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Senate
Office of the Secretary

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

22 JUL -7 P5 43

RECEIVED BY:

SENATE

Senate Bill No. 211

Introduced by: Senator Raffy T. Tulfo

"AN ACT AMENDING REPUBLIC ACT NO. 9262 OR THE ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT OF 2004, EXPANDING THE SCOPE OF THE PROTECTION TO ALL FORMS OF DOMESTIC VIOLENCE REGARDLESS OF SEXUAL ORIENTATION, PROVIDING FOR THE SAME PROTECTIVE MEASURES, PRESCRIBING THE SAME PENALTIES THEREFOR, AND FOR OTHER PURPOSES"

EXPLANATORY NOTE

In protecting those who are found to be vulnerable, we must not exclude those who may be subject to the same abuses. Violence in a relationship knows no sexual orientation, or gender identity or expression. Persons in heterosexual or homosexual relationships have become repeated victims of various kinds of abuses that are left insufficiently punished by our Revised Penal Code due to the lack of recognition of multiple kinds of abuse.

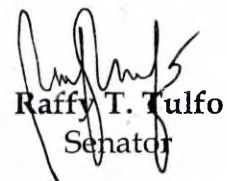
A biological male may be similarly abused through psychological or emotional violence but he may not claim protection against his abusive partner. Further, physical altercations may not necessarily cause sufficient and manifest damage in order to effectively prosecute under the current crimes of Physical

Injuries despite the habitual infliction of the same having deeper and more lasting scars in a persons psyche. Effectively, persons who are abused in this manner are left without an effective, efficient, and specific remedy to protect them as our archaic Revised Penal Code does not properly provide for such nature of crimes.

In amending and expanding the coverage of Republic Act No. 9262 or the Anti-Violence Against Women and Children Law, no right nor privilege is lost by those who were previously covered. It is not by this law that inequality is generated as it similarly recognizes the fact that battered women are more seriously affected by domestic violence and, as such, the concept of battered woman syndrome is still maintained without a corresponding clause for men pending any scientific finding justifying the same. Rather, this bill seeks to modernize our legal system by recognizing the equality in vulnerability inherent in all genders when engaging in any kind of relationship.

It is unjust and improper for our laws to remain unamended as in maintaining the status quo, we effectively stand idle in the face of abuse that affects persons of all genders. It is time for our legal system to embody true equality and equity by recognizing that an injury caused to a person does not become mitigated solely based on a persons gender or sex.

It is for this purpose that the approval of this bill is earnestly sought.


Raffy T. Tulfo
Senator

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"AN ACT AMENDING REPUBLIC ACT NO. 9262 OR THE ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT OF 2004, EXPANDING THE SCOPE OF THE PROTECTION TO ALL FORMS OF DOMESTIC VIOLENCE REGARDLESS OF SEXUAL ORIENTATION, PROVIDING FOR THE SAME PROTECTIVE MEASURES, PRESCRIBING THE SAME PENALTIES THEREFOR, AND FOR OTHER PURPOSES"

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

1 **SECTION 1.** Section 1 of Republic Act No. 9262 otherwise known as
2 "Anti-Violence Against Women and Their Children Act of 2004" is hereby
3 amended to read as follows:

4

5 "SECTION 1. *Short Title.* – This Act shall be known as the "Anti-Domestic
6 Violence Act of 2022."

7

8 **SECTION 2.** Section 2 of Republic Act No. 9262 otherwise known as
9 "Anti-Violence Against Women and Their Children Act of 2004" is hereby
10 amended to read as follows:

11

12 'SECTION 2. *Declaration of Policy.* – It is hereby declared that the State values
13 the dignity of every person, particularly children and guarantees full respect for
14 human rights. The State similarly recognizes the need to protect the family and
15 its members particularly children, from violence and threats to their personal
16 safety and security.

