

# **Implementing Rules and Regulations RA 9262 Anti-Violence Against Women and their Children Act of 2004**

## **Rule I General Provisions**

**Section 1.** Title. – These Rules shall be known and cited as “The Rules and Regulations Implementing the Anti-Violence Against Women and Their Children Act of 2004.”

**Section 2.** Purpose. – These Rules and Regulations are hereby promulgated to prescribe the guidelines and procedures for the implementation of Republic Act No. 9262 in order to ensure that women and their children have effective access to justice and to services and programs. These Rules and Regulations shall serve as the minimum guidelines and standards for service providers including government officials and personnel of national government agencies and local government units.

**Section 3.** Declaration of Policies. – It is hereby declared that the State values the dignity of women and children and guarantees full respect for human rights. The State also recognizes the need to protect the family and its members particularly women and children, from violence and threats to their personal safety and security. Towards this end, the State shall exert efforts to address violence committed against women and children in keeping with the fundamental freedoms guaranteed under the Constitution and the provisions of the Universal Declaration of Human Rights (UDHR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC) and other international human rights instruments to which the Philippines is a party.

**Section 4.** Construction. – These Rules and Regulations shall be liberally construed to promote the protection and safety of victims of violence against women and their children (VAWC). All doubts in the implementation and interpretation hereof shall be resolved in favor of women and their children consistent with the spirit and letter of the law.

## **Rule II Definition Of Terms**

**Section 5.** Definition of Terms. – As used in these rules and regulations, unless the context otherwise requires, the following terms shall be understood to mean:

- a) Act – refers to the Republic Act No. 9262, otherwise known as the “Anti-Violence Against Women and Their Children Act of 2004”;
- b) Council – refers to the Inter-Agency Council on Violence Against Women and Their Children (IAC-VAWC) created under Section 39 of the Act;
- c) Violence Against Women and Their Children – refers to any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a

woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which results in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes, but is not limited to, the following acts:

1. Physical violence refers to acts that include bodily or physical harm;

2. Sexual violence refers to an act which is sexual in nature, committed against a woman or her child. It includes, but is not limited to:

a) rape, sexual harassment, acts of lasciviousness, treating a woman or her child as a sex object, making demeaning and sexually suggestive remarks, physically attacking the sexual parts of the victim's body, forcing her/him to watch obscene publications and indecent shows or forcing the woman or her child to do indecent acts and/or make films thereof, forcing the wife and mistress/ lover to live in the conjugal home or sleep together in the same room with the abuser;

b) acts causing or attempting to cause the victim to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion; and

c) prostituting the woman or her child.

3. Psychological violence refers to acts or omissions causing or likely to cause mental or emotional suffering to the victim such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse, and marital infidelity. It includes causing or allowing the victim to witness the physical, sexual or psychological abuse of a member of the family to which the victim belongs, or to witness pornography in any form or to witness abusive injury to pets or to unlawful or unwanted deprivation of the right to custody and/ or visitation of common children.

4. Economic abuse refers to acts that make or attempt to make a woman financially dependent which includes, but is not limited to the following:

a) withdrawal of financial support or preventing the victim from engaging in any legitimate profession, occupation, business or activity, except in cases wherein the other spouse/ partner objects on valid, serious and moral grounds as defined in Article 73 of the Family Code;

b) deprivation or threat of deprivation of financial resources and the right to the use and enjoyment of the conjugal, community or property owned in common;

c) destroying household property; and

d) controlling the victim's own money or properties or solely controlling the conjugal money or properties.

- d) Battery – refers to an act of inflicting physical harm upon the woman or her child resulting to physical and psychological or emotional distress.
- e) Battered Woman Syndrome – refers to a scientifically defined pattern of psychological and behavioral symptoms that have resulted from cumulative abuse found in women living in battering relationships.
- f) Stalking – refers to an intentional act committed by a person who, knowingly and without lawful justification follows the woman or her child or places the woman or her child under surveillance directly or indirectly or a combination thereof.
- g) Dating relationship – refers to a situation wherein the parties live as husband and wife without the benefit of marriage or are romantically involved over time and on a continuing basis during the course of the relationship. A casual acquaintance or ordinary socialization between two individuals in a business or social context is not a dating relationship.
- h) Sexual relation - refers to a single sexual act which may or may not result in the bearing of a common child.
- i) Safe Place or Shelter – refers to any home or institution maintained or managed by the Department of Social Welfare and Development (DSWD) or by any other agency or voluntary organization accredited by the DSWD for the purposes of the Act or any other suitable place the resident of which is willing to temporarily receive the victim.
- j) Children – refer to those below eighteen (18) years of age or older but are incapable of taking care of themselves as defined under Republic Act No. 7610. As used in the Act, it includes the biological or adopted children of the victim and other children under her care including foster children, relatives or other children who live with her.
- k) Psychosocial services - refer to the provision of help or support for the total well-being of an individual who has suffered as a result of physical harm and psychological or emotional distress that further resulted in an unpleasant or traumatic experience. The services are provided to restore the impaired physical, social, emotional, psychological, and spiritual aspects of the person, to ensure the victims' safety and security, and involves the process of recovery and re-integration into community life.
- l) Victim-survivor –refers to the women and children victims of VAWC.

### **Rule III**

#### **Punishable Acts**

**Section 6.** Public Crime. – Violence against women and their children shall be considered a public offense, which may be prosecuted upon the filing of a complaint by any citizen having personal knowledge of the circumstances involving the commission of the crime.

**Section 7.** Acts of Violence Against Women and Their Children. – The crime of violence against women and their children is committed through any of the following acts:

- a) Causing physical harm to the woman or her child;
- b) Threatening to cause the woman or her child physical harm;
- c) Attempting to cause the woman or her child physical harm;
- d) Placing the woman or her child in fear of imminent physical harm;
- e) Attempting to compel or compelling the woman or her child to engage in conduct which the woman or her child has the right to desist from or to desist from conduct which the woman or her child has the right to engage in, or attempting to restrict or restricting the woman's or her child's freedom of movement or conduct by force or threat of force, physical or other harm or threat of physical or other harm, or intimidation directed against the woman or her child. This shall include, but not limited to, the following acts committed with the purpose or effect of controlling or restricting the woman's or her child's movement or conduct:
  - 1. Threatening to deprive or actually depriving the woman or her child of custody or access to her/his family;
  - 2. Depriving or threatening to deprive the woman or her children of financial support legally due her or her family, or deliberately providing the woman's children insufficient financial support;
  - 3. Depriving or threatening to deprive the woman or her child of a legal right;
  - 4. Preventing the woman in engaging in any legitimate profession, occupation, business or activity, or controlling the victim's own money or properties, or solely controlling the conjugal or common money, or properties;
- f) Inflicting or threatening to inflict physical harm on oneself for the purpose of controlling her actions or decisions;
- g) Causing or attempting to cause the woman or her child to engage in any sexual activity which does not constitute rape, by force or threat of force, physical harm, or through intimidation directed against the woman or her child or her/his immediate family;
- h) Engaging in purposeful, knowing, or reckless conduct, personally or through another, that alarms or causes substantial emotional or psychological distress to the woman or her child. This shall include, but not be limited to the following acts:
  - 1. Stalking or following the woman or her child in public or private places;
  - 2 Peering in the window or lingering outside the residence of the woman or her child;
  - 3 Entering or remaining in the dwelling or on the property of the woman or her child against her/his will;

4 Destroying the property and personal belongings or inflicting harm to animals or pets of the woman or her child;

5 Engaging in any form of harassment or violence; and

i) Causing mental or emotional anguish, public ridicule or humiliation to the woman or her child, including, but not limited to, repeated verbal and emotional abuse, and denial of financial support or custody of minor children or denial of access to the woman's child/children.

**Section 8. Penalties** – In relation to Sec. 7 hereof, the acts complained of are punishable with the provisions set forth in this Section:

a) Acts falling under Section 7(a) constituting attempted, frustrated or consummated parricide or murder or homicide shall be punished in accordance with the provisions of the Revised Penal Code. If these acts resulted in mutilation, it shall be punishable in accordance with the Revised Penal Code; those constituting serious physical injuries shall have the penalty of prision mayor; those constituting less serious physical injuries shall be punished by prision correccional; and those constituting slight physical injuries shall be punished by arresto mayor.

Acts falling under Section 7 (b) shall be punished by imprisonment of two (2) degrees lower than the prescribed penalty for the consummated crime as specified in the preceding paragraph but shall in no case be lower than arresto mayor.

b) Acts falling under Section 7(c) and 7(d) shall be punished by arresto mayor;

c) Acts falling under Section 7(e) shall be punished by prision correccional;

d) Acts falling under Section 7(f) shall be punished by arresto mayor;

e) Acts falling under Section 7(g) shall be punished by prision mayor;

f) Acts falling under Section 7(h) and Section 7(i) shall be punished by prision mayor.

