



HOUSE OF REPRESENTATIVES

H. No. 8009

BY REPRESENTATIVES TEODORO, BROSAS, CASTRO (F.), MANUEL, TAMBUNTING, LACSON-NOEL, MASTURA, LAGMAN, ZAMORA (A.M.), NAVA, MATIBAG, ROMAN, CHAN, MANQUIZ, NOGRALES (M.), VILLARICA, AQUINO-MAGSAYSAY, SINGSON (R.), COLLANTES, DIMAPORO (S.A.), TALLADO, DEL MAR, ZAMORA (Y.M.), SAULOG, TULFO (J.), TUTOR, ARENAS, AGARAO, HERNANDEZ, SANTOS, VARGAS, CUA, KHO (O.), MARIANO-HERNANDEZ, VILLANUEVA, LABADLABAD, ESCUDERO, LIMKAICHONG, ALVAREZ (M.), BULUT-BEGTANG, SILVERIO, VILLARAZA-SUAREZ, ABANTE, ATAYDE, LEGARDA, OLIVAREZ, DE VENECIA, RECTO, ROBES, PANOTES, DALIPE, HAGEDORN AND VIOLAGO, PER COMMITTEE REPORT NO. 512

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 ACT OF 2004”

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Expanded
2 Anti-Violence Against Women and Their Children (E-VAWC) Act.”

3 SEC. 2. Section 3 of Republic Act No. 9262 is amended to read as follows:

4 “SEC. 3. *Definition of Terms.* – As used in this Act,

5 “(a) x x x

6 “A. x x x

7 “B. x x x

1 “C. *“Psychological violence”* refers to acts or omissions
2 **THAT MAY BE COMMITTED THROUGH PHYSICAL,**
3 **VERBAL, EMOTIONAL, ELECTRONIC OR**
4 **INFORMATION AND COMMUNICATIONS**
5 **TECHNOLOGY (ICT) DEVICES OR OTHER MEANS**
6 causing or likely to cause mental or emotional suffering of [the
7 victim] **A WOMAN AND/OR HER CHILDREN**, such as [~~but not~~
8 ~~limited to~~] intimidation, harassment, stalking, damage to property,
9 public ridicule or humiliation, [~~repeated~~] verbal abuse and marital
10 infidelity. It includes **THE ACT OF** causing or [~~allowing the~~
11 victim] **COERCING A WOMAN AND/OR HER CHILDREN** to
12 witness the physical, sexual or psychological abuse of a member of
13 the family to which the [~~victim belongs~~] **WOMAN AND/OR HER**
14 **CHILDREN BELONG** or to witness pornography in any form or
15 to witness abusive injury to pets or to unlawful or unwanted
16 deprivation of the right to custody [~~and/or~~] **OR** visitation of
17 common children.

18 “D. x x x

19 “E. *“ELECTRONIC OR ICT-RELATED VIOLENCE”*
20 **REFERS TO ANY ACT OR OMISSION INVOLVING THE**
21 **USE OR EXPLOITATION OF DATA OR ANY FORM OF**
22 **ICT WHICH CAUSES OR IS LIKELY TO CAUSE MENTAL,**
23 **EMOTIONAL, OR PSYCHOLOGICAL DISTRESS OR**

1 **SUFFERING TO THE WOMAN AND/OR HER CHILDREN,**
2 **INCLUDING THE FOLLOWING:**

3 **“(1) RECORDING, REPRODUCTION,**
4 **DISTRIBUTION, USE, SHARING OR UPLOADING**
5 **OF ANY PHOTOGRAPH, VIDEO, OR OTHER**
6 **FORMS OF ELECTRONIC OR ARTISTIC**
7 **PRESENTATION SHOWING OR DEPICTING IN**
8 **ANY FORM OR MANNER THE GENITALIA OF A**
9 **WOMAN OR THOSE OF HER CHILDREN’S**
10 **GENITALIA, PUBIC AREA, BUTTOCKS, BREASTS,**
11 **EXCRETORY BODY PART OR FUNCTION,**
12 **NUDITY, SCENES WITH SEXUAL CONTEXT OR**
13 **PORTRAYAL OF SEXUAL CONDUCT SUCH AS**
14 **SEXUAL INTERCOURSE, MASTURBATION,**
15 **KISSING, CARESSING, HUGGING, AND PETTING;**