17

18 Towards this end, the State shall exert efforts to address domestic
19 violence, regardless of sexual orientation or gender in keeping with the
20 fundamental freedoms guaranteed under the Constitution and the provisions of
21 the Universal Declaration of Human Rights, the convention on the Elimination
22 of all forms of discrimination against women, the Convention on the Rights of
23 the Child, and other international human rights instruments of which the
24 Philippines is a party."

25

26 **SECTION 3.** Section 3 of Republic Act No. 9262 otherwise known as
27 "Anti-Violence Against Women and Their Children Act of 2004" is hereby
28 amended to read as follows:

29

30 "SECTION 3. *Definition of Terms.* – As used in this Act, (a) "Domestic Violence"
31 shall refer to any act or series of acts committed by any person against their

1 spouse, former spouse, or a partner with whom the person has or had a sexual
2 or dating relationship, or with whom the former has a common child, adopted
3 child, or child in their common care, custody, or support, or against the
4 partner's child, whether legitimate or illegitimate, within or without the family
5 abode, which result in or is likely to result in physical, sexual, psychological
6 harm or suffering, or economic abuse including threats of such acts, battery,
7 assault, coercion, harassment, or arbitrary deprivation of liberty. It includes,
8 but is not limited to, the following acts:

9 *A. "Physical Violence"* refers to acts that include bodily or physical harm;

10 *B. "Sexual Violence"* refers to an act which is sexual in nature, committed
11 against any of those mentioned in (a) of this Section. It includes, but is
12 not limited to:

13
14 i. rape, sexual harassment, acts of lasciviousness, treating
15 another as a sex object, making demeaning and sexually
16 suggestive remarks, physically attacking the sexual parts
17 of the victim's body, forcing another to watch obscene
18 publications and indecent shows, or forcing the victim to
19 do indecent acts and/or make films thereof, forcing the
20 victim and another lover to live in the conjugal home or
21 sleep together in the same room with the abuser.

22
23 ii. Acts causing or attempting to cause the abuser's spouse,
24 intimate partner or their common child, or the child of the
25 intimate partner to engage in any sexual activity by force,
26 threat of force, physical or other harm or threat of physical
27 or other harm or coercion;

28
29 iii. Prostituting a spouse or partner or his/her/their child.

1 C. "*Psychological violence*" refers to acts or omissions causing or likely to
2 cause mental or emotional suffering of the victim such as but not
3 limited to intimidation, harassment, stalking, damage to property,
4 public ridicule or humiliation, repeated verbal abuse and marital
5 infidelity. It includes causing or allowing the victim to witness the
6 physical, sexual or psychological abuse of a member of the family to
7 which the victim belongs, or to witness pornography in any form or to
8 witness abusive injury to pets or to unlawful or unwanted deprivation
9 of the right to custody and/or visitation of common children.

10 D. "*Economic abuse*" refers to acts that make or attempt to make a
11 spouse or partner financially dependent which includes, but is not
12 limited to the following:

- 13 1. withdrawal of financial support or preventing the victim from
14 engaging in any legitimate profession, occupation, business or activity,
15 except in cases wherein the other spouse/partner objects on valid,
16 serious and moral grounds as defined in Article 73 of the Family Code;
- 17 2. deprivation or threat of deprivation of financial resources and the
18 right to the use and enjoyment of the conjugal, community or property
19 owned in common;
- 20 3. destroying household property;
- 21 4. controlling the victim's own money or properties or solely controlling
22 the conjugal money or properties.

23 (b) "*Battery*" refers to an act of inflicting physical harm upon another or
24 his/her/their child resulting to physical and psychological or emotional
25 distress.

26 (c) "*Battered Woman Syndrome*" refers to a scientifically defined pattern of
27 psychological and behavioral symptoms found in women living in battering
28 relationships as a result of cumulative abuse.

29 (d) "*Stalking*" refers to an intentional act committed by a person who,
30 knowingly and without lawful justification follows a spouse/partner or

1 his/her/their child or places the spouse/partner or his/her/their child under
2 surveillance directly or indirectly or a combination thereof.

