

NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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Senate
Office of the Secretary

'22 NOV -3 P5:44

SENATE

S. No. 1459

RECEIVED BY:

Introduced by SENATOR RAMON BONG REVILLA, JR.

**AN ACT
DEFINING ELECTRONIC VIOLENCE AGAINST WOMEN AND THEIR
CHILDREN, PROVIDING PROTECTIVE MEASURES, AND PRESCRIBING
PENALTIES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9262,
OTHERWISE KNOWN AS THE "ANTI-VIOLENCE AGAINST WOMEN AND
THEIR CHILDREN ACT OF 2004"**

EXPLANATORY NOTE

A 2015 report by the United Nations Broadband Commission stated that "73% of women have already been exposed to or have experienced some form of online violence.¹" It is not hard to imagine that with the ubiquity and accessibility of online platforms and rapid development of mobile technologies, the statistics could be much worse today. It could be described as another pandemic in terms of prevalence, if left unchecked.

This proposed measure seeks to amend Republic Act 9262, otherwise known as "Anti-Violence Against Women and Their Children Act of 2004," to expand the acts of violence criminalized therein to include acts causing mental, emotional, or psychological distress or suffering perpetrated through electronic or digital means, and to provide penalties therefor.

Moreover, this bill provides for the immediate blocking, removal, or shutdown of any upload, program, or application that causes violence against the victim. It also mandates the Department of Justice to establish an "Address Confidentiality Program"

¹ "Cyber Violence Against Women and Girls: A World-wide Wake-up Call." Accessed on June 20, 2020 through https://library.pcw.gov.ph/sites/default/files/Cyber_violence_Gender%20report.pdf

to ensure the protection and safety of the E-VAWC victims. Lastly, it expands the composition of the Inter-Agency Council to further strengthen the program formulation and monitoring to address and eliminate cyber violence. .

In this light, the passage of this bill is earnestly sought.



RAMON BONG REVILLA, JR.

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PENALTIES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9262,
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THEIR CHILDREN ACT OF 2004"**

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

1
2 Section 1. *Short Title.* - This Act shall be known as the "*Expanded Anti-Violence*
3 *Against Women and their Children (E-VAWC) Act*".

4 Sec. 2. Section 3, paragraph (a) of Republic Act No. 9262, otherwise known as
5 the "Anti-Violence Against Women and Their Children Act of 2004", is hereby amended
6 to read as follows:

7 "Sec. 3. *Definition of Terms.* - x x x

8 "A. x x x

9 "B. x x x

10 "C. x x x

11 "D. x x x

12 "E. 'ELECTRONIC VIOLENCE OR ICT-RELATED VIOLENCE'
13 REFERS TO ANY ACT OR OMISSION INVOLVING THE USE OR
14 EXPLOITATION OF DATA OR ANY FORM OF INFORMATION AND
15 COMMUNICATIONS TECHNOLOGY (ICT) WHICH CAUSES OR IS
16 LIKELY TO CAUSE MENTAL, EMOTIONAL, OR PSYCHOLOGICAL

1 DISTRESS OR SUFFERING TO THE VICTIM, TO INCLUDE THE
2 FOLLOWING:

3 "1. UNAUTHORIZED RECORDING, REPRODUCTION,
4 DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY
5 PHOTOGRAPH, VIDEO, OR ANY OTHER FORM OR ELECTRONIC
6 AND/OR ARTISTIC PRESENTATION SHOWING OR DEPICTING IN
7 ANY FORM OR MANNER THE VICTIM'S GENITALIA, PUBIC AREA,
8 BUTTOCKS, BREASTS, EXCRETORY BODY PART OR FUNCTION,
9 NUDITY, SCENES WITH SEXUAL CONTEXT OR PORTRAYAL OF
10 SEXUAL CONDUCT SUCH AS SEXUAL INTERCOURSE,
11 MASTURBATION, KISSING, CARESSING, HUGGING, AND
12 PETTING;