16 **“(2) RECORDING, REPRODUCTION,**
17 **DISTRIBUTION, USE, SHARING OR UPLOADING**
18 **OF ANY PHOTOGRAPH, VIDEO, OR ANY OTHER**
19 **FORM OF ELECTRONIC OR ARTISTIC**
20 **PRESENTATION EXHIBITING ANY SEXUALLY-**
21 **RELATED VERBAL OR NONVERBAL**
22 **EXPRESSION OR GESTURE OF THE WOMAN**
23 **AND/OR HER CHILDREN WHICH MAY BE**
24 **CONSTRUED AS LEWD, INDECENT, OR OBSCENE;**

1 **“(3) RECORDING, REPRODUCTION,**
2 **DISTRIBUTION, USE, SHARING OR UPLOADING**
3 **OF ANY PHOTOGRAPH, VIDEO, OR ANY OTHER**
4 **FORM OF ELECTRONIC OR ARTISTIC**
5 **PRESENTATION DEPICTING ANY PURPORTED**
6 **VIOLENT OR ERRANT BEHAVIOUR OF THE**
7 **WOMAN AND/OR HER CHILDREN, OR THE USE**
8 **OF INTOXICATING OR PROHIBITED**
9 **SUBSTANCES OR DRUGS;**

10 **“(4) ANY SIMILAR RECORDING,**
11 **REPRODUCTION, DISTRIBUTION, USE, SHARING**
12 **OR UPLOADING OF ANY AUDIO PRESENTATION**
13 **AND DATA, INCLUDING SOUND CLIPS OF THE**
14 **SAME NATURE AS THOSE ENUMERATED IN**
15 **PARAGRAPH (a) E. 1-3 OF THIS SECTION;**

16 **“(5) USE OF A PHOTOGRAPH, VIDEO,**
17 **VOICE RECORDING, NAME OR ANY MARK,**
18 **REFERENCE OR CHARACTER IDENTIFIABLE**
19 **WITH A WOMAN AND/OR HER CHILDREN AND**
20 **SUGGESTIVE OF A WRONGDOING, CONDUCT OR**
21 **ATTRIBUTE THAT TENDS TO BESMIRCH THE**
22 **REPUTATION OF THE WOMAN AND/OR HER**
23 **CHILDREN;**

1 “(6) HARASSING, INTIMIDATING,
2 COERCING, THREATENING OR VILLIFYING THE
3 WOMAN AND/OR HER CHILDREN THROUGH
4 TEXT MESSAGING OR OTHER CYBER,
5 ELECTRONIC, OR MULTIMEDIA TECHNOLOGY;

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

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

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

19 “x x x.”

20 SEC. 3. Section 5 of the same Act is amended to read as follows:

21 “SEC. 5. *Acts of Violence Against Women and Their Children.* – x x x

22 “(a) x x x

23 “(b) x x x

24 “(c) x x x

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“(d) x x x

“(e) x x x

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“(g) x x x

“(h) x x x

“(1) x x x

“(2) x x x

“(3) x x x

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

“(5) x x x

“(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 MAYBE 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

1 WOMAN AND/OR HER CHILDREN FOR MALICIOUS
2 PURPOSES INCLUDING PORNOGRAPHY, OTHER
3 SEXUALLY-RELATED CRIMES, AND VIOLATIONS
4 UNDER REPUBLIC ACT NO. 10175, OTHERWISE KNOWN
5 AS THE “*CYBERCRIME PREVENTION ACT OF 2012*.”