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

In addition to imprisonment, the perpetrator shall (a) pay a fine in the amount of not less than One hundred thousand pesos (P100,000.00) but not more than Three hundred thousand pesos (P300, 000.00); and undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to the court.

**Section 9. Prescriptive Period.** – For punishable acts falling under Sections 7(a) to 7(f) of these Rules, the criminal complaint may be filed within twenty (20) years from the occurrence or commission.

Punishable acts falling under Section 7 (g) to 7 (i) of these Rules shall prescribe in ten (10) years.

**Section 10. Venue.** - The Regional Trial Court designated as a Family Court shall have original and exclusive jurisdiction over cases of VAWC under the Act. In the absence of such court in the place where the offense was committed, the case shall be filed in the Regional Trial Court where the crime or any of its elements was committed at the option of the complainant.

#### **Rule IV**

##### **Protection Orders**

**Section 11. Protection Order.** – The victim-survivor may obtain the remedy of a protection order from the barangay or from the court. A protection order is an order issued under the Act for the purpose of preventing further acts of violence against a woman or her child specified in Section 7 of these Rules and granting other necessary reliefs. The relief granted under a protection order should serve the purpose of safeguarding the victim-survivor from further harm, minimizing any disruption in the victim-survivor's daily life, and facilitating the opportunity and ability of the victim-survivor to independently regain control over her life. The provisions of the protection order shall be enforced by law enforcement agencies. The protection order that may be issued by the barangay shall be known as a Barangay Protection Order (BPO). The protection order that may be issued by the court may be a Temporary Protection Order (TPO) or a Permanent Protection Order (PPO).

**Section 12. Who May File for Protection Orders.**

- a) the offended party;
- b) parents or guardians of the offended party;
- c) ascendants, descendants or collateral relatives within the fourth civil degree of consanguinity or affinity;
- d) officers or social workers of the DSWD or social workers of local government units (LGUs);
- e) police officers, preferably those in charge of women and children's desks;
- f) Punong Barangay or Barangay Kagawad;
- g) lawyer, counselor, therapist or healthcare provider of the petitioner; and
- h) at least two (2) concerned responsible citizens of the city or municipality where the violence against women and their children occurred and who has personal knowledge of the offense committed.

**Section 13. Barangay Protection Orders.**– Barangay Protection Orders (BPOs) refer to the protection order issued by the barangay ordering the perpetrator/respondent to desist from committing acts under Section 7 (a) and (b) of these Rules. These are causing

- (a) physical harm to the woman or her child; and
- (b) threatening to cause the woman or her child physical harm.

The reliefs that may be granted under the BPO are the following:

- a) Prohibition of the respondent from threatening to commit or committing, personally or through another, any of the following acts mentioned in Section 7 (a) and (b) of these Rules; and
- b) Prohibition of the respondent from harassing, annoying, telephoning, contacting or otherwise communicating with the victim-survivor, directly or indirectly.

**Section 14. How to Apply for a Barangay Protection Order.**

- a) The application for a BPO shall be in writing, signed by the victim-survivor/petitioner, and in a language understood by her/him. It shall be attested before the Punong Barangay who has jurisdiction over the application. The Punong Barangay or Kagawad shall assist the victim-survivor/ petitioner in any application for a BPO. The ex parte determination on the application for a protection order shall have priority over all proceedings.
- b) The Punong Barangay or Kagawad must issue the BPO on the same day of application, immediately upon the conclusion of the ex parte proceedings. The BPO shall state the last known address of the respondent, the date and time of issuance, and the protective remedies prayed for by the victim-survivor/petitioner pursuant to Section 13 hereof. If the Punong Barangay is unavailable to act on the application for a BPO, the application shall be acted upon by any available Barangay Kagawad. In such a case, the order must be accompanied by an attestation by the Barangay Kagawad that the Punong Barangay was unavailable at the time of the issuance of the BPO.

A BPO is granted ex parte, without notice and hearing to the respondent. The victim-survivor/petitioner may be accompanied by any non-lawyer advocate in the proceedings before the Punong Barangay. The Punong Barangay or kagawad, law enforcers and other government agencies shall not mediate or conciliate or influence the victim-survivor/petitioner for a protection order to compromise or abandon the relief sought.

- c) The BPOs shall be effective for fifteen (15) days. Immediately after the issuance of an ex parte BPO, the Punong Barangay or Barangay Kagawad shall personally serve a copy of the same to the respondent, or direct any barangay official to effect its personal service. The BPO is deemed served upon receipt thereof by the respondent or by any adult who received the BPO at the address of the respondent. In case the respondent or any adult at the residence of the respondent refuses, for whatever cause to receive the BPO, it shall likewise be deemed served by leaving a copy of the BPO at the said address in the presence of at least two (2) witnesses.

The barangay official serving the BPO must issue a certification setting forth the manner, place and date of service, including the reasons why the same remain unserved.

d) The BPO shall be issued free of charge. Within twenty four (24) hours after a BPO is issued, the Punong Barangay, or in her/his absence or inability, any available Barangay Kagawad shall assist the victim-survivor/ petitioner in filing for an application for a TPO or PPO with the nearest court in the place of residence of the victim-survivor. If there is no Family Court or Regional Trial Court, the application may be filed in the Municipal Trial Court, the Municipal Circuit Trial Court or the Metropolitan Trial Court. For indigent petitioner, the barangay shall ensure that transportation and other expenses are provided for in filing for an application for a protection order with the courts.

e) The Punong Barangay or Kagawad, or the Barangay Secretary, shall record all BPOs in a logbook specifically for cases of VAWC. This logbook is confidential and must be kept from the public especially the media. They shall submit a quarterly report of all BPOs issued to the local office of the Department of the Interior and Local Government (DILG). The DILG shall submit a summary report of the BPOs issued to the Secretariat of the Inter-Agency Council on Violence Against Women and Their Children (IAC-VAWC). The BPO and the Compliance Monitoring Forms are herein appended.

f) All BPOs shall be enforceable within the barangay that issued the BPO. The Punong Barangay shall furnish a copy of all BPOs to the Philippine National Police-Women and Children Protection Desks (PNP-WCPD) who has jurisdiction in the city or municipality and shall be entered in a logbook for that purpose.

g) The issuance of a BPO or the pendency of an application for a BPO shall not preclude the victim-survivor/petitioner from applying for, or the court from granting, a TPO or PPO. However, where a Temporary Protection has already been granted by any court, the barangay official may no longer issue a BPO.

**Section 15.** Where to Apply for a BPO. – Applications for BPOs shall follow the rules on venue under Section 409 of the Local Government Code of 1991 and its implementing rules and regulations. Hence, it may be filed in the barangay where the victim-survivor/ petitioner is located or resides.

If the parties reside in different municipalities or cities, the Punong Barangay or any kagawad of the barangay where the victim-survivor resides shall assist the victim-survivor/applicant in filing an application for a Protection Order from the court within two (2) hours from the request.

The place of residence or location of the victim-survivor/ petitioner may include the place where the victim-survivor temporarily resides or where she sought refuge/sanctuary to escape from and avoid continuing violence from the respondent.

**Section 16.** Violation of a Barangay Protection Order.– A complaint for a violation of a BPO issued under the Act must be filed directly with any Municipal Trial Court, Metropolitan Trial Court, or Municipal Circuit Trial Court that has territorial jurisdiction over the barangay that issued the BPO. Violation of a BPO shall be punishable by



imprisonment of thirty (30) days without prejudice to any other criminal or civil action that the offended party may file for any of the acts committed.

A complaint for a violation of a BPO shall be initiated by the Punong Barangay or Kagawad who issued the BPO and if he/she is no longer in office or is incapacitated, a complaint for a violation of the BPO may be filed by any barangay official. It shall be the primary responsibility of these barangay officials to initiate complaints for violations of BPOs.

In the event that the Punong Barangay or Kagawad or barangay official referred to in the preceding paragraph refuses to initiate a complaint for a violation of a BPO, the victim-survivor/ applicant shall have the right to file such complaint, without prejudice to the right to file appropriate administrative, civil or criminal action against the barangay official concerned.

A judgment of violation of a BPO may be appealed according to the Rules of Court. During trial and upon judgment, the trial court where the petition is filed may motu proprio issue a protection order as it deems necessary without need of an application.

**Section 17. Temporary Protection Order.** – Temporary Protection Order (TPO) refers to the protection order issued by the court on the date of filing of the application after ex parte determination that such order should be issued. A court may grant in a TPO any, some or all of the reliefs mentioned in the Act and shall be effective for thirty (30) days. The court shall schedule a hearing on the issuance of a PPO prior to or on the date of the expiration of the TPO. The court shall order the immediate personal service of the TPO on the respondent by the court sheriff who may obtain the assistance of law enforcement agents for the service of notice. The TPO shall include notice of the date of the hearing on the merits of the issuance of a PPO.