13 "2. UNAUTHORIZED RECORDING, REPRODUCTION,
14 DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY
15 PHOTOGRAPH, VIDEO, OR ANY OTHER FORM OF ELECTRONIC
16 AND/OR ARTISTIC PRESENTATION EXHIBITING ANY SEXUALLY-
17 RELATED VERBAL OR NONVERBAL EXPRESSION OR GESTURE OF
18 THE VICTIM;

19 "3. UNAUTHORIZED RECORDING, REPRODUCTION,
20 DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY
21 PHOTOGRAPH, VIDEO, OR ANY OTHER FORM OF ELECTRONIC
22 AND/OR ARTISTIC PRESENTATION DEPICTING ANY PURPORTED
23 VIOLENT OR ERRANT BEHAVIOR OF THE VICTIM OR THE USE OF
24 INTOXICATING OR PROHIBITED SUBSTANCES OR DRUGS;

25 "4. ANY SIMILAR RECORDING, REPRODUCTION,
26 DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY AUDIO
27 PRESENTATION AND DATA, INCLUDING SOUND CLIPS, OF THE
28 SAME NATURE OR SIMILAR TO THOSE MENTIONED IN
29 SUBSECTION (A) E.1-3;

30 "5. UNAUTHORIZED USE OF THE VICTIM'S PHOTOGRAPH,
31 VIDEO, VOICE, NAME OR ANY MARK, REFERENCE OR CHARACTER
32 IDENTIFIABLE WITH THE VICTIM, AND SUGGESTIVE OF ANY

1 **WRONGDOING OR ANY CONDUCT OR ATTRIBUTE TENDING TO**
2 **BLACKEN THE REPUTATION OF THE VICTIM;**

3 **"6. HARASSING OR THREATENING THE VICTIM THROUGH**
4 **TEXT MESSAGING OR OTHER CYBER, ELECTRONIC, OR**
5 **MULTIMEDIA MEANS; AND**

6 **"7. HACKING OF PERSONAL ACCOUNTS ON SOCIAL**
7 **NETWORKING SITES AND THE USE OF LOCATION DATA FROM**
8 **ELECTRONIC DEVICES."**

9
10 Sec. 3. Section 5 of Republic Act No. 9262 is hereby amended to read as
11 follows:

12 *"Sec. 5. Acts of Violence Against Women and Their Children.—x x x*

13 *"(a) x x x*

14 *"(b) x x x*

15 *"(c) x x x*

16 *"(d) x x x*

17 *"(e) x x x*

18 *"(f) x x x*

19 *"(g) x x x*

20 *"(h) x x x*

21 *"(i) x x x [.]";*

22 **"(J) CAUSING ELECTRONIC VIOLENCE AGAINST A WOMAN**
23 **OR HER CHILD; AND**

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

26
27 Sec. 4. Section 6 of Republic Act No. 9262 is hereby amended to read as
28 follows:

29 *"SEC. 6. Penalties. x x x*

30 *"(a) x x x*

31 *"(b) x x x*

32 *"(c) x x x*

1 "(d) x x x

2 "(e) x x x

3 "(f) x x x [.]

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

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

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

11 "In addition to imprisonment, the perpetrator shall (a) pay a fine in
12 the amount of not less than One hundred thousand pesos (P100,000.00)
13 but not more than Three hundred thousand pesos (P300,000.00);
14 **PROVIDED, THAT, IN CASES OF ELECTRONIC VIOLENCE, THE**
15 **FINE THAT MAY BE IMPOSED SHALL NOT BE LESS THAN THREE**
16 **HUNDRED THOUSAND PESOS (P300,000.00) BUT NOT MORE**
17 **THAN FIVE HUNDRED THOUSAND PESOS (P500,000.00); (b)**
18 undergo mandatory psychological counselling or psychiatric treatment and
19 shall report compliance to the court."