6 “(i) x x x /

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

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

13 SEC. 4. Section 6 of the same Act is amended to read as follows:

14 “SEC. 6. *Penalties.* – x x x

15 “(a) x x x

16 “(b) x x x

17 “(c) x x x

18 “(d) x x x

19 “(e) x x x

20 “(f) x x x

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

23 “If the acts are committed while the woman or child is pregnant or
24 committed in the presence of [her] THE WOMAN’S child, the penalty to

1 be applied shall be the maximum period of penalty prescribed in this
2 section.

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

13 “**LIABILITY UNDER THIS ACT SHALL BE WITHOUT**
14 **PREJUDICE TO ANY LIABILITY FOR VIOLATION OF ANY**
15 **PROVISION OF THE REVISED PENAL CODE, AS AMENDED, OR**
16 **SPECIAL LAWS.”**

17 SEC. 5. Section 7 of the same Act is amended to read as follows:

18 “**SEC. 7. JURISDICTION AND Venue.** – The Regional Trial
19 Court designated as a Family Court shall have original and exclusive
20 jurisdiction over cases of violence against women and their children under
21 this law. **IN CASES OF ELECTRONIC OR ICT-RELATED**
22 **VIOLENCE, THE COURT ACQUIRES JURISDICTION IF ANY OF**
23 **THE ELEMENTS IS COMMITTED WITHIN THE PHILIPPINES,**
24 **OR COMMITTED WITH THE USE OF ANY COMPUTER SYSTEM**

1 **THAT IS WHOLLY OR PARTLY SITUATED IN THE COUNTRY,**
2 **OR WHEN SUCH COMMISSION CAUSES ANY DAMAGE TO A**
3 **WOMAN AND/OR HER CHILDREN WHO, AT THE TIME OF THE**
4 **COMMISSION OF THE OFFENSE, ARE IN THE PHILIPPINES.**
5 **CRIMINAL ACTION FOR VIOLATION OF THIS ACT SHALL BE**
6 **FILED WITH THE REGIONAL TRIAL COURT DESIGNATED AS**
7 **A FAMILY COURT WHERE THE OFFENSE WAS COMMITTED.**

8 In the absence of such court [~~in the place where the offense was committed~~],
9 the case shall be filed in the Regional Trial Court where the crime or any of
10 its elements was committed at the option of the complainant. **IN CASES**
11 **OF ELECTRONIC OR ICT-RELATED VIOLENCE, THE CASE**
12 **MAY BE FILED IN THE PLACE WHERE ANY PART OF THE**
13 **COMPUTER SYSTEM USED IS SITUATED, WHERE ANY OF THE**
14 **DAMAGE CAUSED TO THE WOMAN AND/OR HER CHILDREN**
15 **TOOK PLACE, OR WHERE THE WOMAN AND/OR HER**
16 **CHILDREN RESIDE AT THE TIME THEY LEARN OF THE**
17 **COMMISSION OF THE OFFENSE.”**

18 SEC. 6. Section 8 of the same Act is amended to read as follows:

- 19 **“SEC. 8. Protection Orders. – x x x**
- 20 **“(a) x x x**
- 21 **“(b) x x x**
- 22 **“(c) x x x**
- 23 **“(d) x x x**
- 24 **“(e) x x x**

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“(f) x x x

“(g) x x x

“(h) x x x

“(i) x x x

“(j) x x x; [and]

“(k) 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

“(L) Provision of such other forms of relief as the court deems necessary to protect and provide for the safety of the petitioner and any designated family or household member, provided petitioner

1 and any designated family or household member consents to such
2 relief.

3 “x x x.”