**Section 18. Permanent Protection Order.** – Permanent Protection Order (PPO) refers to protection order issued by the court after notice and hearing. Respondent's non-appearance despite proper notice, or his/ her lack of a lawyer, or the non-availability of his/her lawyer, shall not be a ground for rescheduling or postponing the hearing on the merits of the issuance of a PPO. If the respondent appears without counsel on the date of the hearing on the PPO, the court shall appoint a lawyer for the respondent and immediately proceed with the hearing.

In case the respondent fails to appear despite proper notice, the court shall allow ex parte presentation of the evidence by the applicant and render judgment on the basis of the evidence presented. The court shall allow the introduction of any history of abusive conduct of a respondent even if the same was not directed against the applicant or the person for whom the application is made.

The court shall, to the extent possible, conduct the hearing on the merits of the issuance of a PPO in one (1) day. Where the court is unable to conduct the hearing within one (1) day and the TPO issued is due to expire, the court shall continuously extend or renew the TPO for a period of thirty (30) days at each particular time until final judgment is issued. The extended or renewed TPO may be modified by the court as may be necessary or applicable to address the needs of the applicant.

The court may grant any, some or all of the reliefs specified in Section 19 hereof in a PPO. A PPO shall be effective until revoked by the court upon application of the person in whose favor the order was issued. The court shall ensure immediate personal service of the PPO on respondent. The court shall not deny the issuance of protection order on the basis of the lapse of time between the act of violence and the filing of the application.

Regardless of the conviction or acquittal of the respondent in a criminal prosecution under the Act, the Court must determine whether or not the PPO shall become final. Even in a dismissal, a PPO shall be granted as long as there is no clear showing that the act from which the order might arise did not exist.

**Section 19.** The reliefs that may be granted under the TPO and PPO are the following:

- a) Prohibition of the respondent from threatening to commit or committing, personally or through another, any of the acts mentioned in Section 7 of these Rules;
- b) Prohibition of the respondent from harassing, annoying, telephoning, contacting or otherwise communicating with the petitioner, directly or indirectly;
- c) Removal and exclusion of the respondent from the residence of the petitioner, regardless of ownership of the residence, either temporarily for the purpose of protecting the petitioner, or permanently where no property rights are violated, and, if respondent must remove personal effects from the residence, the court shall direct a law enforcement agent to accompany the respondent to the residence, remain there until respondent has gathered his/her things and escort respondent from the residence;
- d) Directing the respondent to stay away from the petitioner and any designated family or household member at a distance specified by the court, and to stay away from the residence, school, place of employment, or any specified place frequented by the petitioner and any designated family or household member;
- e) Directing lawful possession and use by the petitioner of an automobile and other essential personal effects, regardless of ownership, and directing the appropriate law enforcement officer to accompany the petitioner to the residence of the parties to ensure that she is safely restored to the possession of the automobile and other essential personal effects, or to supervise the petitioner's or respondent's removal of personal belongings;
- f) Granting temporary or permanent custody of a child/ children to the petitioner;
- g) Directing the respondent to provide support to the woman and/or her child if entitled to legal support. Notwithstanding other laws to the contrary, the court shall order an appropriate percentage of the income or salary of the respondent to be withheld regularly by the respondent's employer and for the same to be automatically remitted directly to the petitioner. Failure to remit and/or withhold or any delay in the remittance of support to the woman and/or her child/children without justifiable cause shall render the respondent or his/her employer liable for indirect contempt of court;

- h) Prohibition of the respondent from any use or possession of any firearm or deadly weapon and order him/her to surrender the same to the court for appropriate disposition by the court, including revocation of license and disqualification to apply for any license to use or possess a firearm. If the offender is a law enforcement agent, the court shall order the offender to surrender his/her firearm and shall direct the appropriate authority to investigate the offender and take appropriate action on the matter;
- i) Restitution for actual damages caused by the violence inflicted, including, but not limited to, property damage, medical expenses, childcare expenses and loss of income;
- j) Directing the DSWD or any appropriate agency to provide petitioner temporary shelter and other social services that the petitioner may need; and
- k) 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 the petitioner and any such designated family or household member consents to such relief.

Any of the reliefs provided under this section shall be granted even in the absence of a decree of legal separation or annulment or declaration of absolute nullity of marriage.

**Section 20.** How to Apply for a Temporary and a Permanent Protection Order. – The application for a protection order must be in writing, signed and verified under oath by the applicant. It may be filed as an independent action or as an incidental relief in any civil or criminal case the subject matter or issues thereof partake of violence as described in the Act. A standard protection order application form, written in English with translation to the major local languages, shall be made available to facilitate application for protection orders, and shall contain, among others, the following information:

- a) names and addresses of petitioner and respondent;
- b) description of relationship between petitioner and respondent;
- c) a statement of the circumstances of the abuse;
- d) description of the reliefs requested by petitioner as specified in Section 19 herein;
- e) request for counsel and reasons for such;
- f) request for waiver of application fees until hearing; and
- g) an attestation that there is no pending application for a protection order in another court.

If the applicant is not the victim-survivor, the application must be accompanied by an affidavit of the applicant attesting to (a) the circumstances of the abuse suffered by the victim-survivor and (b) the circumstances of consent given by the victim-survivor for the filing of the application. When disclosure of the address of the victim-survivor/petitioner will pose danger to her life, it shall be so stated in the application. In such a case, the applicant

shall attest that the victim-survivor/petitioner is residing in the municipality or city over which court has territorial jurisdiction, and shall provide a mailing address for purposes of service processing.

An application for protection order filed with a court shall be considered an application for both a TPO and a PPO. Barangay officials and court personnel shall assist applicants in the preparation of the application. Law enforcement agents shall also extend assistance in the application for protection orders in cases brought to their attention.

**Section 21.** Where to Apply for Temporary and Permanent Protection Orders. – An application for a TPO or PPO may be filed in the Family Court or, if there is none, in the Regional Trial Court, Metropolitan Trial Court, Municipal Trial Court, Municipal Trial Court in Cities, Municipal Circuit Trial Court in the place of residence of the petitioner.

The place of residence of the victim-survivor may include the place where she temporarily resides or where she sought refuge/ sanctuary to escape from and avoid continuing violence from the respondent.

**Section 22.** Enforceability of Temporary and Permanent Protection Orders. – All TPOs and PPOs issued under the Act shall be enforceable anywhere in the Philippines and a violation thereof shall be punishable with a fine ranging from Five Thousand Pesos (P5,000.00) to Fifty Thousand Pesos (P50,000.00) and/or imprisonment of six (6) months.

**Section 23.** Violation of Temporary and Permanent Protection Orders. – Violation of any provision of a TPO or a PPO issued under the Act shall constitute contempt of court punishable under Rule 71 of the Rules of Court, without prejudice to any other criminal or civil action that the offended party may file for any of the acts committed.

**Section 24.** Applicability of Temporary and Permanent Protection Orders to Criminal Cases. – The foregoing provisions on protection orders shall be applicable in criminal cases and/or shall be included in the civil actions deemed instituted with the criminal actions involving VAWC.

**Section 25.** Legal Separation Cases. – In cases of legal separation where violence as specified in the Act is alleged, Article 58 of the Family Code shall not apply. The Court shall proceed on the main case and other incidents of the case as soon as possible. The hearing on any application for a protection order filed by the petitioner must be conducted within the mandatory period specified in the Act.

**Section 26.** Bond to Keep the Peace. – The Court may order any person against whom a protection order is issued to give a bond to keep the peace, to present two (2) sufficient sureties who shall undertake that such person will not commit the violence sought to be prevented.

Should the respondent fail to give the bond as required, he/ she shall be detained for a period which shall in no case exceed six (6) months, if he/she shall have been prosecuted for acts punishable under Section 5 (a) to 5(f) and not exceeding thirty (30) days, if for acts punishable under Section 5(g) to 5(i) of the Act.

**Section 27. Prohibited Acts** – A Punong Barangay, Barangay Kagawad, or the court hearing an application for a protection order shall not order, direct, force or in any way unduly influence the applicant to compromise or abandon any of the reliefs sought in the application for protection order under the Act. Section 7 of the Family Courts Act of 1997 and Sections 410, 411, 412 and 413 of the Local Government Code of 1991 shall not apply in proceedings where relief is sought under the Act.

Failure to comply with this Section shall render the official or judge administratively liable. Law enforcers and other government personnel shall not mediate or conciliate or influence the victim-survivor or applicant for a protection order to compromise or abandon the relief sought.

**Section 28. Notice of Sanction in Protection Orders.** – The following statement must be printed in bold-faced type or in capital letters on the protection order issued by the Punong Barangay or court: “Violation of this order is punishable by law.”

