


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



15 AUG -4 P3:38

SENATE
S.B. No. 2887

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

This proposal is an amendatory bill to the Anti-Violence Against Women and Their Children Act of 2004. This seeks to expand the scope of violence to include electronic means. In this day and age, information and communications technology has grown uncontrollably and has also been used against women and children.

Electronic or ICT-related violence causes mental, emotional, and/or psychological distress to victims. This bill seeks to protect women and children against such unnecessary suffering by criminalizing e-violence and providing penalties for such.

Further, this bill provides for immediate blocking, blacklisting, removal, or shutdown of any upload, program, or application that causes or tends to cause violence against the victim. Also, it provides that the Department of Justice should ensure the confidentiality of E-VAWC victims' identity for their security and protection.


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


RAMON BONG REVILLA, JR.



15 AUG -4 P3:38

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**AN ACT
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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 Congress assembled:

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

4 **Section 2.** Section 3, paragraph (a) of Republic Act No. 9262, otherwise known
5 as the "Anti-Violence Against Women and Their Children Act of 2004", is hereby
6 amended 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 LIKELY TO**
16 **CAUSE MENTAL, EMOTIONAL, OR PSYCHOLOGICAL DISTRESS OR**
17 **SUFFERING TO THE VICTIM, TO INCLUDE THE FOLLOWING:**

18 "1. **UNAUTHORIZED RECORDING, REPRODUCTION, DISTRIBUTION,**
19 **USE, SHARING OR UPLOADING OF ANY PHOTOGRAPH, VIDEO, OR ANY**
20 **OTHER FORM OR ELECTRONIC AND/OR ARTISTIC PRESENTATION**

1 SHOWING OR DEPICTING IN ANY FORM OR MANNER THE VICTIM'S
2 GENITALIA, PUBIC AREA, BUTTOCKS, BREASTS, EXCRETORY BODY
3 PART OR FUNCTION, NUDITY, SCENES WITH SEXUAL CONTEXT OR
4 PORTRAYAL OF SEXUAL CONDUCT SUCH AS SEXUAL INTERCOURSE,
5 MASTURBATION, KISSING, CARESSING, HUGGING, AND PETTING;

6 "2. UNAUTHORIZED RECORDING, REPRODUCTION, DISTRIBUTION,
7 USE, SHARING OR UPLOADING OF ANY PHOTOGRAPH, VIDEO, OR ANY
8 OTHER FORM OF ELECTRONIC AND/OR ARTISTIC PRESENTATION
9 EXHIBITING ANY SEXUALLY-RELATED VERBAL OR NONVERBAL
10 EXPRESSION OR GESTURE OF THE VICTIM;

11 "3. UNAUTHORIZED RECORDING, REPRODUCTION, DISTRIBUTION,
12 USE, SHARING OR UPLOADING OF ANY PHOTOGRAPH, VIDEO, OR ANY
13 OTHER FORM OF ELECTRONIC AND/OR ARTISTIC PRESENTATION
14 DEPICTING ANY PURPORTED VIOLENT OR ERRANT BEHAVIOUR OF THE
15 VICTIM OR THE USE OF INTOXICATING OR PROHIBITED SUBSTANCES
16 OR DRUGS;

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

21 "5. UNAUTHORIZED USE OF THE VICTIM'S PHOTOGRAPH, VIDEO,
22 VOICE, NAME OR ANY MARK, REFERENCE OR CHARACTER
23 IDENTIFIABLE WITH THE VICTIM, AND SUGGESTIVE OF ANY
24 WRONGDOING OR ANY CONDUCT OR ATTRIBUTE TENDING TO BLACKEN
25 THE REPUTATION OF THE VICTIM;

26 "6. HARASSING OR THREATENING THE VICTIM THROUGH TEXT
27 MESSAGING OR OTHER CYBER, ELECTRONIC, OR MULTIMEDIA MEANS;
28 AND

29 "7. HACKING OF PERSONAL ACCOUNTS ON SOCIAL NETWORKING
30 SITES AND THE USE OF LOCATION DATA FROM ELECTRONIC DEVICES."

