

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



23 JUL -4 P2:59

SENATE
S. No. 2293

RECEIVED BY: _____

Introduced by Senator MARK A. VILLAR

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"

EXPLANATORY NOTE

Mobile phones and other technological devices have evolved into useful tools in our social realm. While it is undeniable that modern innovation has made life more convenient, it does, however, became a ground for gender-based violence against women and children to an alarming extent.

The rise in the number of online violence against women and children continuously increases, hence, the government must provide safeguards to ensure that technological devices will not be used as an instrument to violate the rights of women and children.

This bill seeks to protect these women and their children from all forms of electronic violence by expanding the coverage of Republic Act No. 9262, otherwise known as "Anti-Violence Against Women and Their Children Act of 2004". Through this bill, acts or omissions that may be committed through Information and Communications Technology (ICT), which may cause mental or emotional suffering woman and/or her children shall be considered as punishable offenses. The bill likewise includes electronic or ICT-related violence as punishable acts herein.

Considering the foregoing, the approval of this bill is earnestly sought.


MARK A. VILLAR

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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 Anti-Violence*
2 *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 xxx

6 "(a) xxx

7 "A. xxx

8 "B. xxx

9 "C. "*Psychological violence*" refers to acts or omissions
10 **THAT MAY BE COMMITTED THROUGH PHYSICAL, VERBAL,**
11 **EMOTIONAL, ELECTRONIC OR INFORMATION AND**
12 **COMMUNICATIONS TECHNOLOGY (ICT) DEVICES OR OTHER**
13 **MEANS** causing or likely to cause mental or emotional suffering **OF A**

1 **WOMAN AND/OR HER CHILDREN**, such as intimidation,
2 harassment, stalking, damage to property, public ridicule or humiliation,
3 verbal abuse and marital infidelity. It includes **THE ACT** of causing or
4 **COERCING A WOMAN AND/OR HER CHILDREN** to witness the
5 physical, sexual or psychological abuse of a member of the family to
6 which the **WOMAN AND/OR HER CHILDREN BELONG** or to witness
7 pornography in any form or to witness abusive injury to pets or to
8 unlawful or unwanted deprivation of the right to custody **OR** visitation
9 of common children.

10 "D. xxx

11 "E. "***ELECTRONIC OR ICT-RELATED VIOLENCE***" REFERS
12 TO ANY ACT OR OMISSION INVOLVING THE USE OR
13 EXPLOITATION OF DATA OR ANY FORM OF ICT WHICH CAUSES
14 OR IS LIKELY TO CAUSE MENTAL, EMOTIONAL, OR
15 PSYCHOLOGICAL DISTRESS OR SUFFERING TO THE WOMAN
16 AND/OR HER CHILDREN, INCLUDING THE FOLLOWING:

17 "(1) RECORDING, REPRODUCTION,
18 DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY
19 PHOTOGRAPH, VIDEO, OR OTHER FORMS OF
20 ELECTRONIC OR ARTISTIC PRESENTATION SHOWING
21 OR DEPICTING IN ANY FORMS OR MANNER THE
22 GENITALIA OF A WOMAN OR THOSE OF HER CHILDREN'S
23 GENITALIA, PUBIC AREA, BUTTOCKS, BREASTS,
24 EXCRETORY BODY PART OF FUNCTION, NUDITY, SCENES
25 WITH SEXUAL CONTEXT OR PORTRAYAL OF SEXUAL
26 CONDUCT SUCH AS SEXUAL INTERCOURSE,
27 MASTURBATION, KISSING, CARESSING, HUGGING, AND
28 PETTING;

29 "(2) RECORDING, REPRODUCTION,
30 DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY

1 PHOTOGRAPH, VIDEO, OR ANY OTHER FORM OF
2 ELECTRONIC OR ARTISTIC PRESENTATION EXHIBITING
3 ANY SEXUALLY-RELATED VERBAL OR NONVERBAL
4 EXPRESSION OR GESTURE OF THE WOMAN AND/OR HER
5 CHILDREN WHICH MAY BE CONSTRUED AS LEWD,
6 INDECENT, OR OBSCENE;