20
21 Sec. 5. Section 7 of Republic Act No. 9262 is hereby amended to read as
22 follows:

23 "SEC. 7. *Venue*. - The Regional Trial Court designated as a Family
24 Court shall have original and exclusive jurisdiction over cases of violence
25 against women and their children under this law. In the absence of such
26 court in the place where the offense was committed, the case shall be filed
27 in the Regional Trial Court where the crime or any of its elements was
28 committed at the option of the complainant. **IN CASES OF ELECTRONIC**
29 **VIOLENCE, THE CASE MAY BE FILED IN THE PLACE WHERE THE**
30 **COMPLAINANT RESIDES AT THE TIME OF THE COMMISSION OF**
31 **THE OFFENSE."**

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

3 "SEC. 8. *Protection Orders.* – x x x

4 "(a) x x x

5 "(b) x x x

6 "(c) x x x

7 "(d) x x x

8 "(e) x x x

9 "(f) x x x

10 "(g) x x x

11 "(h) x x x

12 "(i) x x x

13 "(j) x x x [and]

14 "(k) x x x [.]; **AND**

15 **"(L) FOR E-VAWC CASES, ORDERING THE IMMEDIATE**
16 **BLOCKING, BLACKLISTING, REMOVAL, OR SHUTDOWN OF ANY**
17 **UPLOAD, PROGRAM, OR APPLICATION THAT CAUSES OR TENDS**
18 **TO CAUSE VIOLENCE AGAINST THE VICTIM."**

19
20 Sec. 7. Section 39 of Republic Act No. 9262 is hereby amended to read as
21 follows:

22 "Sec. 39. *Inter-Agency Council on Violence Against Women and*
23 *Their Children (IAC-VAWC).* – x x x

24 "(a) x x x

25 "(b) x x x

26 "(c) x x x

27 "(d) x x x

28 "(e) x x x

29 "(f) x x x

30 "(g) x x x

31 "(h) x x x

32 "(i) x x x

1 "(j) x x x

2 "(k) x x x [and]

3 "(l) x x x [.]

4 **"(M) MOVIE AND TELEVISION REVIEW AND**
5 **CLASSIFICATION BOARD (MTRCB);**

6 **"(N) DEPARTMENT OF SCIENCE AND TECHNOLOGY**
7 **(DOST); AND**

8 **"(O) NATIONAL TELECOMMUNICATIONS COMMISSION**
9 **(NTC).**

10 **"x x x"**

11
12 Sec. 8. Section 40 of Republic Act No. 9262 is hereby amended to read as
13 follows:

14 "Sec. 40. *Mandatory Programs and Services for Victims.* - The
15 DSWD, and LGUs shall provide the victims temporary shelters, provide
16 counselling, psycho-social services and/or[,] recovery, rehabilitation
17 programs and livelihood assistance.

18 "The DOH shall provide medical assistance to victims.

19 **"THE DOJ SHALL ESTABLISH AND ADMINISTER AN**
20 **ADDRESS CONFIDENTIALITY PROGRAM WHICH SHALL BE**
21 **REFERRED TO AS THE 'PROGRAM' WHICH SHALL ENSURE THE**
22 **PROTECTION AND SAFETY OF E-VAWC VICTIMS BY PROVIDING**
23 **THEM WITH SUBSTITUTE ADDRESS TO BE USED WHEN**
24 **INTERACTING WITH GOVERNMENT AGENCIES AND A NEW**
25 **MAILING ADDRESS WHICH KEEPS THEIR ACTUAL ADDRESS**
26 **CONFIDENTIAL AND FREE FROM THE RISK OF DISCOVERY BY**
27 **THIRD PARTIES. THE PROGRAM SHALL CATER TO VICTIMS WHO**
28 **INTEND TO ESTABLISH A NEW RESIDENCE AND THOSE WHO**
29 **HAVE ALREADY RELOCATED TO ANOTHER PLACE UNKNOWN TO**
30 **THEIR ASSAILANTS OR ABUSERS WHO MAY USE PUBLIC**
31 **RECORDS TO FIND THEM.**

1 **"IN THIS REGARD, THE APPLICATION FOR INCLUSION IN**
2 **THE PROGRAM AS WELL AS OTHER SUPPORTING DOCUMENTS**
3 **SUBMITTED BY A VICTIM SHALL NOT BE CONSIDERED AS**
4 **PUBLIC RECORD AND SHALL BE KEPT CONFIDENTIAL BY THE**
5 **DOJ. ANY EMPLOYEE WHO WILLFULLY BREACHES THE**
6 **CONFIDENTIALITY OF THESE RECORDS OR WILLFULLY**
7 **DISCLOSES THE NAME, RESIDENTIAL OR MAILING ADDRESS OF**
8 **A VICTIM IN VIOLATION OF THIS PROVISION SHALL SUFFER**
9 **THE PENALTY OF ONE (1) YEAR IMPRISONMENT AND A FINE OF**
10 **NOT MORE THAN FIVE HUNDRED THOUSAND PESOS**
11 **(P500,000.00)."**