31
32
33 **Section 3.** Section 5 of Republic Act No. 9262 is hereby amended to read as
34 follows:

35 "Sec. 5. *Acts of Violence Against Women and Their Children.* – x x x

36 "(a) x x x

37 "(b) x x x

38 "(c) x x x

1 “(d) x x x

2 “(e) x x x

3 “(f) x x x

4 “(g) x x x

5 “(h) x x x

6 “(i) x x x [.];

7 **“(J) CAUSING ELECTRONIC VIOLENCE AGAINST A WOMAN OR**
8 **HER CHILD; AND**

9 **“(K) THREATENING TO CAUSE ELECTRONIC VIOLENCE AGAINST A**
10 **WOMAN OR HER CHILD.”**

11

12 **Section 4.** Section 6 of Republic Act No. 9262 is hereby amended to read as
13 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) SHALL BE PUNISHED BY**
22 **PRISION CORECCIONAL; AND**

23 **“(H) ACTS FALLING UNDER SECTION 5(K) SHALL BE PUNISHED BY**
24 **ARRESTO MAYOR.**

25 “If the acts are committed while the woman or child is pregnant or
26 committed in the presence of her child, the penalty to be applied shall be the
27 maximum period of penalty prescribed in this section.

28 “In addition to imprisonment, the perpetrator shall (a) pay a fine in the
29 amount of not less than One hundred thousand pesos (P100,000.00) but not
30 more than Three hundred thousand pesos (P300,000.00): **PROVIDED, THAT, IN**
31 **CASES OF ELECTRONIC VIOLENCE, THE FINE THAT MAY BE IMPOSED**
32 **SHALL NOT BE LESS THAN THREE HUNDRED THOUSAND PESOS**
33 **(P300,000.00) BUT NOT MORE THAN FIVE HUNDRED THOUSAND PESOS**
34 **(P500,000.00); (b) undergo mandatory psychological counselling or psychiatric**
35 **treatment and shall report compliance to the court.”**

36

37

38

1 **Section 5.** Section 7 of Republic Act No. 9262 is hereby amended to read as
2 follows:

3 “SEC. 7. *Venue.* – The Regional Trial Court designated as a Family Court
4 shall have original and exclusive jurisdiction over cases of violence against
5 women and their children under this law. In the absence of such court in the
6 place where the offense was committed, the case shall be filed in the Regional
7 Trial Court where the crime or any of its elements was committed at the option of
8 the complainant. **IN CASES OF ELECTRONIC VIOLENCE, THE CASE MAY BE
9 FILED IN THE PLACE WHERE THE COMPLAINANT RESIDES AT THE TIME
10 OF THE COMMISSION OF THE OFFENSE.**”

11
12 **Section 6.** Section 8 of Republic Act No. 9262 is hereby amended to read as
13 follows:

14 “SEC. 8. *Protection Orders.* - 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) x x x

22 “(h) x x x

23 “(i) x x x

24 “(j) x x x [and]

25 “(k) x x x[.]; **AND**

26 **“(L) FOR E-VAWC CASES, ORDERING THE IMMEDIATE BLOCKING,
27 BLACKLISTING, REMOVAL, OR SHUTDOWN OF ANY UPLOAD, PROGRAM,
28 OR APPLICATION THAT CAUSES OR TENDS TO CAUSE VIOLENCE
29 AGAINST THE VICTIM.”**

30
31 **Section 7.** Section 39 of Republic Act No. 9262 is hereby amended to read as
32 follows:

33 “Sec. 39. *Inter-Agency Council on Violence Against Women and Their
34 Children (IAC-VAWC).* – x x x

35 “(a) x x x

36 “(b) x x x

37 “(c) x x x

38 “(d) x x x

1 “(e) x x x

2 “(f) x x x

3 “(g) x x x

4 “(h) x x x

5 “(i) x x x

6 “(j) x x x

7 “(k) x x x [and]

8 “(l) x x x [.]