7 "(3) RECORDING, REPRODUCTION,
8 DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY
9 PHOTOGRAPH, VIDEO, OR ANY OTHER FORM OF
10 ELECTRONIC OR ARTISTIC PRESENTATION DEPICTING
11 ANY PURPORTED VIOLENT OR ERRANT BEHAVIOR OF
12 THE WOMAN AND/OR HER CHILDREN, OR THE USE OF
13 INTOXICATION OR PROHIBITED SUBSTANCES OR
14 DRUGS;

15 "(4) ANY SIMILAR RECORDING, REPRODUCTION,
16 DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY
17 AUDIO PRESENTATION AND DATA, INCLUDING SOUND
18 CLIPS OF THE SAME NATURE AS THOSE ENUMERATED IN
19 PARAGRAPH (A) E. 1-3 OF THIS SECTION;

20 "(5) USE OF A PHOTOGRAPH, VIDEO, VOICE
21 RECORDING, NAME OR ANY MARK, REFERENCE OR
22 CHARACTER IDENTIFIABLE WITH A WOMAN AND/OR
23 HER CHILDREN AND SUGGESTIVE OF A WRONGDOING,
24 CONDUCT OR ATTRIBUTE THAT TENDS TO BESMIRCH
25 THE REPUTATION OF THE WOMAN AND/OR HER
26 CHILDREN;

27 "(6) HARASSING, INTIMIDATING, COERCING,
28 THREATENING OR VILIFYING THE WOMAN AND/OR HER
29 CHILDREN THROUGH TEXT MESSAGING OR OTHER
30 CYBER, ELECTRONIC, OR MULTIMEDIA TECHNOLOGY;

1 “(7) STALKING, INCLUDING THE HACKING OF
2 PERSONAL ACCOUNTS ON SOCIAL NETWORKING SITES
3 AND THE USE OF LOCATION DATA FROM ELECTRONIC
4 DEVICES;

5 “(8) FABRICATION OF FAKE INFORMATION OR
6 NEWS THROUGH TEXT MESSAGING OR OTHER CYBER,
7 ELECTRONIC, OR MULTIMEDIA TECHNOLOGY; AND

8 “(9) CREATION OF FAKE SOCIAL MEDIA ACCOUNT
9 USING AN ALIAS OR A DIFFERENT INDIVIDUAL’S
10 PERSONAL INFORMATION RESULTING IN HARM TO THE
11 WOMAN AND/OR HER CHILDREN’S REPUTATION.

12 “ x x x.”

13 Sec. 3. Section 5 of the same Act is amended to read as follows:

14 **“SEC. 5. Acts of Violence Against Women and Their Children. – xxx**

15 “(a) xxx

16 “(b) xxx

17 “(c) xxx

18 “(d) xxx

19 “(e) xxx

20 “(f) xxx

21 “(g) xxx

22 “(h) xxx

23 “(1) xxx

24 “(2) xxx

25 “(3) xxx

1 “(4) xxx Destroying the property and personal belongings or
2 inflicting harm to animals or pets of the woman **AND/OR** her
3 **CHILDREN;**

4 “(5) xxx

5 **“(6) RECORDING, REPRODUCING OR DISTRIBUTION OF**
6 **VIDEOS WHICH SHOW THE WOMAN AND/OR HER**
7 **CHILDREN NAKED OR IN UNDERGARMENT-CLAD**
8 **GENITALS, PUBIC AREA, BUTTOCKS OR BREASTS;**

9 **“(7) SHARING ANY MEDIA THAT CONTAINS PICTURES,**
10 **VOICE RECORDING OR VIDEO OF THE WOMAN AND/OR**
11 **HER CHILDREN WHICH MAYBE CONSTRUED AS LEWD,**
12 **INDECENT OR OF SEXUAL CONTENT; AND**