3 (e) "*Dating relationship*" refers to a situation wherein the parties live as
4 husband and wife without the benefit of marriage or are romantically involved
5 over time and on a continuing basis during the course of the relationship. A
6 casual acquaintance or ordinary socialization between two individuals in a
7 business or social context is not a dating relationship.

8 (f) "*Sexual relations*" refers to a single sexual act which may or may not result
9 in the bearing of a common child.

10 (g) "*Safe Place or Shelter*" refers to any home or institution maintained or
11 managed by the Department of Social Welfare and Development (DSWD) or
12 by any other agency or voluntary organization accredited by the DSWD for
13 the purposes of this Act or any other suitable place the resident of which is
14 willing temporarily to receive the victim.

15 (h) "*Children*" refer to those below eighteen (18) years of age or older but
16 are incapable of taking care of themselves as defined under Republic Act No.
17 7610. As used in this Act, it includes the biological children of the victim and
18 other children under her care."

19

20 **SECTION 4.** Section 4 of Republic Act No. 9262 otherwise known as
21 "Anti-Violence Against Women and Their Children Act of 2004" is hereby
22 amended to read as follows:

23

24 "SECTION 4. *Construction.* – This Act shall be liberally construed to promote
25 the protection and safety of victims of Domestic Violence."

26

27 **SECTION 5.** Section 5 of Republic Act No. 9262 otherwise known as
28 "Anti-Violence Against Women and Their Children Act of 2004" is hereby
29 amended to read as follows:

1
2 ""SECTION 5. *Acts of Domestic Violence.* – The crime of Domestic Violence is
3 committed through any of the following acts against those mentioned under
4 paragraph (a) of Section 2:

5
6 (a) Causing Physical Harm toward the spouse/partner or his/her/their child;

7 (b) Threatening to cause the spouse/partner or his/her/their child physical
8 harm;

9 (c) Attempting to cause the spouse/partner or his/her/their child physical
10 harm;

11 (d) Placing the spouse/partner or his/her/their child in fear of imminent
12 harm;

13 (e) Attempting to compel or actually compelling the spouse/partner or
14 his/her/their child to engage in conduct which the victim has the right to
15 desist from or desist from conduct which the victim has the right to
16 engage in or attempting to restrict or restricting the victim's freedom of
17 movement or conduct by force or threat of force, physical or other harm
18 or threat of physical or other harm, or intimidation directed against the
19 spouse/partner or his/her/their child. This shall include, but not limited
20 to, the following acts committed with the purpose or effect of controlling
21 or restricting the spouse/partner or his/her/their child's movement or
22 conduct:

23
24 (1) Threatening to deprive or actually depriving the
25 spouse/partner or his/her/their child custody or
26 accesss to her/his family;

27 (2) Depriving or threatening to deprive the
28 spouse/partner or his/her/their child of legally due
29 financial support for the spouse/partner or his/her
30 family family, or deliberately providing insufficient
31 financial support;

- 1 (3) Depriving or threatening to deprive the spouse,
2 intimate partner, their common child, or the child
3 of the intimate partner of a legal right;
- 4 (4) Preventing the spouse, intimate partner, their
5 common child, or the child of the intimate partner
6 in engaging in any legitimate profession,
7 occupation, business or activity or controlling the
8 victim's own money or properties, or solely
9 controlling the conjugal or common money, or
10 properties;
- 11
- 12 (f) Inflicting or threatening to inflict physical harm on oneself for the
13 purpose of controlling the spouse/partner's actions or decisions;
- 14
- 15 (g) *Causing or attempting to cause the spouse/partner or his/her/their child*
16 *to engage in any sexual activity which does not constitute rape, by force*
17 *or threat of force, physical har, or through intimidation directed against*
18 *the spouse/partner or his/her/their child or her/his immediate family;*
- 19
- 20 (h) Engaging in purposeful, knowing, or reckless conduct, personally or
21 through another, that alarms or causes substantial emotional or
22 psychological distress to the spouse/partner or his/her/their child. This
23 shall include, but not be limited to, the following acts:
- 24 (1) Stalking or following the spouse/partner or his/her/their child in
25 public or private places;
- 26 (2) Peering in the window or lingering outside the residence of the
27 spouse/partner or his/her/their child;
- 28 (3) Entering or remaining in the dwelling or on the property of the
29 spouse/partner or his/her/their child against her/his will;
- 30 (4) Destroying the property and personal belongings or inflicting harm
31 to animals or pets of the spouse/partner or his/her/their child; and