9 **“(M) MOVIE AND TELEVISION REVIEW AND CLASSIFICATION**
10 **BOARD (MTRCB);**

11 **“(N) DEPARTMENT OF SCIENCE AND TECHNOLOGY (DOST); AND**

12 **“(O) NATIONAL TELECOMMUNICATIONS COMMISSION (NTC).**

13 **“x x x”**

14

15 **Section 8.** Section 40 of Republic Act No. 9262 is hereby amended to read as
16 follows:

17

18 “Sec. 40. *Mandatory Programs and Services for Victims.* – The DSWD,
19 and LGUs shall provide the victims temporary shelters, provide counselling,
20 psycho-social services and/or[,] recovery, rehabilitation programs and livelihood
21 assistance.

22 “The DOH shall provide medical assistance to victims.

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

34 **“IN THIS REGARD, THE APPLICATION FOR INCLUSION IN THE**
35 **PROGRAM AS WELL AS OTHER SUPPORTING DOCUMENTS SUBMITTED**
36 **BY A VICTIM SHALL NOT BE CONSIDERED AS PUBLIC RECORD AND**
37 **SHALL BE KEPT CONFIDENTIAL BY THE DOJ. ANY EMPLOYEE WHO**
38 **WILLFULLY BREACHES THE CONFIDENTIALITY OF THESE RECORDS OR**

1 WILLFULLY DISCLOSES THE NAME, RESIDENTIAL OR MAILING ADDRESS
2 OF A VICTIM IN VIOLATION OF THIS PROVISION SHALL SUFFER THE
3 PENALTY OF ONE (1) YEAR IMPRISONMENT AND A FINE OF NOT MORE
4 THAN FIVE HUNDRED THOUSAND PESOS (P500,000.00).”

5
6 **Section 9.** Section 43 of Republic Act No. 9262 is hereby amended to read as
7 follows:

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

12 “Any employer who shall prejudice the right of the person under this
13 section shall be penalized in accordance with the provisions of the Labor Code
14 and Civil Service Rules and Regulations. Likewise, an employer who shall
15 prejudice any person for assisting a co-employee who is a victim under this Act
16 shall likewise be liable for discrimination.] **TEN (10)-DAY PAID LEAVE IN
17 ADDITION TO OTHER LEAVE BENEFITS. – ANY TIME DURING THE
18 APPLICATION OF ANY PROTECTION ORDER, INVESTIGATION,
19 PERSECUTION, AND/OR TRIAL OF THE CRIMINAL CASE, A VICTIM OF
20 VAWC WHO IS EMPLOYED SHALL BE ENTITLED TO A PAID LEAVE OF UP
21 TO TEN (10) DAYS IN ADDITION TO OTHER PAID LEAVES UNDER THE
22 LABOR CODE, CIVIL SERVICE RULES AND REGULATIONS AND OTHER
23 EXISTING LAWS AND COMPANY POLICIES, EXTENDIBLE WHEN THE
24 NECESSITY ARISES AS SPECIFIED IN THE PROTECTION ORDER. THE
25 PUNONG BARANGAY/KAGAWAD OR PROSECUTOR OR THE CLERK OF
26 COURT, AS THE CASE MAY BE, SHALL ISSUE A CERTIFICATION, AT NO
27 COST TO THE WOMAN, THAT SUCH AN ACTION IS PENDING. THIS
28 CERTIFICATION SHALL BE THE ONLY REQUIREMENT FOR THE
29 EMPLOYER TO GRANT THE TEN (10)-DAY PAID LEAVE APPLICATION.
30 FOR GOVERNMENT EMPLOYEES, IN ADDITION TO THE
31 AFOREMENTIONED CERTIFICATION, THE EMPLOYEE CONCERNED MUST
32 FILE AN APPLICATION FOR LEAVE, CITING AS BASIS REPUBLIC ACT NO.
33 9262. THE ADMINISTRATIVE ENFORCEMENT OF THIS LEAVE
34 ENTITLEMENT SHALL BE CONSIDERED WITHIN THE JURISDICTION OF
35 THE REGIONAL DIRECTOR OF THE DOLE UNDER ARTICLE 129 OF THE
36 LABOR CODE OF THE PHILIPPINES, AS AMENDED, FOR EMPLOYEES IN
37 THE PRIVATE SECTOR, AND THE CSC, FOR GOVERNMENT EMPLOYEES.**