13 **“(8) USING THE PICTURES, VIDEO, VOICE NAME OR ANY**
14 **OTHER ASPECT OF THE IDENTITY OF A WOMAN AND/OR**
15 **HER CHILDREN FOR MALICIOUS PURPOSES INCLUDING**
16 **PORNOGRAPHY, OTHER SEXUALLY-RELATED CRIMES,**
17 **AND VIOLATIONS UNDER REPUBLIC ACT NO. 10175,**
18 **OTHERWISE KNOWN AS THE (CYBERCRIME PREVENTION**
19 **ACT OF 2012.)**

20 “(i) xxx

21 **“(J) INFLICTING OR COMMITTING ELECTRONIC OR ICT-**
22 **RELATED VIOLENCE AGAINST A WOMAN AND/OR HER**
23 **CHILDREN; AND**

24 **“(K) THREATENING TO CAUSE ELECTRONIC OR ICT- RELATED**
25 **VIOLENCE AGAINST A WOMAN AND/OR HER CHILDREN.”**

26 Sec. 4. Section 6 of the same Act is amended to read as follows:

27 **“SEC. 6. Penalties. - xxx**

28 “(a) xxx

1 “(b) xxx

2 “(c) xxx

3 “(d) xxx

4 “(e) xxx

5 “(f) xxx

6 **“(G) ACTS FALLING UNDER SECTIONS 5(J) AND 5(K) OF THIS**
7 **ACT SHALL BE PUNISHED BY RECLUSION TEMPORAL.**

8 “If the acts are committed while the woman or child is pregnant or
9 committed in the presence of **THE WOMAN’S** child, the penalty to be
10 applied shall be the maximum period of penalty prescribed in this
11 section.

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

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

25 Sec. 5. Section 7 of the same Act is amended to read as follows:

26 **“SEC. 7. JURISDICTION AND VENUE.** - The Regional Trial Court
27 designated as a Family Court shall have original and exclusive
28 jurisdiction over cases of violence against women and their children

1 under this law. **IN CASES OF ELECTRONIC OR ICT-RELATED**
2 **VIOLENCE, THE COURT ACQUIRES JURISDICTION IF ANY OF**
3 **THE ELEMENTS IS COMMITTED WITHIN THE PHILIPPINES, OR**
4 **COMMITTED WITH THE USE OF ANY COMPUTER SYSTEM THAT**
5 **IS WHOLLY OR PARTLY SITUATED IN THE COUNTRY, OR**
6 **WHEN SUCH COMMISSION CAUSES ANY DAMAGE TO A**
7 **WOMAN AND/OR HER CHILDREN WHO, AT THE TIME OF THE**
8 **COMMISSION OF THE OFFENSE, ARE IN THE PHILIPPINES.**
9 **CRIMINAL ACTION FOR VIOLATION OF THIS ACT SHALL BE**
10 **FILED WITH THE REGIONAL TRIAL COURT DESIGNATED AS A**
11 **FAMILY COURT WHERE THE OFFENSE WAS COMMITTED.** In the
12 absence of such court the case shall be filed in the Regional Trial Court
13 where the crime or any of its elements was committed at the option of
14 the complainant. **IN CASES OF ELECTRONIC OR ICT RELATED**
15 **VIOLENCE, THE CASE MAY BE FILED IN THE PLACE WHERE**
16 **ANY PART OF THE COMPUTER SYSTEM USED IS SITUATED,**
17 **WHERE ANY OF THE DAMAGE CAUSED TO THE WOMAN**
18 **AND/OR HER CHILDREN TOOK PLACE, OR WHERE THE**
19 **WOMAN AND/OR HER CHILDREN RESIDE AT THE TIME THEY**
20 **LEARN OF THE COMMISSION OF THE OFFENSE."**

21 Sec. 6. Section 8 of the same Act is amended to read as follows:

22 **"SEC. 8.** Protection Orders. —x x x

23 "(a) xxx

24 "(b) xxx

25 "(c) xxx

26 "(d) xxx

27 "(e) xxx

28 "(f) xxx

29 "(g) xxx

1 “(h) xxx

2 “(i) xxx

3 “(j) xxx; [and]

