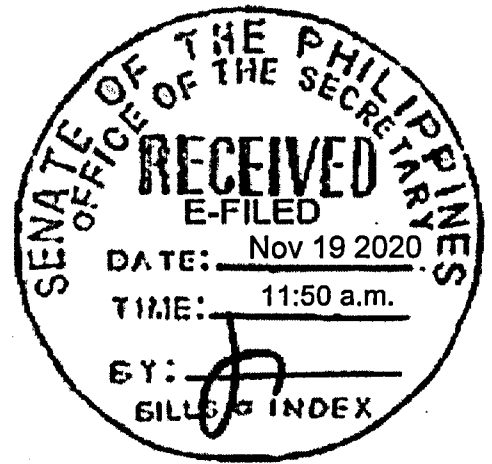


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE
S. B. No. 1923

Introduced by **SENATOR IMEE R. MARCOS**

AN ACT
EXPANDING THE DEFINITION OF VIOLENCE AGAINST WOMEN AND THEIR CHILDREN TO INCLUDE ELECTRONIC VIOLENCE, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 9262, OTHERWISE KNOWN AS THE "ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT OF 2004", AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Article II, Section 14 of the 1987 Constitution provides that "*the State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.*"

Pursuant to this Constitutional mandate, Republic Act No. 9262 or the "*Anti-Violence Against Women and their Children Act*" was enacted on 2004. This was followed by Republic Act No. 9710 or the "*Magna Carta of Women*" on 2009, both seeking to protect women against violence and abuse.

In a fairly recent decision rendered by the Supreme Court in the case of *Araza v. People of the Philippines* promulgated last 08 September 2020, it reiterated that marital infidelity is a form of psychological violence that may make one liable under Republic Act No. 9262. This is now hailed as a landmark case in championing women's rights.

Data from the Philippine National Police (PNP) reveals that there were three thousand seven hundred and forty one (3,741) cases filed in violation of Republic Act No. 9262 from 17 March until 7 August 2020, despite most of the people in the country being on lockdown due to COVID-19 pandemic. The sheer number of reported incidents of domestic violence despite the existence of ongoing quarantine protocols

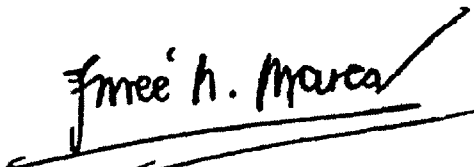
reveals that women are more at risk during this time, and continue to suffer from various kinds of violence and abuse in the hands of their partners and/or husbands.

With the dawn of the internet and social media, and people having no choice but to interact with each other through these platforms due to the pandemic, violence against women now partakes of a new and more sinister persona – electronic violence.

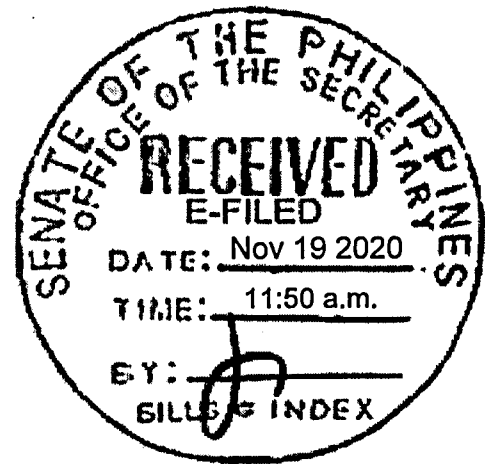
In relation to this, a study conducted by the International Justice Mission (IJM), in partnership with the Philippine Government and a variety of stakeholders titled "*Online Sexual Exploitation of Children in the Philippines: Analysis and Recommendations for Governments, Industry and Civil Society*" released just last 21 May 2020 confirmed the Philippines as a global hotspot for Online Sex Exploitation of Children (OSEC) with data from participating law enforcement agencies globally showing that the country received more than eight times as many referrals as any other country during the 2010-2017 baseline period. This translates to more than triple the prevalence rate of internet-based child sexual exploitation in the country within only three (3) years - from forty three (43) out of every 10,000 IP addresses used for child sexual exploitation in 2014 to one hundred and forty nine (149) out of every 10,000 in 2017.