**Section 29. Priority of Applications for Protection Orders.** – Ex parte and adversarial hearings to determine the basis of applications for a protection order under the Act shall have priority over all other proceedings. Barangay officials and the courts shall schedule and conduct hearings on applications for a protection order under the Act above all other business and, if necessary, suspend other proceedings in order to hear applications for a protection order.

**Section 30. Mandatory Period for Acting on Applications for Protection Orders.** – Failure to act on an application for a protection order within the reglementary period specified in the previous sections without justifiable cause shall render the official or judge administratively liable.

**Section 31. Protective Custody.** – The DSWD, pursuant to Republic Act No. 7610, shall take protective custody of the abused child whether or not a protection order has been issued under the Act.

## **Rule V**

### **Legal Remedies For VAWC Victim-Survivors**

**Section 32. Battered Woman Syndrome as a Defense.** – Victim-survivors who are found by the courts to be suffering from battered woman syndrome do not incur any criminal and civil liability notwithstanding the absence of any of the elements for justifying circumstances of self-defense under the Revised Penal Code.

In the determination of the state of mind of the woman who was suffering from battered woman syndrome at the time of the commission of the crime, the courts shall be assisted by expert psychiatrists/psychologists.

**Section 33. Prohibited Defense.** – Being under the influence of alcohol, any illicit drug, or any other mind-altering substance shall not be a defense under the Act.

**Section 34. Custody of Children.** – The woman shall be entitled to the custody and support of her child/children. Children below seven (7) years old or older but with mental or physical disabilities shall automatically be given to the mother, with right to support, unless the court finds compelling reasons to order otherwise.

A victim-survivor who is suffering from Battered Woman Syndrome shall not be disqualified from having custody of her children. In no case shall custody of minor children be given to the perpetrator of violence against a woman who is suffering from Battered Woman Syndrome.

**Section 35. Damages.** – Any victim-survivor of violence under the Act shall be entitled to actual, compensatory, moral and exemplary damages. The civil action for damages is deemed instituted with the criminal action, unless an independent civil action for damages is filed.

**Section 36. Hold Departure Order.** – The counsel for the victim-survivor or applicant may request the court for a Hold Departure Order in the application or petition for protection order. The court shall expedite the process of issuance of a hold departure order in cases prosecuted under the Act.

**Section 37. Exemption from Payment of Docket Fee and Other Expenses.** – If the victim-survivor is an indigent or there is an immediate necessity due to imminent danger or threat of danger to act on an application for a protection order, the court shall accept the application without payment of the filing fee and other fees and of transcript of stenographic notes.

## **Rule VI**

### **Mandatory Programs, Services And Entitlements For VAWC Victim-Survivors And Perpetrators**

**Section 38. Rights of Victim-Survivors.** – In addition to their rights under existing laws, victim-survivors of VAWC shall have the following rights:

- a) To be treated with respect and dignity;
- b) To avail of legal assistance from the Public Attorneys Office (PAO) of the Department of Justice (DOJ) or any public legal assistance office;
- c) To be entitled to support services from the DSWD 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.

**Section 39.** Mandatory Services and Entitlements for VAWC Victim-Survivors. – The following programs, benefits and appropriate services shall be available to victim-survivors and their children in order to facilitate their healing, recovery and social reintegration:

The DSWD and the LGUs shall:

- a) Provide emergency shelter, psycho-social counseling and other rehabilitation services to victim-survivors of VAWC;
- b) Ensure that service providers in institutions/centers for women and children are gender sensitive and uphold the rights of women and children;
- c) Make available relevant skills training and other livelihood development services to victim-survivors of violence against women;
- d) Ensure the successful social reintegration and after-care of victim-survivors and their children; and
- e) Continue to develop relevant programs and strategies to ensure protection, healing, recovery and social reintegration and address emerging needs and concerns of victim-survivors of violence.

**Section 40.** Medical Assistance – The following health programs and services shall immediately be provided through a socialized scheme by the Women and Children Protection Unit (WCPU) in DOH-retained hospitals or in coordination with LGUs or other government health facilities:

- a) Complete physical and mental examinations;
- b) Medical/Surgical treatment;
- c) Psychological and psychiatric evaluation and treatment;
- d) Hospital confinement when necessary;
- e) Referral to specialty hospital and other concerned agency as needed;
- f) Manage the reproductive health concerns of victim-survivors of VAWC; and
- g) If necessary, contact the DSWD or social worker of the LGU for emergency assistance to the woman and her child/children, or the police women and children concerns protection desk officer.

**Section 41.** Counseling and Treatment of Offenders. – The DSWD in partnership with non-government organizations (NGOs) and LGUs shall ensure effective psychosocial rehabilitation of perpetrator of VAWC, which includes but not limited to the following:

- a) Development of policies and procedures relative to the delivery of rehabilitation services to offenders/perpetrators of violence, ensuring its effectiveness and efficiency;
- b) Provision of appropriate training to City/Municipal Social Workers and other service providers who are implementing rehabilitative/treatment programs for offenders/perpetrators; and
- c) Establishment of system of accreditation of counselors and rehabilitation programs in coordination with concerned institutions and the academe for regulatory purposes.

When necessary, the offender/perpetrator shall be ordered by the Court to submit to psychiatric treatment or confinement. Specifically, offenders/perpetrators who were issued protection orders by the Barangay or the courts shall be subjected to mandatory rehabilitative counseling and treatment.

Perpetrators to be covered by the program are those:

- a) Referred either by the Philippine National Police-Women and Children Protection Desks, LGUs, NGOs, people's organizations (POs) and other community based councils/groups working with victim-survivors of violence against women and children; and
- b) Referred by concerned citizens or groups.

**Section 42.** Ten-day paid leave in addition to other leave benefits. - At any time during the application of any protection order, investigation, prosecution and/or trial of the criminal case, a victim of VAWC who is employed shall be entitled to a paid leave of up to ten (10) days in addition to other paid leaves under the Labor Code and Civil Service Rules and Regulations and other existing laws and company policies, extendible when the necessity arises as specified in the protection order. The Punong Barangay/kagawad or prosecutor or the Clerk of Court, as the case may be, shall issue a certification at no cost to the woman that such an action is pending, and this is all that is required for the employer to comply with the 10-day paid leave. For government employees, in addition to the aforementioned certification, the employee concerned must file an application for leave citing as basis R.A. 9262. The administrative enforcement of this leave entitlement shall be considered within the jurisdiction of the Regional Director of the DOLE under Article 129 of the Labor Code of the Philippines, as amended, for employees in the private sector, and the Civil Service Commission, for government employees.

The availing of the ten day-leave shall be at the option of the woman employee, which shall cover the days that she has to attend to medical and legal concerns. Leaves not availed of are noncumulative and not convertible to cash.

The employer/agency head who denies the application for leave, and who shall prejudice the victim-survivor or any person for assisting a co-employee who is a victim-survivor under the Act shall be held liable for discrimination and violation of R.A 9262.

The provision of the Labor Code and the Civil Service Rules and Regulations shall govern the penalty to be imposed on the said employer/agency head.



## **Rule VII**

### **Legal Protection For Concerned Individuals**

**Section 43.** Persons Intervening Exempt from Liability. – In every case of VAWC as herein defined, any person, private individual or police authority or barangay official who, acting in accordance with law, responds or intervenes without using violence or restraint greater than necessary to ensure the safety of the victim-survivor, shall not be liable for any criminal, civil or administrative liability resulting therefrom.

Workers of NGOs, POs, church, civic and other groups, be they Filipino citizens or foreigners, fall under “any person”, are free from any criminal or civil liability when acting in accordance with law in responding to a call for help or when assisting the victim-survivor.

**Section 44.** Protection of Service Providers. – In all cases, the privacy and identity as well as the locations of service providers, including NGOs and POs shall not be disclosed by any person who has knowledge of the VAWC cases.

**Section 45.** Rights of the Person Arrested, Investigated or Detained. – In all cases, the rights of the person arrested, investigated or detained as provided by the Philippine Constitution and under Republic Act No. 7438 (An Act Defining Certain Rights of Persons Arrested, Detained or Under Custodial Investigation as well as the Duties of the Arresting, Detaining and Investigating Officers, and Providing Penalties for Violations thereof) shall, at all times, be respected.

## **Rule VIII**

### **Duties And Functions Of Government Agencies, Local Government Units, Concerned Government Officials And Personnel**

**Section 46.** Duties and Functions of Prosecutors and Court Personnel. – Prosecutors and court personnel should observe the following duties when dealing with victim-survivors under the Act:

- a) Communicate with the victim-survivor in a language understood by her or her child/children, bearing in mind their educational attainment; and
- b) Inform the victim-survivor of her rights including legal remedies available and procedures, and privileges for indigent litigants.