12
13 Sec. 9. Section 43 of Republic Act No. 9262 is hereby amended to read as
14 follows:

15 "Sec. 43. [*Entitlement to Leave.* – Victims under this Act shall be
16 entitled to take a paid leave of absence up to ten (10) days in addition to
17 other paid leaves under the Labor Code and Civil Service Rules and
18 Regulations, extendible when the necessity arises as specified in the
19 protection order.

20 "Any employer who shall prejudice the right of the person under
21 this section shall be penalized in accordance with the provisions of the
22 Labor Code and Civil Service Rules and Regulations. Likewise, an employer
23 who shall prejudice any person for assisting a co-employee who is a victim
24 under this Act shall likewise be liable for discrimination.] **TEN (10)-DAY**
25 **PAID LEAVE IN ADDITION TO OTHER LEAVE BENEFITS. - ANY**
26 **TIME DURING THE APPLICATION OF ANY PROTECTION ORDER,**
27 **INVESTIGATION, PROSECUTION, AND/OR TRIAL OF THE**
28 **CRIMINAL CASE, A VICTIM OF VAWC WHO IS EMPLOYED SHALL**
29 **BE ENTITLED TO A PAID LEAVE OF UP TO TEN (10) DAYS IN**
30 **ADDITION TO OTHER PAID LEAVES UNDER THE LABOR CODE,**
31 **CIVIL SERVICE RULES AND REGULATIONS AND OTHER EXISTING**
32 **LAWS AND COMPANY POLICIES, EXTENDIBLE WHEN THE**

1 **NECESSITY ARISES AS SPECIFIED IN THE PROTECTION ORDER.**
2 **THE PUNONG BARANGAY/KAGAWAD OR PROSECUTOR OR THE**
3 **CLERK OF COURT, AS THE CASE MAY BE, SHALL ISSUE A**
4 **CERTIFICATION, AT NO COST TO THE WOMAN, THAT SUCH AN**
5 **ACTION IS PENDING. THIS CERTIFICATION SHALL BE THE ONLY**
6 **REQUIREMENT FOR THE EMPLOYER TO GRANT THE TEN (10)-**
7 **DAY PAID LEAVE APPLICATION. FOR GOVERNMENT EMPLOYEES,**
8 **IN ADDITION TO THE AFOREMENTIONED CERTIFICATION, THE**
9 **EMPLOYEE CONCERNED MUST FILE AN APPLICATION FOR**
10 **LEAVE, CITING AS BASIS REPUBLIC ACT NO. 9262. THE**
11 **ADMINISTRATIVE ENFORCEMENT OF THIS LEAVE ENTITLEMENT**
12 **SHALL BE CONSIDERED WITHIN THE JURISDICTION OF THE**
13 **REGIONAL DIRECTOR OF THE DOLE UNDER ARTICLE 129 OF THE**
14 **LABOR CODE OF THE PHILIPPINES, AS AMENDED, FOR**
15 **EMPLOYEES IN THE PRIVATE SECTOR, AND THE CSC, FOR**
16 **GOVERNMENT EMPLOYEES.**

17 **"THE AVAILMENT OF THE TEN (10)-DAY LEAVE OF**
18 **ABSENCE SHALL BE AT THE OPTION OF THE WOMAN EMPLOYEE,**
19 **WHICH SHALL COVER THE DAYS THAT SHE HAS TO ATTEND TO**
20 **MEDICAL AND LEGAL CONCERNS. LEAVES NOT AVAILED OF ARE**
21 **NONCUMULATIVE AND NOT CONVERTIBLE TO CASH.**

