

FOURTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

7 JUL 29 2011

**SENATE**

RECEIVED BY: 

**S.B. NO. 1929**

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Introduced by Senate President Manny Villar

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**EXPLANATORY NOTE**

Victims of acts constituting violence against women and their children as enumerated under Republic Act No. 9262 may experience emotional and behavioral effects such as emotional withdrawal, denial or minimization of the abuse, impulsivity or aggressiveness, apprehension or fear, helplessness, anger, anxiety or hyper vigilance, disturbance of eating or sleeping patterns, substance abuse, depression suicide, or post traumatic stress disorder. The impact of domestic violence on victims can thus result in acute and chronic mental health problems. Because of these negative effects on the victim of domestic violence, investigation may not go as smoothly as possible since the victims are often hesitant to disclose the abuse. Thus, the presence of someone, who can give moral support to the victim in coping up with the emotional and behavioral effects of domestic violence, is really needed.

This bill, therefore, seeks to amend R. A. 9262, otherwise known as the "Anti-Violence Against Women and their Children Act of 2004" by granting the victim of domestic violence an additional right to choose the person to be present during any investigation or meeting in relation to said domestic violence. Corollary thereto, the prosecutors, court personnel, Barangay officials and Law Enforcers shall be mandated to inform the victim of his or her right provided under the proposed measure.

In view of the foregoing, the passage of this bill is respectfully requested.

  
**MANNY VILLAR**  
Senate President

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AN ACT

**GRANTING THE VICTIM OF DOMESTIC VIOLENCE THE RIGHT TO CHOOSE THE PERSON TO BE PRESENT DURING ANY INVESTIGATION OR MEETING IN RELATION THERETO, AMENDING FOR THE PURPOSE PERTINENT PROVISIONS OF REPUBLIC ACT NO. 9262, OTHERWISE KNOWN AS THE "ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT OF 2004" AND FOR OTHER PURPOSES**

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

**SECTION 1.** Section 29 of R. A. No. 9262, otherwise know as the "Anti-Violence Against Women and Their Children Act of 2004" is hereby amended to read as follows:

"SEC. 29. – Duties of Prosecutors/Court Personnel. – Prosecutors and court personnel should observe the following duties when dealing with victims under this Act:

- a) communicate with the victim in a language understood by the woman or her child; and
- b) inform the victim of her/his rights including THE RIGHT TO HAVE A PERSON OF HIS OR HER CHOOSING TO BE PRESENT AT ANY INVESTIGATION OR MEETING RELATIVE THERETO, legal remedies available and procedure, and privileges for indigent litigants."

**SEC. 2.** Section 30 of the same law is hereby amended to read as follows:

"SEC. 30. Duties of Barangay Official and Law Enforcers. – Barangay officials and law enforcers shall have the following duties:

- (a) respond immediately to a call for help or request for assistance or protection of the victim by entering the dwelling if necessary whether or not a

protection order has been issued and ensure the safety of the victim/s;

- (b) confiscate any deadly weapon in the possession of the perpetrator or within plain view;
- (c) transport or escort the victim/s to a safe place of their choice or to a clinic or hospital; PROVIDED, THAT, IN BOTH INSTANCES, THE VICTIM SHALL BE INFORMED OF HIS OR HER RIGHT TO CHOOSE THE PERSON TO BE PRESENT DURING THE TRANSPORTING OR ESCORTING;
- (d) assist the victim in removing personal belongings from the house;
- (e) assist the barangay officials and other government officers and employees who respond to a call for help;
- (f) ensure the enforcement of the Protection Orders issued by the Punong Barangay or by the courts;
- (g) arrest the suspected perpetrator even without a warrant when any of the acts of violence defined by this Act is occurring, or when he/she has personal knowledge that any act of abuse has just been committed, and there is imminent danger to the life or limb of the victim as defined in this Act; and
- (h) immediately report the call for assessment or assistance of the DSWD, Social Welfare Department of LGUs or accredited non-government organizations (NGOs).

Any barangay official or law enforcer who fails to report the incident shall be liable for a fine not exceeding Ten Thousand Pesos (P10,000.00) or whenever applicable criminal, civil or administrative liability.”

**SEC. 3.** Section 35 of the same Act is hereby amended to read as follows:

“SEC. 35. Rights of Victims. – In addition to their rights under existing laws, victims of violence against women and their children shall have the following rights:

- (a) to be treated with respect and dignity;
- (b) to avail of legal assistance from the PAO of the Department of Justice (DOJ) or any public legal assistance office;
- (c) to be entitled to support services from the DSWS and LGUs;

- (d) to be entitled to all legal remedies and support as provided for under the Family Code; and
- (e) to be informed of their rights and the services available to them including their right to apply for a protection order and TO CHOOSE THE PERSON TO BE PRESENT DURING ANY INVESTIGATION OR MEETING IN RELATION THERETO.”

**SEC. 4.** If any provision of this Act is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue in full force and effect.

**SEC. 5.** All laws, decrees, or rules inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**SEC. 6.** This Act shall take effect after fifteen (15) days following its complete publication in at least two (2) newspapers of general circulation.

Approved,