**Section 47.** Duties and Functions of Barangay Officials. – In order to eliminate violence against women and their children, barangay officials shall:

- a) Undertake an education program on Republic Act No. 9262 and on violence against women and their children and why it exists, the rights and remedies of victim-survivors, and the duties of residents and all barangay officials;
- b) Have a family violence prevention program, including peer counseling for men;

- c) Support organizing efforts and development programs for women in the community;
- d) Prioritize livelihood projects for victim-survivors;
- e) Involve women in planning and implementation of all programs and projects in the barangay;
- f) Have an anti-VAWC desk officer in the barangay who shall coordinate a one-stop help desk. As much as possible, this help desk shall be open for 24 hours;
- g) Ensure that all barangay officials, barangay health workers, barangay nutrition scholars, other barangay workers and tanod or barangay security officers undergo gender sensitivity seminars to enable them to respond to victims of violence;
- h) Develop a system to document and report cases of VAWC and assistance program to victims thereof; and
- i) If applicable/necessary, prescribe additional guidelines and standards provided that these are consistent with the Act.

The Barangay Officials shall strictly observe the following steps in handling VAWC cases at the Barangay level:

- a) Upon being informed of an act of VAWC, the barangay official shall immediately verify the information. If necessary, said official shall seek the assistance of the police;
- b) Respond immediately to a call for help or request for assistance or protection of the victim-survivor by entering the dwelling whether or not a protection order has been issued and ensure the safety of the victim-survivors;
- c) Interview the victim-survivors and the witnesses to determine the facts, and inform the victim-survivors of their rights and remedies. To preserve the testimony of the victim-survivor and the witnesses, said official should document the interview in writing or record the testimonies by audio or videotape with the consent of the victim-survivor.

All records pertaining to cases of VAWC including those in the barangay shall be confidential, and all public officers and employees and public or private clinics or hospitals shall respect the right to privacy of the victim-survivor;

- d) Arrest the perpetrator even without a warrant when any of the acts of violence is occurring, or when said barangay official has personal knowledge that any act of abuse has just been committed, and in the presence of imminent danger to the life or limb of the victim-survivor. The barangay official shall confiscate any deadly weapon in the possession of the perpetrator or within plain view;
- e) Transport or escort the victim-survivor to the nearest hospital, or available medical facility for treatment and medico-legal examination. Said official shall assist the victim-survivors to secure the medico-legal report;

- f) If the perpetrator is not immediately arrested, advise him or her to temporarily leave the house to prevent violence, or encourage her/him to go to the barangay center, DSWD, LGU or NGO, church or other groups that provide counseling for perpetrators;
- g) In the event that the victim-survivors have to be placed in a shelter or a safe place of their choice, the barangay official shall assist them in taking their personal belongings and taking their children and transfer them to a shelter or safe place;
- h) Report the incident and refer the victim-survivor to the Local Social Welfare and Development Office of the LGU within four (4) hours from the time of reporting. Said official shall also report the incident to the Women and Children's Protection Desk at the nearest Police Station within the same period;
- i) In cases where the victim-survivor applying for a BPO is a minor, any barangay official shall assist the victim-survivor and shall refer her/him to NGOs, social workers for counseling, temporary shelter and other support services;
- j) Monitor compliance of the respondent with the BPO;
- k) Ensure the safety and continued support to the victim-survivor and her family during the 15-day period;
- l) Assist the victim-survivors in filing the appropriate complaint with the PNP Women and Children's Protection Desk or other law enforcement agencies;
- m) Ensure that all pertinent documents of the said cases are forwarded to the PNP Women and Children's Protection Desk;
- n) Have a separate logbook for complaints and cases of VAWC and keep this confidential, always ensuring the privacy of the victims;
- o) Shall not attempt to influence the victim-survivor to abandon her claims. All forms of amicable settlement under the Katarungang Pambarangay such as mediation, settlement, conciliation, arbitration shall not apply to cases of VAWC in the Act; and
- p) If the relief requested or applied for involves the failure to provide support to the woman or her children, especially for their education and medical needs, the Punong Barangay or in his/her absence, any kagawad, shall call the respondent for counseling and explain to him his legal obligations to support his wife and/or minor children. This shall not be construed to mean as a mode of conciliation or mediation and must be done only with the presence of the respondent, without the victim-survivor or applicant.

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

Administrative complaints against the barangay official for failure to perform her or his duties shall be filed with the Sangguniang Panglunsod or Bayan for gross neglect of duty or misfeasance.

**Section 48.** Duties and Functions of the Philippine National Police-Women and Children Protection Desks (PNPWCPD) – For the purposes of investigation of VAWC cases, the PNP-WCPD shall have the following duties and functions:

- a) Upon the receipt of complaint, the WCPD officer shall conduct appropriate investigation which includes, but is not limited to, taking the formal statement of the victim-survivor and collecting other evidence necessary for the filing of the case under the Act;
- b) Immediately after taking the essential elements of information during the course of investigation, the WCPD officer shall refer the victim-survivor to the nearest PNP Crime Laboratory and/or hospital or any medical facilities for appropriate medico-legal examination. It shall be the WCPD officer's duty to ensure that as far as possible, the examining physician must be of the same gender as the victim-survivor, especially in sexual violence cases;
- c) Except in the case of a child who is a victim-survivor of the Act, by which other existing laws require immediate presence of the unoffending parent or guardian and social worker, only persons expressly authorized by the victim-survivor shall be allowed by the WCPD officer inside a room where police investigation as well as the medical/ physical examination are being conducted in private;
- d) Ensure the confidentiality of identity of the victim-survivor and all other parties directly involved with the case under investigation. For this purpose, the WCPD officer must maintain a separate blotter on crimes committed under the Act. Under no circumstances shall any police officer allow media access to information concerning VAWC reported to PNP;
- e) After the conduct of police investigation, the WCPD officer shall refer the victim-survivor to the social worker of the LGU, any available DSWD shelters, NGOs and other service providers for psychosocial intervention and other rehabilitation programs;
- f) The WCPD officer shall forward the investigation report, together with the relevant evidence, including the formal statements of witnesses and result of medico-legal examination, to the prosecutor for filing of appropriate criminal action under the Act;
- g) If victim-survivor is found to have manifestations of the Battered Woman Syndrome which is validated by past police records and testimonies from witnesses in interest, the WCPD officer shall inform the Punong barangay, the local social worker, or the concerned NGOs, local professional or civic groups in the area for appropriate psychiatric and psychological evaluation which may form part of the evidence to be presented in court;
- h) Assist in the application and enforcement of the provisions of the protection order as may be issued by the barangay or the court;

- i) Respond, with the assistance of other police personnel, barangay officials, and other parties in interest, to a call for emergency assistance to ensure immediate protection of the victim-survivor by entering the dwelling if necessary whether or not a protection order has been issued;
- j) In case where the perpetrator is armed or in possession of deadly weapon in plain view, cause the confiscation thereof with the assistance of other police personnel;
- k) Effect the arrest of the perpetrator by virtue of a warrant issued by the court pursuant to existing laws. In the event that any crime under the Act has been committed, is being committed or about to be committed, or that any police officer has personal knowledge of the facts indicating the commission of such time, it shall be his or her duty to arrest the perpetrator even without the strength of a warrant, provided the offender shall be proceeded in accordance with Section 5, Rule 113 of the Rules of Court;
- l) Except when the victim-survivor is deemed more secure to stay in their place of residence, in which case the perpetrator has been removed by virtue of protection order issued by the barangay or the court, the WCPD officer or any designated police officer shall provide assistance to help facilitate the transfer of the victim-survivor to a safe place of her own choice, including the removal of some of the victim-survivor's personal belongings;
- m) Monitor and follow up any case in violation of the Act that has been filed in court. In this regard, the WCPD officer must maintain a periodic assessment report of all cases reported to the police in violation of the Act; and
- n) Participate in multidisciplinary mechanisms to help address the protection needs of the victim-survivor of VAWC.

**Section 49. Duties and Functions of Health Care Providers** – Any healthcare provider of public or private hospitals, clinics or rural health units, including, but not limited to, an attending physician, nurse, clinician, barangay health worker, therapist or counselor who suspects that a female patient or her children are victim-survivors of abuse shall:

- a) Properly document any of the victim-survivor's physical, emotional or psychological injuries; properly record their observation, emotional or psychological state and properly record any of victim-survivor's complaints, observations and circumstances of the examination or visit;
- b) Physicians in public hospitals and clinics or rural health unit shall automatically provide the victim free of charge a medical certificate concerning the examination or visit;
- c) Safeguard the record and make them available to the victim-survivor upon request at actual cost;
- d) Provide the victim-survivor immediate and adequate notice of rights and remedies provided under the Act, and the services available to them; and

e) Provide emergency care.

**Section 50. Duties and Responsibilities of Other Relevant Agencies.** – Other government agencies and LGUs shall establish programs such as, but not limited to, education and information campaign and seminars or symposia on the nature, causes, incidence and consequences of such violence particularly towards educating the public on its social impacts.

