 3. Section 5 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 5. *Acts of Violence Against Women and Their Children.* – The crime of violence against women and their children is committed through any of the following acts:

x x x

(J) CAUSING ELECTRONIC VIOLENCE AGAINST A WOMAN OR HER CHILD; AND

(K) THREATENING TO CAUSE ELECTRONIC VIOLENCE AGAINST A WOMAN OR HER CHILD."

SECTION 4. Section 6 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 6. *Penalties.* – The crime of violence against women and their children, under Section 5 hereof shall be punished according to the following rules:

x x x

(G) ACTS FALLING UNDER SECTION 5(J) SHALL BE PUNISHED BY *PRISION CORRECCIONAL*; AND

(H) ACTS FALLING UNDER SECTION 5(K) SHALL BE PUNISHED BY *ARRESTO MAYOR*.

1 (I) ANY ACT OR OMISSION INVOLVING THE USE OR EXPLOITATION
2 OF ANY FORM OF INFORMATION AND COMMUNICATION
3 TECHNOLOGY (ICT) WHICH CAUSES OR IS LIKELY TO CAUSE
4 MENTAL, EMOTIONAL OR PSYCHOLOGICAL DISTRESS OR
5 SUFFERING TO THE VICTIM, SHALL BE PUNISHED BY *PRISION*
6 *CORRECCIONAL* OR A FINE IN THE AMOUNT OF NOT LESS THAN
7 THREE HUNDRED THOUSAND PESOS (₱300,000.00) BUT NOT MORE
8 THAN FIVE HUNDRED THOUSAND PESOS (₱500,000.00)
9

10 If the acts are committed while the woman or child is pregnant or committed in
11 the presence of her child, the penalty to be applied shall be the maximum period
12 of penalty prescribed in the section.
13

14 In addition to imprisonment, the perpetrator shall (a) pay a fine in the amount of
15 not less than One Hundred Thousand Pesos (₱100,000.00) but not more than
16 Three Hundred Thousand Pesos (₱300,000.00), *PROVIDED, THAT, IN E-VAW*
17 *CASES, THE FINE THAT MAY BE IMPOSED SHALL NOT BE LESS*
18 *THAN THREE HUNDRED THOUSAND PESOS (₱300,000.00) BUT NOT*
19 *MORE THAN FIVE HUNDRED THOUSAND PESOS (₱500,000.00); (b)*
20 *undergo mandatory psychological counseling or psychiatric treatment and shall*
21 *report compliance to the court.”*
22

23 SECTION 5. Section 8 of Republic Act No. 9262, otherwise known as the Anti-Violence
24 Against Women and Their Children Act of 2004, is hereby amended to read as follows:
25

26 “SECTION 8. *Protection Orders.* – A protection order is an order issued under
27 this Act for the purpose of preventing further acts of violence against a woman
28 or her child specified in Section 5 of this Act and granting other necessary relief.
29 The relief granted under a protection order serves the purpose of safeguarding
30 the victim from further harm, minimizing any disruption in the victim’s daily
31 life, and facilitating the opportunity and ability of the victim to independently
32 regain control over her life. The provisions of the protection order shall be
33 enforced by law enforcement agencies. The protection orders that may be issued
34 under this Act are the barangay protection order (BPO), temporary protection
35 order (TPO), [and] permanent protection order (PPO) AND E-VAW
36 PROTECTION ORDER (EPO) FOR CASES OF ELECTRONIC VIOLENCE.
37 The protection orders that may be issued under this Act shall include any, some
38 or all of the following reliefs:
39

40 x x x
41

42 (I) For E-VAW cases, ordering the immediate blocking, blacklisting, removal or
43 shut down of any upload, program or application that causes or tends to cause
44 violence against the victim.
45

46 Any of the reliefs provided under this section shall be granted even in the
47 absence of a decree of legal separation or annulment or declaration of absolute
48 nullity of marriage.
49

1 The issuance of a BPO or the pendency of an application for BPO shall not
2 prejudice a petitioner from applying for, or the court from granting a TPO, [or]
3 PPO OR EPO.”
4

5 SECTION 6. Section 10 of Republic Act No. 9262, otherwise known as the Anti-Violence
6 Against Women and Their Children Act of 2004, is hereby amended to read as follows:
7

8 “SECTION 10. *Where to Apply for a Protection Order.* – Applications for
9 BPO shall follow the rules on venue under Section 409 of the Local
10 Government Code of 1991 and its implementing rules and regulations. An
11 application for a TPO or PPO may be filed in the regional trial court,
12 metropolitan trial court, municipal trial court, municipal circuit trial court with
13 territorial jurisdiction over the place of residence of the petitioner: *Provided,*
14 *however,* That if a family court exists in the place of residence of the
15 petitioner, the application shall be filed with that court.
16

17 AN EPO MAY BE OBTAINED THROUGH THE BARANGAY ISSUING
18 THE BPO OR THE COURT WHERE THE APPLICATION FOR TPO OR
19 PPO IS PENDING.”
20