As a response, this bill seeks to further expand the protection being afforded to women and their children by including electronic violence as another form of violence that may make one liable under Republic Act No. 9262. Additionally, the barangay protection order (BPO) may be extended to another fifteen (15) days while the temporary protection order (TPO) is extended from thirty (30) to sixty (60) days.

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


IMEE R. MARCOS

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THIS PURPOSE REPUBLIC ACT NO. 9262, OTHERWISE KNOWN AS THE
"ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT OF 2004",
AND FOR OTHER PURPOSES

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

1 **Section 1.** Section 3, paragraph (a) of Republic Act No. 9262 is hereby
2 amended to read as follows:

3 "Section 3. *Definition of Terms.* – XXX

4 a. xxx

5 A. xxx

6 B. xxx

7 C. xxx

8 D. xxx

9 E. **"ELECTRONIC VIOLENCE"** REFERS TO ANY ACT OR
10 **OMISSION INVOLVING THE USE OR EXPLOITATION OF DATA**
11 **OR ANY FORM OF INFORMATION AND COMMUNICATIONS**
12 **TECHNOLOGY CAUSING OR LIKELY TO CAUSE MENTAL,**
13 **EMOTIONAL, OR PSYCHOLOGICAL DISTRESS OR SUFFERING**
14 **TO THE WOMAN AND/OR HER CHILDREN, INCLUDING BUT**
15 **NOT LIMITED TO:**

16
17 1. **UNAUTHORIZED RECORDING, REPRODUCTION,**
18 **DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY**
19 **PHOTOGRAPH, VIDEO, OR OTHER FORM OF ELECTRONIC**
20 **AND/OR ARTISTIC PRESENTATION SHOWING OR**
21 **DEPICTING, IN ANY FORM OR MANNER, THE GENITALIA OF**
22 **A WOMAN AND/OR THOSE OF HER CHILDREN'S GENITALIA,**
23 **PUBIC AREA, BUTTOCKS, BREASTS, EXCRETORY BODY**
24 **PART, NUDITY, SCENES WITH SEXUAL CONTENT OR**

1 **PORTRAYAL OF SEXUAL CONDUCT SUCH AS SEXUAL**
2 **INTERCOURSE, MASTURBATION, KISSING, CARESSING,**
3 **HUGGING, AND PETTING;**

4 **2. UNAUTHORIZED RECORDING, REPRODUCTION,**
5 **DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY**
6 **PHOTOGRAPH, VIDEO, OR ANY OTHER FORM OF**
7 **ELECTRONIC AND/OR ARTISTIC PRESENTATION**
8 **EXHIBITING ANY SEXUALLY-RELATED VERBAL OR NON-**
9 **VERBAL EXPRESSION OR GESTURE OF THE WOMAN AND/OR**
10 **HER CHILDREN WHICH MAYBE CONSTRUED AS LEWD,**
11 **INDECENT OR OBSCENE;**

12 **3. UNAUTHORIZED RECORDING, REPRODUCTION,**
13 **DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY**
14 **PHOTOGRAPH, VIDEO, OR ANY OTHER FORM OF**
15 **ELECTRONIC OR ARTISTIC PRESENTATION DEPICTING ANY**
16 **PURPORTED VIOLENT BEHAVIOR AGAINST THE WOMAN**
17 **AND/OR HER CHILDREN, OR THE USE OF INTOXICATING OR**
18 **PROHIBITED SUBSTANCES OR DRUGS;**

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

24 **5. UNAUTHORIZED USE OF A PHOTOGRAPH, VIDEO,**
25 **VOICE RECORDING, NAME OR ANY MARK, REFERENCE OR**
26 **CHARACTER IDENTIFIABLE WITH A WOMAN AND/OR HER**
27 **CHILDREN AND SUGGESTIVE OF A WRONGDOING,**
28 **CONDUCT OR ATTRIBUTE THAT TENDS TO BESMIRCH THE**
29 **REPUTATION OF THE WOMAN AND HER CHILDREN;**

30 **6. HARASSING, INTIMIDATING, COERCING,**
31 **THREATENING OR VILLIFYING THE WOMAN AND HER**
32 **CHILDREN THROUGH TEXT MESSAGING OR OTHER FORMS**
33 **OF CYBER, ELECTRONIC, OR MULTIMEDIA TECHNOLOGY;**