It shall be the duty of the concerned government agencies and LGUs to ensure the sustained education and training of their officers and personnel on the prevention of VAWC as provided for under the Act.

Consistent with their mandates under existing laws, the following agencies shall specifically integrate VAWC issues in their strategy and program formulation and implement programs and services for the prevention and elimination of VAWC and for the protection of VAWC victim-survivor.

a) Bureau of Jail Management and Penology (BJMP)

1. Ensure the integration of VAWC core messages all its policies, programs and projects;
2. Conduct sustained and regular education and training of their officers and personnel on the prevention of VAWC;
3. Develop re-integration and rehabilitation programs for VAWC perpetrators which shall focus on anger resolution and management, values reorientation, gender sensitivity, among others;
4. Strengthen and sustain partnership with DSWD for the conduct of training programs for service providers and implementation of rehabilitative programs for perpetrators; and
5. Develop program that addresses the needs of offenders with BWS.

b) Commission on Higher Education (CHED)

1. Encourage state colleges, universities, and private institutions to conduct capacity building initiatives for professors, school personnel and administrator to eliminate VAWC;
2. Integrate gender and development perspective, including the core messages on VAWC in school curricula; and
3. Integrate VAWC core messages in CHED's accreditation system.

c) Department of National Defense (DND)

1. Develop and implement Protocol on Handling Cases of VAWC under the Act and other related laws;

2. Collaborate with barangay officials, government and NGOs, church and civic groups in preventing VAWC;

3. Train its personnel on the use of its Protocol and periodically revise it to ensure effectiveness; and

4. Revise its administrative disciplinary measures for military and civilian personnel who are administratively or criminally charged with committing acts under the Act.

The Philippine Military Academy (PMA) including other military and civilian training institutions and schools shall include in its curriculum, R.A. No. 9262 and all gender-based violence related laws and protocols.

d) National Police Commission (NAPOLCOM)

1. Support national and international efforts towards eliminating VAWC and be actively involved in the drafting of practical measures, strategies and activities in the field of crime prevention and criminal justice administration for the elimination of VAWC;

2. Support programs that address problems and issues concerning women in the context of criminality, specifically as victim-survivors of VAWC crimes;

3. Conduct regional forum and seminar workshop aimed to empower police officers through proper management;

4. Advocate for and strengthen the conduct of gender sensitivity training (GST) and education for criminal justice practitioners in order to enhance their competence in the management of the VAWC cases;

5. Establish Action Centers to receive complaints involving police officers nationwide;

6. Develop/adopt a gender-responsive protocol in handling VAWC cases particularly for police officers and their families; and

7. Inspect and audit PNP Women's and Children's Protection Desks (WCPD) to assess compliance with established criteria and performance standards; and

8. Include in its rules for discipline of police personnel the penalty for those who committed VAWC.

e) National Commission on Indigenous Peoples (NCIP)

1. Create mechanism to ensure the integration of gender and development perspective in the programs and projects of NCIP to eliminate VAWC in Ancestral Domains and Territories occupied by ICCs/IPs;

2. Coordinate with the member-agencies to effectively address the issues and concerns confronting the women and children of the ICCs/IPs as regards VAWC;

3. Issue recommendations to the President and/or Heads of Agencies concerning VAWC in areas of ICCs/ IPs;

4. Undertake information, education and advocacy campaign on VAWC with due respect to the culture, traditions, and institutions of ICCs/IPs and translate information materials into the vernacular form to ensure understanding of the Act; and

5. Create an ICC/IP Women Crisis Center in strategic areas where VAWC is rampant in Ancestral Domains and thereto provide ICC/IP contact persons who understands and can relate to their customs, beliefs and traditions.

f) National Statistical Coordination Board (NSCB)

1. Assist the Inter-agency Council on Violence Against Women (IAC-VAWC) in the development of a standardized gender-responsive documentation system on VAWC;

2. Periodically release statistical series on women and men in the Philippines, including VAWC statistics; and

3. Compile VAWC statistics from various government agencies, subject to the provision of resources under a specific budget line item in addition to the NSCB's regular budget.

g) Office on Muslim Affairs (OMA)

1. Integrate gender and development perspective, especially VAWC core messages in the programs and projects related to the promotion, development and enhancement of Muslim culture and institutions;

2. Encourage participation of the Imam in addressing the issues related to VAWC in a gender-responsive manner;

3. To the extent possible, eliminate/amend discriminatory practices in Muslim Code of Personal Laws; and

4. Develop programs and projects to eliminate VAWC and other discriminatory practices among Muslims.

h) Philippine Information Agency (PIA)

1. Enhance public awareness on VAWC, pertinent laws and possible actions to prevent victimization and revictimization through the implementation of public advocacy program as well as printing and distribution of information materials in vernacular form;

2. Coordinate with the Council on public information campaigns in the provinces;

3. Help ensure that all concerned government agencies are informed of the Act;



4. Raise awareness of media practitioners in promoting non-stereotyped images of women and men, specially those that perpetuate violence;
5. Integrate VAWC core messages in the Code of Conduct and Ethical Guidelines for Reporting VAWC cases; and
6. Develop protocols in handling/reporting VAWC cases taking into consideration the privacy of the victim-survivors.

i) Technical Education and Skills Development Authority (TESDA)

1. Integrate gender and development perspective, specifically VAWC core messages in skills development programs;
2. Conduct capacity building activities addressing the issues of VAWC for TEDSA instructors/trainers, personnel and students;
3. Integrate VAWC core messages in the accreditation system for technical and vocational institutions; and
4. To the extent possible, provide scholarships to victim-survivor of VAWC.

**Section 51.** Duties and Functions of Local Government Units. – The LGUs shall have the following roles and responsibilities:

- a) Undertake massive education and information on the Act and other related laws;
- b) Provide the victim-survivors temporary shelters, counseling, psychosocial services, recovery and rehabilitation programs;
- c) Ensure the sustained education and training of their officials and personnel on the prevention of VAWC under the Act, including gender sensitivity seminars for service providers including the police, barangay officials, health personnel and social workers;
- d) In coordination with PNP and other related agencies, establish an education and training program for police officers and barangay officials to enable them to properly handle cases of VAWC;
- e) Develop and provide relevant community-based services for the rescue, recovery/rehabilitation and after-care services of victim-survivors of VAWC;
- f) Strengthen coordination with the DSWD-Development Regional Offices, LGUs, NGOs and other concerned institutions for women and children on the continuous conduct of VAWC related trainings to service providers;
- g) Provision of sustained programs and projects to ensure the protection and effective services for rehabilitation and integration of VAWC victim-survivors;

- h) Monitor and document cases of victim-survivors of VAWC for purposes of data banking;
- i) Enact ordinances aimed at providing protection and support to victim-survivors of VAWC; and
- j) Strengthen, re-activate and mobilize existing committees/ councils, similar organizations and special bodies at the provincial, city, municipal and barangay levels to prevent VAWC.

## **Rule IX**

### **The Inter-Agency Council On Violence Against Women And Their Children**

**Section 52.** Creation. – The Inter-Agency Council on Violence Against Women and Their Children (IAC-VAWC) shall be established to:

- a) ensure the effective implementation of the law; and
- b) be the lead coordinator and monitoring body on VAWC initiatives.

**Section 53.** Composition. – The Council shall be composed of the following agencies:

- a) Chairperson, Commission on Human Rights (CHR);
- b) Chairperson, Civil Service Commission (CSC);
- c) Executive Director, Council for the Welfare of Children (CWC);
- d) Secretary, Department of Education (DepEd);
- e) Secretary, Department of Interior and Local Government (DILG);
- f) Secretary, Department of Health (DOH);
- g) Secretary, Department of Justice (DOJ);
- h) Secretary, Department of Labor and Employment (DOLE);
- i) Secretary, Department of Social Welfare and Development (DSWD)
- j) Chairperson, National Commission on the Role of Filipino Women (NCRFW);
- k) Director, National Bureau of Investigation (NBI); and
- l) Director-General, Philippine National Police (PNP).

These agencies are tasked to formulate programs and projects to eliminate VAWC based on their mandates, as well as develop capacity building programs for their employees to become more gender sensitive to the needs of their clients. The Council will also serve as the monitoring body as regards VAWC initiatives.

The members of the Council shall designate their permanent representatives whose ranks are not lower than an Assistant Secretary or Director or its equivalent, to attend the meetings of the Council.