4 SEC. 7. Section 24 of the same Act is amended to read as follows:

5 “SEC. 24. *Prescriptive Period.* – Acts falling under Sections 5(a)
6 to 5(f) **OF THIS ACT** shall prescribe in twenty (20) years. Acts falling
7 under Sections 5(g) to 5(i) **OF THIS ACT** shall prescribe in ten (10) years.
8 **ACTS FALLING UNDER SECTIONS 5(J) AND 5(K) OF THIS ACT**
9 **SHALL BE IMPRESCRIPTIBLE.”**

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

11 “SEC. 32. *Duties of Other Government Agencies and LGUs.* –
12 Other government agencies and LGUs, **INCLUDING PHILIPPINE**
13 **EMBASSIES AND CONSULAR OFFICES**, shall establish programs
14 such as, but not limited to, education and information campaign and
15 seminars or symposia on **SEXUAL AND REPRODUCTIVE HEALTH,**
16 **AND** the nature, causes, incidence and consequences of such violence
17 **AGAINST WOMEN AND/OR THEIR CHILDREN** particularly
18 towards educating the public on its social impacts.

19 “x x x.”

20 SEC. 9. Section 39 of the same Act is amended to read as follows:

21 “SEC. 39. *Inter-Agency Council on Violence Against Women and*
22 *Their Children (IAC-VAWC).* – x x x

23 “(a) x x x

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

3 “(c) x x x

4 “(d) x x x

5 “(e) x x x

6 “(f) x x x

7 “(g) x x x

8 “(h) x x x

9 “(i) x x x

10 “(j) x x x

11 “(k) Department of Labor and Employment; [and]

12 “(l) National Bureau of Investigation[.];

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

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

17 “(O) NATIONAL TELECOMMUNICATIONS
18 COMMISSION (NTC);

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

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

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

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

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

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

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

16 “x x x.”

17 SEC. 10. Section 40 of the same Act is amended to read as follows:

18 “*SEC. 40. Mandatory Programs and Services for [Victims]*
19 *WOMEN AND THEIR CHILDREN.* – IN CASES FILED UNDER
20 THIS ACT, ~~[The]~~ **THE** DSWD, and LGUs shall provide ~~[the victims]~~
21 **WOMEN AND THEIR CHILDREN**, temporary shelters, provide
22 counseling, psycho-social services ~~[and/or,]~~ **OR** recovery, rehabilitation
23 programs, and livelihood assistance.

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

16 **“The DOH shall provide medical assistance to [victims] WOMEN**
17 **AND THEIR CHILDREN IN CASES FILED UNDER THIS ACT.**

18 **“THE DSWD, LGUs AND DOH SHALL ENSURE THAT ALL**
19 **RECORDS OF A WOMAN AND HER CHILDREN OBTAINED IN**
20 **CONNECTION WITH THE PROVISIONING OF SUCH SERVICES**
21 **BY THE AGENCIES SHALL BE HELD CONFIDENTIAL UNLESS**
22 **THERE IS A COURT ORDER AUTHORIZING THE RELEASE OF**
23 **ANY INFORMATION OR DATA.**

1 **“THE DOJ SHALL ESTABLISH AND ADMINISTER AN**
2 **IDENTITY AND LOCATION CONFIDENTIALITY PROGRAM TO**
3 **BE REFERRED TO AS THE “PROGRAM”, WHICH SHALL**
4 **ENSURE THE PROTECTION AND SAFETY OF WOMEN AND**
5 **THEIR CHILDREN BY PROVIDING THEM WITH A**
6 **SUBSTITUTE ADDRESS TO BE USED WHEN INTERACTING**
7 **WITH GOVERNMENT AGENCIES AND A NEW MAILING**
8 **ADDRESS WHICH KEEPS THEIR ACTUAL WHEREABOUTS**
9 **CONFIDENTIAL AND FREE FROM THE RISK OF DISCOVERY**
10 **BY THIRD PARTIES. THE PROGRAM SHALL CATER TO**
11 **WOMEN AND THEIR CHILDREN WHO INTEND TO ESTABLISH**
12 **A NEW RESIDENCE OR THOSE WHO HAVE ALREADY**
13 **RELOCATED TO ANOTHER PLACE UNKNOWN TO THEIR**
14 **ASSAILANTS OR ABUSERS WHO MAY USE PUBLIC RECORDS**
15 **TO FIND THEM.**