4 **“(K) ORDERING THE IMMEDIATE BLOCKING, BLACKLISTING,**
5 **REMOVAL, OR SHUTDOWN OF ANY UPLOAD, PROGRAM, OR**
6 **APPLICATION THAT CAUSES OR TENDS TO CAUSE VIOLENCE**
7 **AGAINST A WOMAN AND/OR HER CHILDREN. FAILURE OF AN**
8 **INTERNET SERVICE PROVIDER TO COOPERATE WITH LAW**
9 **ENFORCEMENT AGENCIES SHALL CONSTITUTE THE CRIME OF**
10 **OBSTRUCTION OF JUSTICE. THE DUTIES OF AN INTERNET**
11 **SERVICE PROVIDER AS PROVIDED FOR UNDER SECTION 9 (B)**
12 **OF REPUBLIC ACT NO. 11930, OTHERWISE KNOWN AS THE**
13 **“ANTI-ONLINE SEXUAL ABUSE OR EXPLOITATION OF**
14 **CHILDREN (OSAEC) AND ANTI-CHILD SEXUAL ABUSE OR**
15 **EXPLOITATION MATERIALS (CSAEM) ACT, SHALL BE**
16 **APPLICABLE; AND**

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

21 “ x x x.”

22 Sec. 7. Section 24 of the same Act is amended to read as follows:

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

28 Sec. 8. Section 32 of the same Act is amended to read as follows:

1 **“Sec.32. Duties of Other Government Agencies and LGUs.** — Other
2 government agencies and LGUs, **INCLUDING PHILIPPINE**
3 **EMBASSIES AND CONSULAR OFFICES**, shall establish programs
4 such as, but not limited to, education and information campaign and
5 seminars or symposia on **SEXUAL AND REPRODUCTIVE HEALTH,**
6 **AND** the nature, causes, incidence and consequences of such violence
7 **AGAINST WOMEN AND/OR THEIR CHILDREN** particularly
8 towards educating the public on its social impacts.

9 “ x x x.”

10 Sec. 9. Section 39 of the same Act is amended to read as follows:

11 **SEC. 39. Inter-Agency Council on Violence Against Women and their**
12 **Children (IAC-VAWC).** – xxx

13 “(a) xxx

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

16 “(c) xxx

17 “(d) xxx

18 “(e) xxx

19 “(f) xxx

20 “(g) xxx

21 “(h) xxx

22 “(i) xxx

23 “(j) xxx

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

25 “(l) National Bureau of Investigation;

1 “(M) MOVIE AND TELEVISION CLASSIFICATION BOARD
2 (MTRCB);

3 “(N) DEPARTMENT OF SCIENCE AND TECHNOLOGY (DOST);

4 “(O) NATIONAL COMMISSION (NTC);

5 “(P) DEPARTMENT OF INFORMATION AND COMMUNICATIONS
6 TECHNOLOGY;

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

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

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

10 “(T) OVERSEAS WORKERS WELFARE ADMINISTRATION
11 (OWWA); AND

12 “(U) TWO (2) REPRESENTATIVES FROM WOMEN’S RIGHTS
13 ORGANIZATIONS WITH A PROVEN TRACK RECORD OF
14 INVOLVEMENT IN THE PREVENTION AND ELIMINATION OF
15 VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (VAWC)
16 WHO SHALL BE CHOSEN BY THE GOVERNMENT AGENCY
17 REPRESENTATIVES OF THE COUNCIL TO SERVE FOR A TERM
18 OF THREE (3) YEARS.

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

25 “ x x x.”

26 Sec. 10. Section 40 of die same Act is amended to read as follows:

27 “**SEC. 40.** *Mandatory Programs and Services for [Victims]* **WOMEN**
28 **AND THEIR CHILDREN. - IN CASES FILED UNDER THIS ACT,**

1 [The] **THE** DSWD, and LGUs shall provide [~~the victims~~] **WOMEN AND**
2 **THEIR CHILDREN**, temporary shelters, provide counseling, psycho-
3 social services [and/or,] **OR** recovery, rehabilitation programs, and
4 livelihood assistance.