34 **7. ELECTRONIC STALKING, SUCH AS THE HACKING OF**
35 **PERSONAL ACCOUNTS OF A WOMAN AND/OR HER**
36 **CHILDREN ON SOCIAL NETWORKING SITES AND THE USE**
37 **OF LOCATION DATA FROM ELECTRONIC DEVICES AND THE**
38 **CREATION OF FAKE SOCIAL MEDIA ACCOUNTS USING AN**
39 **ALIAS OR A DIFFERENT INDIVIDUAL'S PERSONAL**
40 **INFORMATION WITH ILL INTENT AND MALICE, TO SOW**
41 **INTRIGUE OR INFLICT HARM; AND**

42 **8. FABRICATION OF FAKE INFORMATION OR NEWS**
43 **PERTAINING TO A WOMAN AND/OR HER CHILDREN**
44 **THROUGH MESSAGING OR OTHER FORMS OF CYBER,**
45 **ELECTRONIC, OR MULTIMEDIA TECHNOLOGY."**
46

1 **SEC. 2.** Section 5 of Republic Act No. 9262 is hereby amended to read as
2 follows:

3 "Section 5. *Acts of Violence Against Women and their Children.* –
4 XXX

- 5 a. XXX
- 6 b. XXX
- 7 c. XXX
- 8 d. XXX
- 9 e. XXX
- 10 f. XXX
- 11 g. XXX
- 12 h. XXX
- 13 1. XXX
- 14 2. XXX
- 15 3. XXX
- 16 4. Destroying the property and personal belongings or inflicting
17 harm to animals or pets of the woman or her child; [and]
- 18 5. XXX
- 19 6. **UNAUTHORIZED RECORDING, REPRODUCTION,**
20 **DISTRIBUTION, USE, SHARING OR UPLOADING OF**
21 **VIDEOS SHOWING THE WOMAN AND/OR HER CHILDREN**
22 **NAKED OR IN THEIR UNDERGARMENT-CLAD GENITALS,**
23 **PUBIC AREA, BUTTOCKS OR BREASTS;**
- 24 7. **SHARING WITHOUT THE CONSENT OF A WOMAN**
25 **AND/OR HER CHILDREN, ANY MEDIA THAT CONTAIN**
26 **PICTURES, VOICE RECORDING OR VIDEO OF A WOMAN**
27 **AND/OR HER CHILDREN WHICH MAY BE CONSTRUED AS**
28 **LEWD, INDECENT OR OF SEXUAL CONTENT; AND**
- 29 8. **USING THE PICTURES, VIDEO, VOICE NAME OR ANY**
30 **OTHER ASPECT OF THE IDENTITY OF A WOMAN AND/OR**
31 **HER CHILDREN WITHOUT PERMISSION AND FOR**
32 **MALICIOUS PURPOSES, INCLUDING BUT NOT LIMITED**
33 **TO PORNOGRAPHY AND OTHER VIOLATIONS IN**
34 **REPUBLIC ACT NO. 10175, OTHERWISE KNOWN AS THE**
35 **"CYBER CRIME PREVENTION ACT OF 2012.""**
- 36 i. XXX
- 37 j. **INFLECTING ELECTRONIC VIOLENCE AGAINST A WOMAN**
38 **AND/OR HER CHILDREN; AND**
- 39 k. **THREATENING TO CAUSE ELECTRONIC VIOLENCE**
40 **AGAINST A WOMAN AND/OR HER CHILDREN."**

41
42 **SEC. 3.** Section 6 of Republic Act No. 9262 is hereby amended to read as
43 follows:

44 **SEC. 6. *Penalties.* – xxx**

- 1 a. xxx
- 2 b. xxx
- 3 c. xxx
- 4 d. xxx
- 5 e. xxx
- 6 f. xxx
- 7 **g. ACTS FALLING UNDER SECTION 5(J) AND 5(K) SHALL BE**
- 8 **PUNISHED BY *PRISION MAYOR*.**

9
10 If the acts are committed while the woman or child is pregnant or
11 committed in the presence of her child, the penalty to be applied shall be
12 the maximum period of penalty prescribed in this section.