- 1 (5) Engaging in any form of harassment or violence;
- 2 (i) Causing mental or emotional anguish, public ridicule or humiliation to
- 3 the spouse/partner or his/her/their child, including, but not limited to,
- 4 repeated verbal and emotional abuse, and denial of financial support
- 5 or custody of minor children or denial of access to the spouse/partner's
- 6 child/children."
- 7

8 **SECTION 6.** Section 6 of Republic Act No. 9262 otherwise known as

9 "Anti-Violence Against Women and Their Children Act of 2004" is hereby

10 amended to read as follows:

11

12 "SECTION 6. *Penalties.* — The crime of Domestic Violence, under Section 5

13 hereof shall be punished according to the following rules:

14 (a) Acts falling under Section 5(a) constituting attempted, frustrated

15 or consummated parricide or murder or homicide shall be punished in

16 accordance with the provisions of the Revised Penal Code. If these acts

17 resulted in mutilation, it shall be punishable in accordance with the Revised

18 Penal Code; those constituting serious physical injuries shall have the

19 penalty of *prision mayor*; those constituting less serious physical injuries

20 shall be punished by *prision correccional*; and those constituting slight

21 physical injuries shall be punished by *arresto mayor*.

22 Acts falling under Section 5(b) shall be punished by imprisonment of

23 two (2) degrees lower than the prescribed penalty for the consummated

24 crime as specified in the preceding paragraph but shall in no case be lower

25 than *arresto mayor*.

26 (b) Acts falling under Section 5(c) and 5(d) shall be punished by

27 *arresto mayor*;

28 (c) Acts falling under Section 5(e) shall be punished by *prision*

29 *correccional*;

1 (d) Acts falling under Section 5(f) shall be punished by arresto
2 mayor;

3 (e) Acts falling under Section 5(g) shall be punished by *prision*
4 *mayor*;

5 (f) Acts falling under Section 5(h) and Section 5(i) shall be punished
6 by *prision mayor*.

7 If the acts are committed while a woman or child is pregnant or
8 committed in the presence of a child, the penalty to be applied shall be the
9 maximum period of penalty prescribed in the section.

10 In addition to imprisonment, the perpetrator shall (a) pay a fine in
11 the amount of not less than One hundred thousand pesos (P100,000.00)
12 but not more than Three hundred thousand pesos (P300,000.00); (b)
13 undergo mandatory psychological counseling or psychiatric treatment and
14 shall report compliance to the court."

15
16 **SECTION 7.** Section 7 of Republic Act No. 9262 otherwise known as
17 "Anti-Violence Against Women and Their Children Act of 2004" is hereby
18 amended to read as follows:

19
20 "SECTION 7. *Venue* – The Regional Trial Court designated as a Family Court
21 shall have original and exclusive jurisdiction over cases of Domestic Violence
22 under this law. In the absence of such court in the place where the offense was
23 committed, the case shall be filed in the Regional Trial Court where the crime
24 or any of its elements were committed at the option of the complainant."