**Section 54.** Functions of the Council. – The Council shall undertake the following core functions:

a) Promotion of Anti-VAWC Act

1. Public information and advocacy such as conduct of massive information dissemination campaign on the Act and the various issues and problems relative to VAWC; and
2. Creation of mechanisms to ensure the integration of VAWC core messages in the programs and projects of all stakeholders, specifically in the education curriculum, training modules and manuals, and other VAWC-related documents.

b) Capacity-building of stakeholders

1. Continuous capacity-building programs of various stakeholders working on VAWC.

c) Development of comprehensive programs for VAWC victim-survivors

1. Development of an integrated referral system between and among stakeholders to ensure a holistic approach in handling VAWC cases and standards for the delivery of services for victim-survivors of VAWC to ensure the timely, systematic, synchronized and effective response to cases of VAWC; and
2. Assist in the filing of cases against individuals, groups, agencies, institutions or establishments that violate the provisions of the Act.

d) Networking with other stakeholders

- 1) Creation of mechanisms to ensure the participation of NGO's, academe, private sector, civic and religious groups in the implementation and monitoring of VAWC cases.

e) Monitoring of the implementation of the Act

1. Development and institutionalization of a monitoring and documentation system of VAWC cases;
2. Issuance of policies/memoranda/circulars directing all stakeholders working on VAWC to submit periodic report on their VAWC-related efforts and services including VAWC statistics to the Council;
3. Directing them to immediately respond to the problems brought to their attention and report to the Council on actions taken;

4. Promulgate rules and regulations as may be necessary for the effective implementation of the Act;

5. Monitor and oversee the strict implementation of the Act; and

6. Exercise all the powers and perform such other functions necessary to attain the purposes and objectives of the Act.

f) Conduct of research to include the integrated approach to eliminate VAWC, nature and root causes of VAWC, battered woman syndrome, violence within lesbian relationships, violence committed against marginalized women, rehabilitation of VAWC perpetrators and documentation of good practices as bases for policy formulation and program development.

**Section 55.** Reportorial Function. – The Council shall consolidate and submit to the President an annual report on the implementation of the Act.

**Section 56.** Meetings of the Council. – The Council shall meet on a quarterly basis. Majority of the members of the Council shall constitute a quorum to transact business.

**Section 57.** Honoraria or Emoluments. – The members of the Council or their designated permanent representatives shall receive honoraria or emoluments as may be determined by the Council in accordance with existing budget, accounting and auditing rules and regulations.

**Section 58.** Secretariat to the Council. – The Secretariat to the Council shall have the following functions:

a) Coordinate and monitor, under the direction of the Council, the implementation of the policies and guidelines promulgated by the Council;

b) Assist in establishing, maintaining and managing a central database on VAWC, wherever feasible;

c) Provide technical, secretariat and records keeping and other services to the Council; and

d) Perform such other functions as may be directed by the Council.

**Section 59.** Implementation at Sub-National and Local Levels. – The Council shall, as far as practicable, establish mechanisms to ensure the implementation of the law and these rules and regulations at the sub-national and local levels.

**Section 60.** Participation of Non-Government Organizations (NGOs) in the Implementation of the Law. – The Council shall ensure the participation of NGOs working on VAWC to effectively implement the Act in whatever forms appropriate, including but not limited to the following:

- a) Formulate and implement policies and programs to eliminate VAWC;
- b) Conduct capacity-building activities for government personnel and share their experiences in handling VAWC cases;
- c) Coordinate with concerned agencies, LGUs, and other NGOs in reporting alleged perpetrators, rescuing victim-survivors of VAWC and conducting investigation, if necessary;
- d) Document VAWC cases;
- e) Disseminate related policies and guidelines to eliminate VAWC to their networks both at the local and international levels; and
- f) Provide services to the VAWC victim-survivors and their families. In order to ensure the effective participation of NGOs in the implementation of the Act, NGO-GO partnerships and joint projects shall be encouraged for the purpose of promoting the objectives of this Section.

**Section 61.** Specific Duties and Responsibilities of National Government Agencies which are Members of the Council. – The following government agencies which are members of the Council, shall have, but are not limited to, the following duties and responsibilities to ensure the effective and efficient implementation of the Act to eliminate VAWC:

a) Commission on Human Rights (CHR)

1. Ensure the integration of VAWC core messages in its programs and projects;
2. Conduct trainings on Gender Sensitivity, Women’s Human Rights and VAWC for all sectors, including the police, military, members of investigating agencies;
3. Develop/adopt gender-responsive procedures in handling VAWC cases including the preparation of applications for Protection Orders;
4. Develop, produce and disseminate information and education materials on women’s human rights and gender sensitivity;
5. Provide free legal assistance to victims of VAWC and other assistance under the human rights protection services including assistance in applying for BPO and protection orders in court;
6. Integrate VAWC efforts in the Barangay Human Rights Action Center (BHRAC);
7. Investigate and recommend for prosecution violations of the Act; and
8. Monitor government compliance to international human rights treaty obligations related to the elimination of violence against women and children, particularly in the provisions of

the UDHR, the CEDAW, CRC provisions and other international human rights instruments of which the Philippines is a party.

b) Civil Service Commission (CSC)

1. In collaboration with concerned agencies to ensure the conduct of gender-sensitivity trainings (GSTs) and seminars/orientations on VAWC in all government agencies;
2. Revise existing policies and regulations so as to incorporate the ten-day paid leave of absence for victim-survivors pursuant to the provisions of the law;
3. Develop/adopt gender-responsive procedures in handling VAWC cases for government employees;
4. Issue policies encouraging government workers to help in the prevention and protection of victims of VAWC;
5. Lead in the development of a monitoring system to ensure compliance by all government entities to the government policies on VAWC; and
6. Integrate appropriate VAWC core messages in the Values Orientation Workshop (VOW) modules.

c) Council for the Welfare of Children (CWC)

1. Integrate in its development and strategic frameworks issues and concerns affecting abused children and ensure the adoption of such frameworks by the LGUs and other stakeholders;
2. Vigorously advocate against VAWC;
3. Adopt policies and measures that will protect and promote the rights and welfare of children victims of VAWC and coordinate and monitor their implementation; and
4. Formulate plans, policies and program interventions to address VAWC.

d) Department of Education (DepEd)

1. Conduct trainings for teachers on how to handle children, who are victim-survivors of VAWC in the home;
2. Conduct gender sensitivity trainings and seminars on VAWC;
3. Develop gender-fair curricula in elementary and secondary levels, produce gender-responsive instructional materials and integrate in the appropriate subject areas core messages on VAWC by providing lessons that emphasize the social costs and implications of VAWC;

4. Train principals and teachers on the preparation of applications of BPOs. Teachers and principals shall assist victim-survivors in preparing applications for BPOs when requested by the victim-survivors or barangay officials;

5. Develop protocols in handling students, personnel, teachers who are suspected to be victim-survivors or perpetrators of VAWC; and

6. Establish school-based intervention programs for VAWC.

e) Department of the Interior and Local Government (DILG)

1. Issue policies and guidelines to ensure sustained implementation of the provisions of the Act and its IRR to include strengthening the Barangay Council for the Protection of Children (BCPC) and Sangguniang Committee on Women and Family (SCWF);

2. Conduct IEC programs such as, but not limited to, education and information campaign and seminars or symposia on the nature, cause, incidence and consequences of such violence particularly towards educating the LGUs including barangay and its employees on the social impacts of VAWC;

3. In coordination with the IAC-VAWC, formulate programs and projects to effectively implement Anti-VAWC law, including but not limited to the following:

a) conduct of a massive information and education campaign on the law;

b) development/issuance of supplemental guidelines/standards;

4. Ensure the continuous capacity building activities for its employees as well as the local officials and staff;

5. Monitor implementation of the Act in the LGUs to ensure full compliance; and

6. Utilize its training and education arms such as the Philippine Public Safety College (PPSC) and the Local Government Academy (LGA) for their continuing training and capacity-building on Anti-VAWC and other related laws.

f) Department of Health (DOH)

1. Strengthen/establish Women and Children Protection Units (WCPUs) in DOH Hospitals for the health care of women and children victim-survivor of violence;

2. Provide immediate personalized, gender-sensitive medical assistance to victim-survivors of violence;

3. Develop and adopt a uniformed medical protocol for all victim-survivors of violence;

4. Create a monitoring and evaluation mechanism to ensure compliance of medical practitioners to the provisions of the Act;

5. Provide relevant training to WCPU staff on women and children protection which includes appropriate medical management, forensic examination, gender-sensitive counseling and interviewing skills;
6. Equip WCPU doctors with knowledge and skills that will enable them to act as expert witnesses in court, if necessary;
7. Ensure validity and confidentiality of medical records;
8. Coordinate with other government agencies and NGOs for a more organized approach to address other nonmedical needs of the victim-survivor; and
9. Conduct consultation workshops to integrate gender perspective in policy guidelines and trainings for gender and health.

g) Department of Justice (DOJ)