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

19 "The DOH shall provide medical assistance to [~~victims~~] **WOMEN AND**
20 **THEIR CHILDREN IN CASES FILED UNDER THIS ACT.**

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

27 **"THE DOJ SHALL ESTABLISH AND ADMINISTER AN IDENTITY**
28 **AND LOCATION CONFIDENTIALITY PROGRAM TO BE**
29 **REFERRED TO AS THE "PROGRAM", WHICH SHALL ENSURE**
30 **THE PROTECTION AND SAFETY OF WOMEN AND THEIR**

1 CHILDREN BY PROVIDING THEM WITH A SUBSTITUTE
2 ADDRESS TO BE USED WHEN INTERACTING WITH
3 GOVERNMENT AGENCIES AND A NEW MAILING ADDRESS
4 WHICH KEEPS THEIR ACTUAL WHEREABOUTS CONFIDENTIAL
5 AND FREE FROM THE RISK OF DISCOVERY BY THIRD PARTIES.
6 THE PROGRAM SHALL CATER TO WOMEN AND THEIR
7 CHILDREN WHO INTEND TO ESTABLISH A NEW RESIDENCE
8 OR THOSE WHO HAVE ALREADY RELOCATED TO ANOTHER
9 PLACE UNKNOWN TO THEIR ASSAILANTS OR ABUSERS WHO
10 MAY USE PUBLIC RECORDS TO FIND THEM.

11 "IN THIS REGARD, THE APPLICATION FOR INCLUSION IN THE
12 PROGRAM AS WELL AS OTHER SUPPORTING DOCUMENTS
13 SUBMITTED BY WOMEN AND THEIR CHILDREN SHALL NOT BE
14 CONSIDERED AS PUBLIC RECORD AND SHALL BE KEPT
15 CONFIDENTIAL BY THE DOJ AND SHALL ONLY BE RELEASED
16 UPON THE ORDER OF THE COURT.

17 "ANY OFFICIAL OR EMPLOYEE WHO WILLFULLY BREACHES
18 THE CONFIDENTIALITY OF THESE RECORDS OR WILLFULLY
19 DISCLOSES THE NAME, RESIDENTIAL OR MAILING ADDRESS
20 OF A WOMAN AND HER CHILDREN IN VIOLATION OF THIS
21 PROVISION OF THIS ACT, SHALL SUFFER THE PENALTY OF
22 ONE (1) YEAR IMPRISONMENT AND A FINE OF NOT LESS THAN
23 THREE HUNDRED THOUSAND PESOS (P300,000.00) BUT NOT
24 MORE THAN FIVE HUNDRED THOUSAND PESOS
25 (P500,000.00)"

26 Sec. 11. Section 43 of the same Act is amended to read as follows:

27 "**SEC. 43.** ~~[Entitlement to Leave. Victims under this Act shall be~~
28 ~~entitled to take a paid leave of absence up to ten (10) days in addition~~
29 ~~to other paid leaves under the Labor Code and Civil Service Rules and~~

1 Regulations, extendible when the necessity arises as specified in the
2 protection order.

3 Any employer who shall prejudice the right of the person under this
4 section shall be penalized in accordance with the provisions of the Labor
5 Code and Civil Service Rules and Regulations. Likewise, an employer
6 who shall prejudice any person for assisting a co-employee who is a
7 victim under this Act shall likewise be liable for discrimination.]