25
26 **SECTION 8.** Section 8 of Republic Act No. 9262 otherwise known as
27 "Anti-Violence Against Women and Their Children Act of 2004" is hereby
28 amended to read as follows:

1 "SECTION 8. *Protection Orders* – A protection order is an order issued under
2 this act for the purpose of preventing further acts of Domestic Violence
3 specified in Section 5 of this Act and granting other necessary relief. The relief
4 granted under a protection order serve the purpose of safeguarding the victim
5 from further harm, minimizing any disruption in the victim's daily life, and
6 facilitating the opportunity and ability of the victim to independently regain
7 control over their life. The provisions of the protection order shall be enforced
8 by law enforcement agencies. The protection orders that may be issued under
9 this Act are the Barangay Protection Order (BPO), Temporary Protection Order
10 (TPO) and Permanent Protection Order (PPO). The Protection orders that may
11 be issued under this Act shall include any, some, or all of the following reliefs:

12 (a) Prohibition of the respondent from threatening to commit or
13 committing, personally or through another, any of the acts mentioned in
14 Section 5 of this Act;

15 (b) Prohibition of the respondent from harassing, annoying, telephoning,
16 contacting or otherwise communicating with the petitioner, directly or
17 indirectly;

18 (c) Removal and exclusion of the respondent from the residence of the
19 petitioner, regardless of ownership of the residence, either temporarily for
20 the purpose of protecting the petitioner, or permanently where no property
21 rights are violated, and if respondent must remove personal effects from
22 the residence, the court shall direct a law enforcement agent to accompany
23 the respondent has gathered his things and escort respondent from the
24 residence;

25 (d) Directing the respondent to stay away from petitioner and designated
26 family or household member at a distance specified by the court, and to
27 stay away from the residence, school, place of employment, or any
28 specified place frequented by the petitioner and any designated family or
29 household member;

1 (e) Directing lawful possession and use by petitioner of an automobile and
2 other essential personal effects, regardless of ownership, and directing the
3 appropriate law enforcement officer to accompany the petitioner to the
4 residence of the parties to ensure that the petitioner is safely restored to
5 the possession of the automobile and other essential personal effects, or
6 to supervise the petitioner's or respondent's removal of personal
7 belongings;

8 (f) Granting a temporary or permanent custody of a child/children to the
9 petitioner;

10 (g) Directing the respondent to provide support to the spouse/partner or
11 his/her/their child if entitled to legal support. Notwithstanding other laws
12 to the contrary, the court shall order an appropriate percentage of the
13 income or salary of the respondent to be withheld regularly by the
14 respondent's employer for the same to be automatically remitted directly
15 to the spouse/partner or his/her/their child. Failure to remit and/or withhold
16 or any delay in the remittance of support to the spouse/partner or
17 his/her/their child without justifiable cause shall render the respondent or
18 his employer liable for indirect contempt of court;

19 (h) Prohibition of the respondent from any use or possession of any firearm
20 or deadly weapon and order him to surrender the same to the court for
21 appropriate disposition by the court, including revocation of license and
22 disqualification to apply for any license to use or possess a firearm. If the
23 offender is a law enforcement agent, the court shall order the offender to
24 surrender his firearm and shall direct the appropriate authority to
25 investigate on the offender and take appropriate action on matter;

26 (i) Restitution for actual damages caused by the violence inflicted,
27 including, but not limited to, property damage, medical expenses, childcare
28 expenses and loss of income;

1 (j) Directing the DSWD or any appropriate agency to provide petitioner may
2 need; and

3 (k) Provision of such other forms of relief as the court deems necessary to
4 protect and provide for the safety of the petitioner and any designated
5 family or household member, provided petitioner and any designated family
6 or household member consents to such relief.

7 Any of the reliefs provided under this section shall be granted even in the
8 absence of a decree of legal separation or annulment or declaration of absolute
9 nullity of marriage.

10 The issuance of a BPO or the pendency of an application for BPO shall not
11 preclude a petitioner from applying for, or the court from granting a TPO or
12 PPO."

13

14 **SECTION 9.** Section 9 paragraph (e) and (h) of Republic Act No. 9262
15 otherwise known as "Anti-Violence Against Women and Their Children Act of
16 2004" is hereby amended to read as follows:

17

18 **"SECTION 9. *Who may file Petition for Protection Orders.* – xxx**

19 (e) police officers, preferably those in charge of domestic violence desks;

20 xxx

21 (h) At least two (2) concerned responsible citizens of the city or municipality
22 where the Domestic Violence occurred and who has personal knowledge of
23 the offense committed."