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

6 **"THE IMMEDIATE SUPERIOR OF THE PERSON APPLYING FOR A**
7 **TEN (10)-DAY PAID LEAVE MUST APPROVE THE APPLICATION ON THE**
8 **SAME DAY OF APPLICATION. IF THE IMMEDIATE SUPERIOR IS**
9 **UNAVAILABLE TO ACT ON THE APPLICATION FOR A LEAVE, THE**
10 **APPLICATION SHALL BE ACTED UPON BY ANY AVAILABLE SENIOR**
11 **OFFICIAL OF THE PRIVATE COMPANY OR GOVERNMENT AGENCY.**

12 **"EVERY PRIVATE COMPANY AND GOVERNMENT AGENCY SHALL**
13 **RECORD ALL APPLICATIONS FOR LEAVE IN A LOGBOOK SPECIFICALLY**
14 **FOR CASES OF VAWC. THEY SHALL SUBMIT A QUARTERLY REPORT OF**
15 **ALL APPLICATIONS ISSUED TO THE REGIONAL DIRECTOR OF THE DOLE**
16 **FOR EMPLOYEES OF THE PRIVATE SECTOR, AND THE CSC, FOR**
17 **GOVERNMENT EMPLOYEES.**

18 **"FAILURE TO ACT ON AN APPLICATION FOR A TEN (10)-DAY PAID**
19 **LEAVE OF ABSENCE WITHIN THE GIVEN PERIOD WITHOUT JUSTIFIABLE**
20 **CAUSE SHALL RENDER THE IMMEDIATE SUPERIOR OR SENIOR**
21 **OFFICIAL ADMINISTRATIVELY LIABLE, AND THE PENALTY OF**
22 **SUSPENSION FOR FIFTEEN (15) DAYS SHALL BE IMPOSED UPON THE**
23 **OFFICIAL. AN ADMINISTRATIVE COMPLAINT AGAINST THE IMMEDIATE**
24 **SUPERIOR OR SENIOR OFFICIAL FOR FAILURE TO PERFORM ONE'S**
25 **DUTIES CAN BE FILED BY A VICTIM-SURVIVOR WITH THE REGIONAL**
26 **DIRECTOR OF THE DOLE FOR EMPLOYEES OF THE PRIVATE SECTOR,**
27 **AND THE CSC, FOR GOVERNMENT EMPLOYEES, FOR GROSS NEGLECT**
28 **OF DUTY OR MALFEASANCE.**

29 **"THE IMMEDIATE SUPERIOR OR SENIOR OFFICIAL WHO DENIES**
30 **THE APPLICATION FOR LEAVE, AND WHO SHALL PREJUDICE THE**
31 **VICTIM-SURVIVOR OR ANY PERSON FOR ASSISTING A CO-EMPLOYEE**
32 **WHO IS A VICTIM-SURVIVOR UNDER THIS ACT SHALL BE LIABLE FOR A**
33 **FINE NOT EXCEEDING TEN THOUSAND PESOS (P10,000.00) AND**
34 **SUSPENSION FOR THIRTY (30) DAYS FOR DISCRIMINATION AND**
35 **VIOLATION OF REPUBLIC ACT NO. 9262.**

36 **"ANY SENIOR OFFICIAL WHO HAS KNOWLEDGE OF, BUT FAILED**
37 **TO ACT ON, OR HAS IN ANY WAY INFLUENCED THE DENIAL OF THE**
38 **IMMEDIATE SUPERIOR TO GRANT LEAVE TO A VICTIM-SURVIVOR SHALL**

1 **BE HELD ADMINISTRATIVELY LIABLE AND THE PENALTY OF**
2 **SUSPENSION FOR FIFTEEN (15) DAYS SHALL BE IMPOSED ON THE**
3 **OFFICIAL.”**

4
5 **Sec. 10. Separability Clause.** – If any portion or provision of this Act is held
6 unconstitutional or invalid, the remaining portions or provisions shall not be affected.

7
8 **Sec. 11. Repealing Clause.** – All laws, decrees, executive orders, rules and
9 regulations, or parts thereof inconsistent with the provisions of this Act are hereby
10 repealed or modified accordingly.

11
12 **Sec. 12. Effectivity.** – This Act shall take effect fifteen (15) days after its
13 publication in the Official Gazette or in a newspaper of general circulation.

14
15 ***Approved.***