8 **ADDITIONAL LEAVE BENEFITS. – DURING THE APPLICATION**
9 **OF ANY PROTECTION ORDER, INVESTIGATION,**
10 **PROSECUTION, AND/OR TRIAL OF THE CRIMINAL CASE, A**
11 **VICTIM OF E-VAWC WHO IS EMPLOYED SHALL BE ENTITLED**
12 **TO A PAID LEAVE OF ABSENCE OF UP TO TWENTY (20) DAYS**
13 **IN ADDITION TO OTHER PAID LEAVES UNDER THE LABOR**
14 **CODE, CIVIL SERVICE RULES AND REGULATIONS AND OTHER**
15 **EXISTING LAWS AND COMPANY POLICIES, EXTENDIBLE**
16 **WHEN THE NECESSITY ARISES AS SPECIFIED IN THE**
17 **PROTECTION ORDER, THE *PUNONG BARANGAY/KAGAWAD,***
18 **PNP WOMEN’S AND CHILDREN’S DESKS OR PROSECUTOR OR**
19 **THE CLERK OF COURT, PHYSICIANS, SOCIAL WORKERS, AND**
20 **LICENSED COUNSELORS AS THE CASE MAY BE, SHALL ISSUE A**
21 **CERTIFICATION, AT NO COST TO THE WOMAN, THAT SUCH IS**
22 **PENDING UNDER THEIR JURISDICTION. THIS**
23 **CERTIFICATION SHALL BE THE ONLY REQUIREMENT FOR THE**
24 **EMPLOYER TO GRANT THE TWENTY (20)-DAY PAID LEAVE**
25 **APPLICATION. IN ADDITION TO THE AFOREMENTIONED**
26 **CERTIFICATION, AN EMPLOYEE OF THE GOVERNMENT MUST**
27 **FILE AN APPLICATION FOR LEAVE, CITING THIS ACT. THE**
28 **ADMINISTRATIVE ENFORCEMENT OF THIS LEAVE**
29 **ENTITLEMENT SHALL BE CONSIDERED WITHIN THE**
30 **JURISDICTION OF THE REGIONAL DIRECTOR OF THE**
31 **DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE) UNDER**
32 **ARTICLE 129 OF THE LABOR CODE OF THE PHILIPPINES, AS**

1 AMENDED, FOR EMPLOYEES IN THE PRIVATE SECTOR, AND
2 THE CIVIL SERVICE COMMISSION (CSC), FOR GOVERNMENT
3 EMPLOYEES.

4 "THE AVAILMENT OF THE TWENTY (20)-DAY LEAVE OF
5 ABSENCE SHALL BE AT THE OPTION OF THE WOMAN
6 EMPLOYEE, WHICH SHALL COVER THE DAYS THAT SHE HAS TO
7 ATTEND TO MEDICAL, LEGAL, AND OTHER VALID CONCERNS
8 RELATED TO THE PENDING CASE. LEAVES NOT AVAILED OF
9 ARE NON-CUMULATIVE AND NOT CONVERTIBLE TO CASH

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

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

24 "FAILURE TO ACT ON AN APPLICATION FOR A TWENTY (20)-
25 DAY PAID LEAVE OF ABSENCE WITHIN THE PRESCRIBED
26 PERIOD WITHOUT JUSTIFIABLE CAUSE SHALL RENDER THE
27 IMMEDIATE SUPERIOR OR SENIOR OFFICIAL
28 ADMINISTRATIVELY LIABLE, AND THE PENALTY OF
29 SUSPENSION FOR FIFTEEN (15) DAYS SHALL BE IMPOSED
30 UPON THE OFFICIAL. AN ADMINISTRATIVE COMPLAINT

1 **AGAINST THE IMMEDIATE SUPERIOR OR SENIOR OFFICIAL**
2 **FOR FAILURE TO PERFORM ONE’S DUTIES CAN BE FILED BY A**
3 **VICTIM-SURVIVOR WITH THE REGIONAL DIRECTOR OF TIDE**
4 **DOLE FOR EMPLOYEES OF THE PRIVATE SECTOR, AND THE**
5 **CSC, FOR GOVERNMENT EMPLOYEES, FOR GROSS NEGLECT OF**
6 **DUTY OR MALFEASANCE.**

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

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

21 *Sec. 12. Implementing Rules and Regulations.* – Within thirty (30) days from
22 the effectivity of this Act, the appropriate government agency shall formulate the
23 necessary rules and regulations for the effective implementation of this Act.

24 *Sec. 13. Repealing Clause.* – All laws, decrees, ordinances, rules, regulations,
25 other issuances or parts thereof which are inconsistent with this Act are hereby
26 repealed or modified accordingly.

27 *Sec. 14. Separability Clause.* — If any provision of this Act or any part hereof
28 is held invalid or unconstitutional, the remainder of the law or the provision not
29 otherwise affected shall remain valid and subsisting.

1 Sec. 15. *Effectivity.* – This Act shall take effect after fifteen (15) days from its
2 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,