24

25 **SECTION 10.** Section 13 of Republic Act No. 9262 otherwise known as
26 "Anti-Violence Against Women and Their Children Act of 2004" is hereby
27 amended to read as follows:

28

1 "SECTION 13. *Legal Representation of Petitioners for Protection Order.* – If the
2 spouse/partner or his/her/their child requests in the applications for a
3 protection order for the appointment of counsel because of lack of economic
4 means to hire a counsel de parte, the court shall immediately direct the Public
5 Attorney's Office (PAO) to represent the petitioner in the hearing on the
6 application. If the PAO determines that the applicant can afford to hire the
7 services of a counsel de parte, it shall facilitate the legal representation of the
8 petitioner by a counsel de parte. The lack of access to family or conjugal
9 resources by the applicant, such as when the same are controlled by the
10 perpetrator, shall qualify the petitioner to legal representation by the PAO.
11 However, a private counsel offering free legal service is not barred from
12 representing the petitioner."

13

14 **SECTION 11 .** Section 14 of Republic Act No. 9262 otherwise known as
15 "Anti-Violence Against Women and Their Children Act of 2004" is hereby
16 amended to read as follows:

17

18 "SECTION 14. *Barangay Protection Orders (BPOs); Who May Issue and How.*
19 - Barangay Protection Orders (BPOs) refer to the protection order issued by
20 the *Punong Barangay* ordering the perpetrator to desist from committing acts
21 under Section 5 (a) and (b) of this Act. A *Punong Barangay* who receives
22 applications for a BPO shall issue the protection order to the applicant on the
23 date of filing after *ex parte* determination of the basis of the application. If
24 the *Punong Barangay* is unavailable to act on the application for a BPO, the
25 application shall be acted upon by any available *Barangay Kagawad*. If the BPO
26 is issued by a *Barangay Kagawad* the order must be accompanied by an
27 attestation by the *Barangay Kagawad* that the *Punong Barangay* was
28 unavailable at the time for the issuance of the BPO. BPOs shall be effective for
29 thirty (30) days. Immediately after the issuance of an *ex parte* BPO,
30 the *Punong Barangay or Barangay Kagawad* shall personally serve a copy of

1 the same on the respondent, or direct any barangay official to effect is personal
2 service.

3 The parties may be accompanied by a non-lawyer advocate in any
4 proceeding before the Punong Barangay.”

5
6 **SECTION 12 .** Section 22 of Republic Act No. 9262 otherwise known as
7 “Anti-Violence Against Women and Their Children Act of 2004” is hereby
8 amended to read as follows:

9
10 “SECTION 22. *Applicability of Protection Orders to Criminal Cases.* – The
11 foregoing provisions on protection orders shall be applicable in impliedly
12 instituted with the criminal actions involving Domestic Violence.”

13
14 **SECTION 13 .** Section 25 of Republic Act No. 9262 otherwise known as
15 “Anti-Violence Against Women and Their Children Act of 2004” is hereby
16 amended to read as follows:

17
18 “SECTION 25. *Public Crime.* – Domestic Violence shall be considered a public
19 offense which may be prosecuted upon the filing of a complaint by any citizen
20 having personal knowledge of the circumstances involving the commission of
21 the crime.”

22
23 **SECTION 14 .** Section 28 of Republic Act No. 9262 otherwise known as
24 “Anti-Violence Against Women and Their Children Act of 2004” is hereby
25 amended to read as follows:

26
27 “SECTION 28. *Custody of Children.* – The woman victim of violence shall be
28 entitled to the custody and support of her child/children. Children below seven
29 (7) years old older but with mental or physical disabilities shall automatically be

1 given to the mother, with right to support, unless the court finds compelling
2 reasons to order otherwise.