13
14 In addition to imprisonment, the perpetrator shall (a) pay a fine in the
15 amount of not less than [One] **FIVE** hundred thousand pesos
16 ([P100,000.00] (**PHP500,000.00**), ***PROVIDED, THAT, IN CASES***
17 ***INVOLVING ELECTRONIC VIOLENCE, THE FINE THAT MAY BE***
18 ***IMPOSED SHALL NOT BE LESS THAN THREE HUNDRED***
19 ***THOUSAND PESOS (PHP300,000.00) BUT NOT MORE THAN FIVE***
20 ***HUNDRED THOUSAND PESOS (PHP500,000.00); AND*** (b) undergo
21 mandatory psychological counseling or psychiatric treatment and shall
22 report compliance to the court.”
23

24 **SEC. 4.** Section 7 of Republic Act No. 9262 is hereby amended to read as
25 follows:

26 “Section 7. *Venue.* – The Regional Trial Court designated as a Family
27 Court shall have original and exclusive jurisdiction over cases of violence
28 against women and their children under this law. In the absence of such
29 court in the place where the offense was committed, the case shall be
30 filed in the Regional Trial Court where the crime or any of its elements
31 was committed **OR WHERE THE COMPLAINANT IS CURRENTLY**
32 **RESIDING**, at the option of the complainant. **IN CASES OF ELECTRONIC**
33 **VIOLENCE, THE CASE MAY BE FILED IN THE PLACE WHERE THE**
34 **COMPLAINANT IS RESIDING AT THE TIME SHE LEARNED OF THE**
35 **COMMISSION OF THE OFFENSE.”**

36 **SEC. 5.** Section 8 of Republic Act 9262 is hereby amended to read as follows:

37 “Section 8. *Protection Orders.* – xxx

- 38 a. xxx
- 39 b. xxx
- 40 c. xxx
- 41 d. xxx
- 42 e. xxx
- 43 f. xxx
- 44 g. xxx

- 1 h. xxx
- 2 i. xxx
- 3 j. xxx; [and]
- 4 k. xxx; **AND**

5 **I. FOR CASES FALLING UNDER SECTION 2(E), ORDERING**
6 **THE IMMEDIATE BLOCKING, BLACKLISTING, REMOVAL, OR**
7 **SHUTDOWN OF THE PHOTO, VIDEO, AUDIO, PROGRAM,**
8 **APPLICATION AND/OR OTHER ELETRONIC MATERIAL**
9 **UPLOADED, STORED, DISTRIBUTED, RECORDED, OR**
10 **OTHERWISE USED IN VIOLATION OF THE PROVISIONS OF**
11 **THIS ACT.**

12
13 **FAILURE OF THE INTERNET PROVIDERS TO COOPERATE WITH**
14 **LAW ENFORCEMENT AGENCIES CONSTITUTES THE CRIME OF**
15 **OBSTRUCTION OF JUSTICE. THE DUTIES OF THE INTERNET**
16 **SERVICE PROVIDERS AS PROVIDED FOR UNDER SECTION 9**
17 **OF REPUBLIC ACT NO. 9775, OTHERWISE KNOWN AS THE**
18 **"ANTI-CHILD PORNOGRAPHY ACT OF 2009" SHALL BE**
19 **APPLICABLE."**

20
21
22 **SEC. 6.** Section 14 of Republic Act No. 9262 is hereby amended to read as
23 follows:

24 "Section 14. *Barangay Protection Orders (BPOs); Who May Issue and*
25 *How.* – Barangay Protection Orders (BPOs) refer to the protection order
26 issued by the Punong Barangay ordering the perpetrator to desist from
27 committing acts under Section 5 (a) and (b) of this Act. A Punong
28 Barangay who receives applications for a BPO shall issue the protection
29 order to the applicant on the date of filing after ex parte determination
30 of the basis of the application. If the Punong Barangay is unavailable to
31 act on the application for a BPO, the application shall be acted upon by
32 any available Barangay Kagawad. If the BPO is issued by a Barangay
33 Kagawad the order must be accompanied by an attestation by the
34 Barangay Kagawad that the Punong Barangay was unavailable at the
35 time for the issuance of the BPO. BPOs shall be effective for fifteen (15)
36 days **AND EXTENDIBLE FOR ANOTHER FIFTEEN (15) DAYS.**
37 Immediately after the issuance of an ex parte BPO, the Punong
38 Barangay or Barangay Kagawad shall personally serve a copy of the
39 same on the respondent, or direct any barangay official to effect is
40 personal service.