21 SECTION 7. Section 11 of Republic Act No. 9262, otherwise known as the Anti-Violence
22 Against Women and Their Children Act of 2004, is hereby amended to read as follows:
23

24 “SECTION 11. *How to Apply for a Protection Order.* – The application for a
25 protection order must be in writing, signed and verified under oath by the
26 applicant. It may be filed as an independent action or as an incidental relief in
27 any civil or criminal case the subject matter or issues thereof partakes of a
28 violence as described in this Act. A standard protection order application form,
29 written in English with translation to the major local languages, shall be made
30 available to facilitate applications for protection order, and shall contain, among
31 others, the following information:
32

- 33 (a) Names and addresses of petitioner and respondent;
- 34
- 35 (b) Description of relationships between petitioner and respondent;
- 36
- 37 (c) A statement of the circumstances of abuse;
- 38
- 39 (d) Description of the reliefs requested by petitioner as specified in Section 8
40 herein;
- 41
- 42 (e) Request for counsel and reasons for such;
- 43
- 44 (f) Request for waiver of applications fees until hearing; and
- 45
- 46 (g) An attestation that there is no pending application for a protection order in
47 another court.
48

49 If the applicant is not the victim, the application must be accompanied by an
50 affidavit of the applicant attesting to: (a) The circumstances of the abuse

1 suffered by the victim; and (b) The circumstances of consent given by the
2 victim for the filing of the application. When disclosure of the address of the
3 victim will pose danger to her life, it shall be so stated in the application. In
4 such a case, the applicant shall attest that the victim is residing in the
5 municipality or city over which court has territorial jurisdiction, and shall
6 provide a mailing address for purpose of service processing.

7
8 An application for protection order filed with a court shall be considered an
9 application for both a TPO and PPO.

10
11 AN APPLICATION FOR BPO, TPO OR PPO SHALL AUTOMATICALLY
12 INCLUDE AN APPLICATION FOR EPO. THE LATTER MAY BE ISSUED
13 AS PART OF THE CONDITIONS FOR THE BPO, TPO OR PPO OR AS A
14 SEPARATE PROTECTION ORDER.

15
16 Barangay officials and court personnel shall assist applicants in the preparation
17 of the application. Law enforcement agents shall also extend assistance in the
18 application for protection orders in cases brought to their attention.”

19
20 SECTION 8. Section 16-A is hereby inserted to read as follows:

21
22 “SECTION 16-A. *E-VAW PROTECTION ORDER*. – IN CASES OF
23 ELECTRONIC VIOLENCE, A E-VAW PROTECTION ORDER MAY
24 ISSUED SIMULTANEOUSLY OR SUBSEQUENT TO THE ISSUANCE OF
25 A BPO, TPO OR PPO.

26
27 E-VAW PROTECTION ORDERS SHALL BE ISSUED BY THE
28 BARANGAY OR THE COURTS, AS THE CASE MAY BE,
29 INDEPENDENTLY OF OR IN ADDITION TO NON-E-VAW PROTECTION
30 ORDERS. HOWEVER, AN E-VAW PROTECTION ORDER, ONCE
31 ISSUED, DOES NOT EXPIRE AND CONTINUES TO TAKE EFFECT
32 WHILE THE CASE IS PENDING AND UNTIL THE SAME IS REVOKED
33 BY THE ORDER OF THE COURT.”

34
35 SECTION 9. Section 39 of Republic Act No. 9262, otherwise known as the Anti-Violence
36 Against Women and Their Children Act of 2004, is hereby amended to read as follows:

37
38 “Section 39. *Inter-Agency Council on Violence Against Women and Their*
39 *Children (IAC-VAWC)*. In pursuance of the abovementioned policy, there is
40 hereby established an Inter-Agency Council on Violence Against Women and
41 Their Children, hereinafter known as the Council, which shall be composed of
42 the following agencies:

43
44 (a) Department of Social Welfare and Development (DSWD);

45
46 x x x

47
48 (b) National Bureau of Investigation (NBI); AND

49
50 (M) DEPARTMENT OF SCIENCE AND TECHNOLOGY (DOST).

1
2 These agencies are tasked to formulate programs and projects to eliminate
3 VAW based on their mandates as well as develop capability programs for their
4 employees to become more sensitive to the needs of their clients. The Council
5 will also serve as the monitoring body as regards to VAW initiatives.
6

7 The Council members may designate their duly authorized representative who
8 shall have a rank not lower than an assistant secretary or its equivalent. These
9 representatives shall attend Council meetings in their behalf, and shall receive
10 emoluments as may be determined by the Council in accordance with existing
11 budget and accounting rules and regulations.”
12

13 SECTION 10. *Separability Clause.* If any portion or provision of this Act is declared void
14 and unconstitutional, the remaining portions or provisions hereof shall not be affected by
15 such declaration.
16

17 SECTION 11. *Repealing Clause.* All laws, decrees, orders, rules and regulations, other
18 issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or
19 modified accordingly.
20

21 SECTION 12. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its
22 complete publication in at least two (2) national newspapers of general circulation.
23

24 Approved,