22 **"THE IMMEDIATE SUPERIOR OF THE PERSON APPLYING**
23 **FOR A TEN (10)-DAY PAID LEAVE MUST APPROVE THE**
24 **APPLICATION ON THE SAME DAY OF APPLICATION. IF THE**
25 **IMMEDIATE SUPERIOR IS UNAVAILABLE TO ACT ON THE**
26 **APPLICATION FOR A LEAVE, THE APPLICATION SHALL BE ACTED**
27 **UPON BY ANY AVAILABLE SENIOR OFFICIAL OF THE PRIVATE**
28 **COMPANY OR GOVERNMENT AGENCY.**

29 **"EVERY PRIVATE COMPANY AND GOVERNMENT AGENCY**
30 **SHALL RECORD ALL APPLICATIONS FOR LEAVE IN A LOGBOOK**
31 **SPECIFICALLY FOR CASES OF VAWC. THEY SHALL SUBMIT A**
32 **QUARTERLY REPORT OF ALL APPLICATIONS ISSUED TO THE**

1 REGIONAL DIRECTOR OF THE DOLE FOR EMPLOYEES OF THE
2 PRIVATE SECTOR, AND THE CSC, FOR GOVERNMENT
3 EMPLOYEES.

4 "FAILURE TO ACT ON AN APPLICATION FOR A TEN (10)-
5 DAY PAID LEAVE OF ABSENCE WITHIN THE GIVEN PERIOD
6 WITHOUT JUSTIFIABLE CAUSE SHALL RENDER THE IMMEDIATE
7 SUPERIOR OR SENIOR OFFICIAL ADMINISTRATIVELY LIABLE,
8 AND THE PENALTY OF SUSPENSION FOR FIFTEEN (15) DAYS
9 SHALL BE IMPOSED UPON THE OFFICIAL. AN ADMINISTRATIVE
10 COMPLAINT AGAINST THE IMMEDIATE SUPERIOR OR SENIOR
11 OFFICIAL FOR FAILURE TO PERFORM ONE'S DUTIES CAN BE
12 FILED BY A VICTIM-SURVIVOR WITH THE REGIONAL DIRECTOR
13 OF THE DOLE FOR EMPLOYEES OF THE PRIVATE SECTOR, AND
14 THE CSC, FOR GOVERNMENT EMPLOYEES, FOR GROSS NEGLECT
15 OF DUTY OR MALFEASANCE.

16 "THE IMMEDIATE SUPERIOR OR SENIOR OFFICIAL WHO
17 DENIES THE APPLICATION FOR LEAVE, AND WHO SHALL
18 PREJUDICE THE VICTIM-SURVIVOR OR ANY PERSON FOR
19 ASSISTING A CO-EMPLOYEE WHO IS A VICTIM-SURVIVOR
20 UNDER THIS ACT SHALL BE LIABLE FOR A FINE NOT EXCEEDING
21 TEN THOUSAND PESOS (P10,000.00) AND SUSPENSION FOR
22 THIRTY (30) DAYS FOR DISCRIMINATION AND VIOLATION OF
23 REPUBLIC ACT NO. 9262.

24 "ANY SENIOR OFFICIAL WHO HAS KNOWLEDGE OF, BUT
25 FAILED TO ACT ON, OR HAS IN ANY WAY INFLUENCED THE
26 DENIAL OF THE IMMEDIATE SUPERIOR TO GRANT LEAVE TO A
27 VICTIM-SURVIVOR SHALL BE HELD ADMINISTRATIVELY LIABLE
28 AND THE PENALTY OF SUSPENSION FOR FIFTEEN (15) DAYS
29 SHALL BE IMPOSED ON THE OFFICIAL."
30

1 Sec. 10. *Separability Clause.* – If any part or provision of this Act is declared
2 unconstitutional or invalid, the remaining parts or provisions not affected thereby shall
3 remain in full force and effect.

4 Sec. 11. *Repealing Clause.* – Any law, presidential decree or issuance, executive
5 order, letter of instruction, administrative order, rule, or regulation contrary to or
6 inconsistent with the provisions of this Act are hereby repealed, modified, or amended
7 accordingly.

8 Sec. 12. *Effectivity.* – This Act shall take effect fifteen (15) days after its
9 publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,