41 The parties may be accompanied by a non-lawyer advocate in any
42 proceeding before the Punong Barangay."

43 **SEC. 7.** Section 15 of Republic Act No. 9262 is hereby amended to read as
44 follows:

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"Section 15. Temporary Protection Orders. – Temporary Protection Orders (TPOs) refers to the protection order issued by the court on the date of filing of the application after ex parte determination that such order should be issued. A court may grant in a TPO any, some or all of the reliefs mentioned in this Act and shall be effective for [thirty (30)] **SIXTY (60)** days. The court shall schedule a hearing on the issuance of a PPO prior to or on the date of the expiration of the TPO. The court shall order the immediate personal service of the TPO on the respondent by the court sheriff who may obtain the assistance of law enforcement agents for the service. The TPO shall include notice of the date of the hearing on the merits of the issuance of a PPO."

SEC. 8. 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
- l. xxx; [and]
- m. **MOVIE AND TELEVISION REVIEW AND CLASSIFICATION BOARD (MTRCB);**
- n. **NATIONAL TELECOMMUNICATIONS COMMISSION (NTC);**
- o. **DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY (DICT);**
- p. **DEPARTMENT OF FOREIGN AFFAIRS (DFA); AND**
- q. **TWO (2) REPRESENTATIVES FROM CIVIL SOCIETY ORGANIZATIONS (CSOs) 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 A TERM OF THREE (3) YEARS."**

SEC. 9. Section 40 of Republic Act 9262 is hereby amended to read as follows:

1 "Section 40. *Mandatory Programs and Services for [victims]*
2 **WOMEN AND THEIR CHILDREN.** – The DSWD, and the LGUs shall
3 provide the [victims] **WOMEN AND/OR THEIR CHILDREN** temporary
4 shelters, provide counseling, psycho-social services and/or recovery,
5 rehabilitation programs, and livelihood assistance.

6 The DOH shall provide medical assistance to [victims] **WOMEN**
7 **AND/OR THEIR CHILDREN.**

8 **THE DSWD, DOH AND THE RESPECTIVE LGUS SHALL**
9 **ENSURE THAT ALL RECORDS OF A WOMAN AND HER CHILDREN**
10 **OBTAINED IN CONNECTION WITH THE PROVISION OF SUCH**
11 **SERVICES BY THE AGENCIES SHALL BE HELD CONFIDENTIAL**
12 **UNLESS PURSUANT TO A COURT ORDER AUTHORIZING THE**
13 **RELEASE OF ANY INFORMATION OR DATA.**

14 **ANY OFFICIAL OR EMPLOYEE WHO WILLFULLY BREACHES**
15 **THE CONFIDENTIALITY OF THESE RECORDS OR WILLFULLY**
16 **DISCLOSES THE NAME, RESIDENTIAL OR MAILING ADDRESS OF**
17 **A WOMAN AND HER CHILDREN IN VIOLATION OF THIS**
18 **PROVISION, SHALL SUFFER THE PENALTY OF ONE (1) YEAR**
19 **IMPRISONMENT AND A FINE OF NOT LESS THAN THREE**
20 **HUNDRED THOUSAND PESOS (PHP300,000.00) BUT NOT MORE**
21 **THAN FIVE HUNDRED THOUSAND PESOS (PHP500,000.00)."**

22 **SEC. 10. *Separability Clause.*** If any portion or provision of this Act is held
23 unconstitutional or invalid, the remaining portions or provisions shall not be affected.

24 **SEC. 11. *Repealing Clause.*** All laws, decrees, executive orders and rules and
25 regulations, or parts thereof, inconsistent with the provisions of this Act are hereby
26 repealed or modified accordingly.

27 **SEC. 12. *Effectivity.*** This Act shall take effect fifteen (15) days after its
28 publication in the Official Gazette or in a newspaper of general circulation.

Approved,