




SENATE

'19 AUG 28 A10 :51

S. No. 978

RECEIVED BY: 

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Introduced by Senator MANUEL "LITO" M. LAPID

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**AN ACT  
GRANTING ADDITIONAL LEAVES FOR VICTIMS OF DOMESTIC VIOLENCE,  
PROVIDING PARAMETERS THEREFOR, AND AMENDING FOR SUCH  
PURPOSE REPUBLIC ACT NO. 9262, OTHERWISE KNOWN AS THE ANTI-  
VIOLENCE AGAINST WOMEN AND CHILDREN ACT**

EXPLANATORY NOTE

Spousal violence remains in high figures in the Philippines. Based on the preliminary results of the 2017 National Demographic and Health Survey (NDHS) conducted by the Philippine Statistics Authority, one in four married women aged 15-49 experienced physical, sexual or emotional violence<sup>1</sup>. But the burden that victims of domestic violence bear does not end upon emancipating themselves from their abusive partners. Victims must overcome legal, medical, social, and financial hurdles in order to be fully independent and self-sufficient. In consideration of these needs, the Anti-Violence against Women and Children (VAWC) Act provides for ten (10) days paid leave from work for victims of abuse to afford them an opportunity to pursue legal proceedings, relocate their residence, care for their children, or attend counseling sessions.

However, in the case of legal proceedings alone, there may be a need to go to court once a month. The same can be said for counseling and therapy that needs to be regular in order to be effective. Add to this the similar needs and frequency of appointments for the minor children of women who have also suffered domestic

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<sup>1</sup> <https://psa.gov.ph/content/one-four-women-have-ever-experienced-spousal-violence-preliminary-results-2017-national>

violence. Considering these circumstances, the minimum ten (10) days of leave afforded to victims of domestic violence would be grossly insufficient.

Thus, the proposed measure increases the number of minimum leaves afforded to victims of domestic violence into twenty (20) days. While the VAWC Act allows extension of the 10 days presently provided under law, such extension would have to be upon approval and determination of the court.

This bill proposes that the minimum number of leaves needed by victims of domestic violence would be available to them immediately upon court determination that they are indeed suffering from domestic abuse - as opposed to the need to further establish and justify the need for more than 10 days leave. This bill likewise ensures that the number of leaves may be allocated throughout the entire period of the legal proceedings and/or medical treatment, counselling or therapy. In this regard, this piece of legislation hopes to empower victims of domestic abuse to recover from the trauma of their past by helping them put in order their medical, legal, and domestic needs.



MANUEL "LITO" M. LAPID  
*Senator*



SENATE

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**AN ACT**  
**GRANTING ADDITIONAL LEAVES FOR VICTIMS OF DOMESTIC VIOLENCE,**  
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**PURPOSE REPUBLIC ACT NO. 9262, OTHERWISE KNOWN AS THE ANTI-**  
**VIOLENCE AGAINST WOMEN AND CHILDREN ACT**

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

1 Section 1. *Short Title.* - This Act shall be known as the "*Additional Leaves for*  
2 *Victims of Domestic Violence Act.*"

3 Sec. 2. *Declaration of Policy.* - The State values the dignity of women and  
4 children and guarantees full respect for human rights. The State further recognizes  
5 the need to protect the family and its members, particularly women and children,  
6 from violence and threats to their personal safety and security. Towards this end,  
7 the State shall exert efforts to aid victims of domestic violence to recover from the  
8 trauma thereof, be it for the purpose of putting in order medical, legal, or domestic  
9 needs.

10 Sec. 3. *Definition of Terms.* - For the purpose of this Act:

11 a) "*Domestic Violence*" shall refer to any act or acts of abuse as defined in  
12 Section 3 of Republic Act No. 9262, otherwise known as the "Anti-Violence  
13 Against Women and Their Children Act of 2004";

14  
15 b) "*Eligible Employee*" shall refer to an individual who (1) is a victim of  
16 domestic violence or is the parent of a minor child who is a victim of domestic  
17 violence; and (2) has been employed for at least six (6) months by the  
18 employer to whom a request for leave under this Act is directed.  
19



1 c) "Employer" shall refer to the national or local government or any of its or  
2 instrumentalities, including government-owned and controlled corporations,  
3 as well as private employers or entities that employ at least fifteen (15)  
4 persons each work day for twenty (20) or more weeks within a given calendar  
5 year;

6  
7 d) "Certification from Proper Authorities" shall refer to any of the following  
8 insofar as the same can establish that the employee is a victim of domestic  
9 violence:

10 1) Certification from the court wherein legal proceedings have been  
11 initiated that the employee or her minor child is involved in legal  
12 proceedings related to domestic violence;

13 2) Certification from a competent medical professional that the employee  
14 or her minor child needs medical attention, counseling, or therapy in  
15 relation to domestic violence committed against them; or

16 3) Certification from law enforcement agencies or anti-domestic violence  
17 advocacy groups or help desks that the victim and/or her minor  
18 children are victims of domestic violence.

19 Sec. 4. *Amendment to Republic Act No. 9262.* - Section 43 of Republic Act No.  
20 9262, otherwise known as the Anti-Violence Against Women and their Children Act  
21 of 2004, is hereby amended to read as follows:

22 "SECTION 43. Entitled to Leave. - Victims under this Act shall  
23 be entitled to take a paid leave of absence up to [ten (10)] **AN**  
24 **AGGREGATE OF TWENTY (20) DAYS UNTIL THE**  
25 **TERMINATION OF LEGAL PROCEEDINGS, AND/OR**  
26 **MEDICAL TREATMENT, COUNSELING OR THERAPY** in  
27 addition to other paid leaves under the Labor Code and Civil  
28 Service Rules and Regulations, extendible when the necessity  
29 arises as specified in the protection order.

30 **ELIGIBLE EMPLOYEES MAY CLAIM SUCH**  
31 **ALLOWABLE LEAVES, UPON SUBMISSION OF A**  
32 **CERTIFICATION FROM PROPER AUTHORITIES AND**  
33 **AFTER GIVING DUE NOTICE TO THEIR EMPLOYER,**  
34 **FOR MEDICAL TREATMENT, LEGAL PROCEEDINGS,**  
35 **RELOCATION, COUNSELING, OR THERAPY RELATED**  
36 **TO SUCH DOMESTIC VIOLENCE, OR TO EXTEND**  
37 **ASSISTANCE TO THEIR MINOR CHILDREN FOR**  
38 **SUCH PURPOSES.**

39 xxx."

1           Sec. 5. *Implementing Rules and Regulations.* - The Secretaries of the  
2 Department of Social Welfare and Development and the Department of Labor and  
3 Employment shall issue such rules and regulations necessary for the proper  
4 implementation of this Act within sixty (60) days from its effectivity.

5           Sec. 6. *Separability Clause.* If any provision or part of this Act is declared  
6 invalid or unconstitutional, other provisions that are not affected thereby shall  
7 continue to be in full force and effect.

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

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

14           *Approved,*