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

22 **“ANY OFFICIAL OR EMPLOYEE WHO WILLFULLY**
23 **BREACHES THE CONFIDENTIALITY OF THESE RECORDS OR**
24 **WILLFULLY DISCLOSES THE NAME, RESIDENTIAL OR**

1 MAILING ADDRESS OF A WOMAN AND HER CHILDREN IN
2 VIOLATION OF THIS PROVISION OF THIS ACT, SHALL
3 SUFFER THE PENALTY OF ONE (1) YEAR IMPRISONMENT
4 AND A FINE OF NOT LESS THAN THREE HUNDRED
5 THOUSAND PESOS (P300,000.00) BUT NOT MORE THAN FIVE
6 HUNDRED THOUSAND PESOS (P500,000.00).”

7 SEC. 11. Section 43 of the same Act is amended to read as follows:

8 “SEC. 43. [~~Entitlement to Leave.~~—Victims under this Act shall be
9 entitled to take a paid leave of absence up to ten (10) days in addition to
10 other paid leaves under the Labor Code and Civil Service Rules and
11 Regulations, extendible when the necessity arises as specified in the
12 protection order.

13 “Any employer who shall prejudice the right of the person under this
14 section shall be penalized in accordance with the provisions of the Labor
15 Code and Civil Service Rules and Regulations. Likewise, an employer who
16 shall prejudice any person for assisting a co-employee who is a victim under
17 this Act shall likewise be liable for discrimination.] **ADDITIONAL**
18 **LEAVE BENEFITS.** – DURING THE APPLICATION OF ANY
19 **PROTECTION ORDER, INVESTIGATION, PROSECUTION,**
20 **AND/OR TRIAL OF THE CRIMINAL CASE, A VICTIM OF**
21 **E-VAWC WHO IS EMPLOYED SHALL BE ENTITLED TO A PAID**
22 **LEAVE OF ABSENCE OF UP TO TWENTY (20) DAYS IN**
23 **ADDITION TO OTHER PAID LEAVES UNDER THE LABOR**
24 **CODE, CIVIL SERVICE RULES AND REGULATIONS AND**

1 OTHER EXISTING LAWS AND COMPANY POLICIES,
2 EXTENDIBLE WHEN THE NECESSITY ARISES AS SPECIFIED
3 IN THE PROTECTION ORDER. THE *PUNONG*
4 *BARANGAY/KAGAWAD*, PNP WOMEN'S AND CHILDREN'S
5 DESKS OR PROSECUTOR OR THE CLERK OF COURT,
6 PHYSICIANS, SOCIAL WORKERS, AND LICENSED
7 COUNSELORS AS THE CASE MAY BE, SHALL ISSUE A
8 CERTIFICATION, AT NO COST TO THE WOMAN, THAT SUCH
9 IS PENDING UNDER THEIR JURISDICTION. THIS
10 CERTIFICATION SHALL BE THE ONLY REQUIREMENT FOR
11 THE EMPLOYER TO GRANT THE TWENTY (20)-DAY PAID
12 LEAVE APPLICATION. IN ADDITION TO THE
13 AFOREMENTIONED CERTIFICATION, AN EMPLOYEE OF THE
14 GOVERNMENT MUST FILE AN APPLICATION FOR LEAVE,
15 CITING THIS ACT. THE ADMINISTRATIVE ENFORCEMENT
16 OF THIS LEAVE ENTITLEMENT SHALL BE CONSIDERED
17 WITHIN THE JURISDICTION OF THE REGIONAL DIRECTOR
18 OF THE DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE)
19 UNDER ARTICLE 129 OF THE LABOR CODE OF
20 THE PHILIPPINES, AS AMENDED, FOR EMPLOYEES IN THE
21 PRIVATE SECTOR, AND THE CIVIL SERVICE COMMISSION
22 (CSC), FOR GOVERNMENT EMPLOYEES.