1. Ensure the immediate prosecution of violators of the Act;
2. Designate and train special prosecutors who shall investigate and prosecute VAWC cases;
3. Establish a mechanism for free legal assistance for VAWC cases, in coordination with the DSWD, Commission on Human Rights (CHR), Integrated Bar of the Philippines (IBP), NGOs and volunteer groups;
4. Conduct training and continuing education programs specifically for prosecutors, public attorneys and those involved in VAWC cases;
5. Review and recommend policies and measures to enhance protection of VAWC victim-survivors;
6. Develop/adopt gender-responsive procedures in handling VAWC cases; institutionalize mechanisms, review and update existing policies to ensure the gender-sensitivity and gender-responsiveness of the Witness Protection and Benefit Program;
7. If necessary, revise the Rules of the National Prosecution Service to ensure that cases of VAWC under the Act shall have priority over all other pending cases;
8. Ensure appropriate and speedy disposition of VAWC cases within forty-five (45) days; and
9. Ensure that Regional Directors or Regional State Prosecutors shall make a monthly monitoring of VAWC cases to ensure the speedy disposition of cases.

h) Department of Labor and Employment (DOLE)

1. Ensure the implementation of Sec. 43 of the Act;



2. Monitor, document and report cases of VAWC specifically on children forced to work by their perpetrators;
3. Conduct public awareness programs and activities to prevent victimization of women and children; and,
4. Make available employment and livelihood programs that suit the skills of women victim-survivors of abuse to facilitate their recovery and reintegration into the communities.

i) Department of Social Welfare and Development (DSWD)

1. Ensure the gender-responsiveness of all its programs and projects particularly those relating to VAWC;
2. Ensure the nationwide implementation of the National Family Violence Prevention Program;
3. Continue to improve center and community-based services and develop programs responsive to the needs and concerns of victim-survivors of VAWC;
4. Raise gender-sensitivity among social workers and other direct-service providers, through:
  - a) supporting the conduct of Gender-Sensitivity Trainings (GSTs) in 15 regional offices for DSWD staff; and
  - b) review and ensure that policies and mechanisms in the Department, particularly its bureaus and attached agencies are gender-sensitive and gender-responsive;
5. Develop and/or integrate VAWC core messages in the Code of Ethics of social workers;
6. Make available productivity skills and other capability building programs for VAWC victim-survivors;
7. Develop program, rehabilitation, counseling and other support interventions to facilitate the recovery/healing and reintegration of victim-survivors of abuse into the communities;
8. Conduct technical assistance and capability building programs for social welfare officers/social workers of LGUs, NGOs and other interest groups;
9. Create mechanisms where women and girls can report VAWC cases in a safe and confidential environment, free from fear and retaliation;
10. Develop programs to rehabilitate perpetrators;
11. Adopt/develop procedures in handling VAWC cases;

12. Accredite NGOs, counselors and social workers that provide programs and services to VAWC victim-survivors; and

13. Periodically monitor and evaluate these NGOs to ensure that they meet the standards set by the \_\_\_\_\_

j) National Commission on the Role of Filipino Women (NCRFW)

1. Conduct fora involving VAWC victim-survivors and women's NGOs to generate and validate data on the accessibility and effectiveness of existing VAWC services;

2. Actively advocate and participate in international and regional discussions and initiatives on VAWC and include the same in all international commitments and policy pronouncements;

3. Assist the Council in the formulation and monitoring of policies addressing the issue of VAWC in coordination with relevant government agencies;

4. Assist the Council in the conduct of information dissemination and training of frontline government agencies, NGOs and the general public;

5. Assist in the development of a standardized gender responsive documentation system, standardized core messages and VAWC protocols. Collect/research on the profile of existing VAWC services and facilities at the national and local level in coordination with other agencies such as the DSWD, DOH, PNP, NBI, NAPOLCOM, DOJ and NSCB; and

6. Assist the Council in the formulation of prevention, counseling and rehabilitation programs for victims of VAWC.

k) National Bureau of Investigation (NBI)

1. In all its regional and provincial offices, provide one stop shop for all the needed legal and medical services for VAWC victim-survivor;

2. Develop/adopt a protocol in handling VAWC cases;

3. Conduct regular inspection in the setting-up of one stop shop facilities to ensure that procedures and personnel are gender-sensitive and gender responsive and monitor the activities in the respective Child Friendly Investigation Studios (CFIS) from time to time to determine its effectiveness and success in addressing cases of VAWC;

4. Conduct trainings that will raise gender-sensitivity among NBI agents/investigators and personnel;

5. Closely coordinate with all the Council member agencies for the effective detection and investigation of suspected VAWC perpetrators; and

6. Formulate plans and programs for the detection and prevention of VAWC, and for the arrest and prosecution of suspected VAWC abusers/ perpetrators.

I) Philippine National Police (PNP)

1. Ensure the gender-responsiveness of the PNP protocols and procedures in handling VAWC cases;

2. Establish an education and training program for police officers to enable the proper handling of cases of violence against women and their children;

3. Develop and implement Police Protocol on Handling VAWC Cases under the Act and other related laws;

4. Collaborate with barangay officials, government and non-government organizations, church and civic organizations in preventing VAWC;

5. Revise its administrative disciplinary measures for police personnel who are administratively or criminally charged with committing acts under the Act;

6. Develop and implement a nationwide community based crime prevention program that deals with the issues of domestic/family violence, abuse of women in intimate relations, child abuse and juvenile delinquency, among other interrelated issues;

7. Establish consciousness-raising and skills enhancement training programs in the form of seminars or short courses to be used for the training of all police personnel, including barangay officials and organized communities in coordination with the DILG, regarding the implementation of the Act, as well as related laws and international human rights conventions for the protection of women and children from various forms of violence and abuse;

8. Formulate and provide regular issuances on institutional policies relevant to the improvement of law enforcement responses to cases under the Act as well as the development of the PNP as gender sensitive law enforcement institution;

9. Coordinate with other government agencies and NGOs on the enhancement of programs and services for the protection of women and their children from various forms of violence cited under the Act; and

10. Monitor the established mechanisms for compliance and commitment of the police personnel on the implementation of the Act.

**Rule X**

**Capacity-Building For Services Providers**

**Section 62.** Training of government personnel involved in responding to VAWC. – All agencies involved in responding to violence against women and their children cases shall be required to undergo education and training to acquaint them with the:

- a) Nature, extent and causes of VAWC;
- b) Legal rights of, and remedies available to, victim-survivors of VAWC;
- c) Services and facilities available to victim-survivors;
- d) Legal duties of police officers in the arrest of perpetrators and protection and assistance to victim-survivors; and
- e) Techniques for handling incidents of VAWC that minimize the likelihood of injury to the officer and promote the safety of the victim-survivor.

The PNP, in coordination with LGUs, shall establish an education and training program for police officers and barangay officials to enable them to properly handle cases of violence against women and their children.

## **Rule XI**

### **Confidentiality**

**Section 63.** Confidentiality. - During the investigation, prosecution and trial of an offense under the Act, law enforcement officials, prosecution, judges, court personnel and medical practitioners, as well as parties to the case, shall recognize the right to privacy of the victim-survivor of violence. Law enforcement officers and prosecutors shall conduct closed-door investigations and shall not allow the media to have access to any information regarding the victim-survivor. The adult victim, however, may choose to go public or speak with the media, preferably with the assistance of her counsel.

The barangay officials, law enforcers, prosecutors and court personnel shall not disclose the names and personal circumstances of the victim-survivors or complainants or any other information tending to establish their identities to the media or the public or compromise her identity. It shall be unlawful for any editor, publisher, reporter or columnist in case of printed materials, announcer or producer in case of television and radio, producer and director of a film in case of the movie industry, or any person utilizing tri-media or information technology to cause publicity of the name or identity of the victim-survivor or complainant without her consent. Identities of children shall not in any way be disclosed to the public without the conformity of the DSWD officer of the city or province.

Any person who violates this provision shall suffer the penalty of one (1) year imprisonment and a fine of not more than Five hundred thousand pesos (P500,000.00).

## **Rule XII**

### **Funding**

**Section 64.** Inclusion in Agency Appropriations. – The heads of departments and agencies concerned shall immediately include in their annual appropriations the funding necessary to implement programs and services required by the Act and these regulations.

In the interim, the funding necessary to carry out their mandate under the Act may be charged against their Gender and Development (GAD) budget. All concerned departments including their attached agencies, offices, state colleges and universities, government owned and/or controlled corporations and LGUs shall prioritize the use of their GAD Budget for services and programs for VAWC victim-survivors as well as in its prevention. The 20% Development Fund of LGUs shall also be tapped for the same purpose.

### **Rule XIII**

#### **Final Provisions**

**Section 65.** Separability Clause. – If for any reason, any part or provisions of this Implementing Rules and Regulations shall be held unconstitutional or invalid, other sections or provision hereof which are not affected thereby shall continue to be in full force and effect.

**Section 66.** Repealing Clause. – All laws, presidential decrees, executive orders and rules and regulations, or parts thereof, inconsistent with the Act and these rules and regulations are hereby repealed or modified accordingly.

**Section 67.** Effectivity. – These Rules and Regulations shall take effect fifteen (15) days after its complete publication in two (2) newspapers of general circulation.