3 A victim who is suffering from battered woman syndrome shall not be
4 disqualified from having custody of her children. In no case shall custody of
5 minor children be given to the perpetrator of a woman who is suffering from
6 Battered woman syndrome.

7 If the victim of Domestic Violence is the father, he shall be entitled to custody
8 and support of his child or children upon showing that the abuser is incapable
9 of attending to the best interests of the child whose custody is in issue applying
10 the provisions of the Family Code."

11

12 **SECTION 15** . Paragraph a) of Section 29 of Republic Act No. 9262
13 otherwise known as "Anti-Violence Against Women and Their Children Act of
14 2004" is hereby amended to read as follows:

15

16 "SECTION 29. *Duties of Prosecutors/Court Personnel.* – xxx:

17 a) communicate with the victim in a language understood by the victim; and

18 xxx"

19

20 **SECTION 16** . Section 32 of Republic Act No. 9262 otherwise known as
21 "Anti-Violence Against Women and Their Children Act of 2004" is hereby
22 amended to read as follows:

23

24 "SECTION 32. *Duties of Other Government Agencies and LGUs*– Other
25 government agencies and LGUs shall establish programs such as, but not
26 limited to, education and information campaign and seminars or symposia on
27 the nature, causes, incidence and consequences of Domestic Violence
28 particularly towards educating the public on its social impacts.

1 It shall be the duty of the concerned government agencies and LGU's to ensure
2 the sustained education and training of their officers and personnel on the
3 prevention of Domestic Violence under this Act.”

4

5 **SECTION 17.** Section 34 of Republic Act No. 9262 otherwise known as
6 “Anti-Violence Against Women and Their Children Act of 2004” is hereby
7 amended to read as follows:

8

9 “SECTION 34. *Persons Intervening Exempt from Liability.* – In every case of
10 domestic violence as herein defined, any person, private individual or police
11 authority or barangay official who, acting in accordance with law, responds or
12 intervenes without using violence or restraint greater than necessary to ensure
13 the safety of the victim, shall not be liable for any criminal, civil or administrative
14 liability resulting therefrom.”

15

16 **SECTION 18.** Section 35 of Republic Act No. 9262 otherwise known as
17 “Anti-Violence Against Women and Their Children Act of 2004” is hereby
18 amended to read as follows:

19

20 “SECTION 35. *Rights of Victims.* – In addition to their rights under existing
21 laws, victims of Domestic Violence shall have the following rights:

22 (a) to be treated with respect and dignity;

23 (b) to avail of legal assistance from the PAO of the Department of Justice
24 (DOJ) or any public legal assistance office;

25 (c) To be entitled to support services from the DSWD and LGUs'

26 (d) To be entitled to all legal remedies and support as provided for under
27 the Family Code; and

1 (e) To be informed of their rights and the services available to them
2 including their right to apply for a protection order.”
3

4 **SECTION 19** . Section 39 of Republic Act No. 9262 otherwise known as
5 “Anti-Violence Against Women and Their Children Act of 2004” is hereby
6 amended to read as follows:
7

8 “SECTION 39. *Inter-Agency Council on Domestic Violence (IAC-DV)*. In
9 pursuance of the abovementioned policy, the previously established Inter-
10 Agency Council on Violence Against Women and their children, shall be
11 renamed to the Inter-Agency Council on Domestic Violence (IAC-DV)
12 hereinafter known as the Council, which remains to be composed of the
13 following agencies:

14 (a) Department of Social Welfare and Development (DSWD);

15 (b) National Commission on the Role of Filipino Women (NCRFW);

16 (c) Civil Service Commission (CSC);

17 (d) Commission on Human rights (CHR)

18 (e) Council for the Welfare of Children (CWC);

19 (f) Department of Justice (DOJ);

20 (g) Department of the Interior and Local Government (DILG);

21 (h) Philippine National Police (PNP);

22 (i) Department of Health (DOH);

23 (j) Department of Education (DepEd);

24 (k) Department of Labor and Employment (DOLE); and

25 (l) National Bureau of Investigation (NBI).