23 "THE AVAILMENT OF THE TWENTY (20)-DAY LEAVE
24 OF ABSENCE SHALL BE AT THE OPTION OF THE WOMAN

1 EMPLOYEE, WHICH SHALL COVER THE DAYS THAT SHE HAS
2 TO ATTEND TO MEDICAL, LEGAL, AND OTHER VALID
3 CONCERNS RELATED TO THE PENDING CASE. LEAVES NOT
4 AVAILED OF ARE NON-CUMULATIVE AND NOT
5 CONVERTIBLE TO CASH.

6 “THE IMMEDIATE SUPERIOR OF THE PERSON
7 APPLYING FOR A TWENTY (20)-DAY PAID LEAVE SHALL
8 APPROVE THE APPLICATION ON THE SAME DAY IT WAS
9 FILED. IF THE IMMEDIATE SUPERIOR IS UNAVAILABLE TO
10 ACT ON THE APPLICATION FOR A LEAVE, THE APPLICATION
11 SHALL BE ACTED UPON BY ANY AVAILABLE SENIOR
12 OFFICIAL OF THE PRIVATE COMPANY OR GOVERNMENT
13 AGENCY.

14 “ALL PRIVATE COMPANIES AND GOVERNMENT
15 AGENCIES SHALL RECORD ALL APPLICATIONS FOR LEAVE
16 IN A LOGBOOK SPECIFICALLY FOR CASES OF E-VAWC. THEY
17 SHALL SUBMIT A QUARTERLY REPORT ON ALL
18 APPLICATIONS ISSUED TO THE REGIONAL DIRECTOR OF
19 THE DOLE FOR EMPLOYEES OF THE PRIVATE SECTOR, AND
20 THE CSC, FOR GOVERNMENT EMPLOYEES.

21 “FAILURE TO ACT ON AN APPLICATION FOR A
22 TWENTY (20)-DAY PAID LEAVE OF ABSENCE WITHIN THE
23 PRESCRIBED PERIOD WITHOUT JUSTIFIABLE CAUSE SHALL
24 RENDER THE IMMEDIATE SUPERIOR OR SENIOR OFFICIAL

1 ADMINISTRATIVELY LIABLE, AND THE PENALTY OF
2 SUSPENSION FOR FIFTEEN (15) DAYS SHALL BE IMPOSED
3 UPON THE OFFICIAL. AN ADMINISTRATIVE COMPLAINT
4 AGAINST THE IMMEDIATE SUPERIOR OR SENIOR OFFICIAL
5 FOR FAILURE TO PERFORM ONE'S DUTIES CAN BE FILED BY
6 A VICTIM-SURVIVOR WITH THE REGIONAL DIRECTOR OF
7 THE DOLE FOR EMPLOYEES OF THE PRIVATE SECTOR, AND
8 THE CSC, FOR GOVERNMENT EMPLOYEES, FOR GROSS
9 NEGLECT OF DUTY OR MALFEASANCE.

10 "THE IMMEDIATE SUPERIOR OR SENIOR OFFICIAL
11 WHO DENIES THE APPLICATION FOR LEAVE, AND WHO
12 SHALL PREJUDICE THE VICTIM-SURVIVOR OR ANY PERSON
13 FOR ASSISTING A CO-EMPLOYEE WHO IS A VICTIM-
14 SURVIVOR UNDER THIS ACT SHALL BE LIABLE FOR A FINE
15 NOT EXCEEDING TEN THOUSAND PESOS (P10,000.00) AND
16 SUSPENSION FOR THIRTY (30) DAYS FOR DISCRIMINATION
17 AND VIOLATION OF THIS ACT.

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

1 SEC. 12. *Separability Clause.* – If any portion or provision of this Act is held
2 unconstitutional or invalid, the remaining portions or provisions shall not be affected.

3 SEC. 13. *Repealing Clause.* – All laws, decrees, executive orders and rules and
4 regulations, or parts thereof, inconsistent with the provisions of this Act are hereby
5 repealed or modified accordingly.

6 SEC. 14. *Effectivity.* – This Act shall take effect fifteen (15) days after its
7 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,