1 These agencies are tasked to formulate new programs and projects to eliminate
2 Domestic Violence against all genders and sexes based on their mandates as
3 well as develop capability programs for their employees to become more
4 sensitive to the needs of their clients. The Council will also serve as the
5 monitoring body as regards to Anti-Domestic Violence initiatives.

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

11

12 **SECTION 20.** Section 42 of Republic Act No. 9262 otherwise known as
13 “Anti-Violence Against Women and Their Children Act of 2004” is hereby
14 amended to read as follows:

15

16 “SECTION 42. *Training of Persons Involved in Responding to Domestic Violence*
17 *Cases.* – All agencies involved in responding to Domestic Violence shall be
18 required to undergo education and training to acquaint them with:

- 19 a. the nature, extent and causes of Domestic Violence;
- 20 b. the legal rights of, and remedies available to, victims of Domestic
21 Violence;
- 22 c. the services and facilities available to victims or survivors;
- 23 d. the legal duties imposed on police officers to make arrest and to offer
24 protection and assistance; and
- 25 e. techniques for handling incidents of Domestic Violence that minimize the
26 likelihood of injury to the officer and promote the safety of the victim or
27 survivor.

1 The PNP, in coordination with LGU's shall establish an education and training
2 program for police officers and barangay officials to enable them to properly
3 handle cases of Domestic Violence."

4

5 **SECTION 21** . Section 44 of Republic Act No. 9262 otherwise known as
6 "Anti-Violence Against Women and Their Children Act of 2004" is hereby
7 amended to read as follows:

8

9 "SECTION 44. *Confidentiality*. – All records pertaining to cases of Domestic
10 Violence including those in the barangay shall be confidential and all public
11 officers and employees and public or private clinics to hospitals shall respect
12 the right to privacy of the victim. Whoever publishes or causes to be published,
13 in any format, the name, address, telephone number, school, business address,
14 employer, or other identifying information of a victim or an immediate family
15 member, without the latter's consent, shall be liable to the contempt power of
16 the court.

17 Any person who violates this provision shall suffer the penalty of one (1) year
18 imprisonment and a fine of not more than Five Hundred Thousand pesos
19 (P500,000.00)."

20

21 **SECTION 22** . Section 45 of Republic Act No. 9262 otherwise known as
22 "Anti-Violence Against Women and Their Children Act of 2004" is hereby
23 amended to read as follows:

24

25 "SECTION 45. *Funding* – The amount necessary to implement the provisions of
26 this Act shall be included in the annual General Appropriations Act (GAA).

27 The Gender and Development (GAD) Budget of the mandated agencies and
28 LGU's shall be used to implement services for victims of Domestic Violence.

29

1 **SECTION 23.** Section 46 of Republic Act No. 9262 otherwise known as
2 "Anti-Violence Against Women and Their Children Act of 2004" is hereby
3 amended to read as follows:

4
5 "SECTION 46. *Implementing Rules and Regulations.* – Within six (6) months
6 from the approval of this Act, the DOJ, the NCRFW, the DSWD, the DILG, the
7 DOH, and the PNP, and three (3) representatives from NGOs to be identified
8 by the NCRFW, shall promulgate the Implementing Rules and Regulations (IRR)
9 of this Act.

10
11 **SECTION 24. *Suppletory Application*** – For purposes of this Act, the
12 Revised Penal Code and other applicable laws, shall have suppletory
13 application.

14
15 **SECTION 25. *Separability Clause.*** – If any section or provision of this
16 Act is held unconstitutional or invalid, the other sections or provisions shall not
17 be affected.

18
19 **SECTION 26. *Repealing Clause*** – All laws, Presidential decrees,
20 executive orders and rules and regulations, or parts thereof, inconsistent with
21 the provisions of this Act are hereby repealed or modified accordingly.

22
23 **SECTION 27. *Effectivity*** – This Act shall take effect fifteen (15) days
24 from the date of its complete publication in at least two (2) newspapers of
25 general circulation.

Approved.