

What is

# VAWC?



## VIOLENCE AGAINST WOMEN AND CHILDREN

### The Policy of The Law:

It is the duty of the state to value the dignity of women and children; to guarantee full respect for human rights; to protect the family and its members particularly women and children, from violence and threats to their personal safety and security.

### Basis for The Protection of Women and Children:

The Constitution and provisions of the International human rights instruments to which the Philippines is a party.

### VAWC is a PUBLIC CRIME

Under Sec. 25 of this Act.

### Who can commit VAWC?

Any person.



# WHO CAN BE A **VICTIM** OF VAWC?

**Woman** - wife, former wife, or a woman with whom the offender has or had a sexual or dating relationship, or with whom he has a common child

**Child** - against the woman's child, whether legitimate or illegitimate, within or without the family abode

**"Dating Relationship"** - 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**

## What is excluded in the definition of "Dating Relationship"?

Casual acquaintance or ordinary socialization between two individuals in a business or social context.

**"Sexual Relations"** - single sexual act which may or may not result in the bearing of a common child

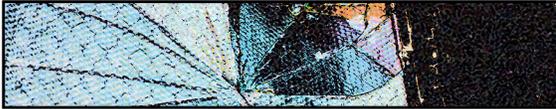
**"Children"** - Those below eighteen (18) years of age or older but are incapable of taking care of themselves as defined under Republic Act No. 7610. As used in this Act, it includes the biological children of the victim and other children under her care.



## KINDS OF VIOLENCE

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# KINDS OF VIOLENCE

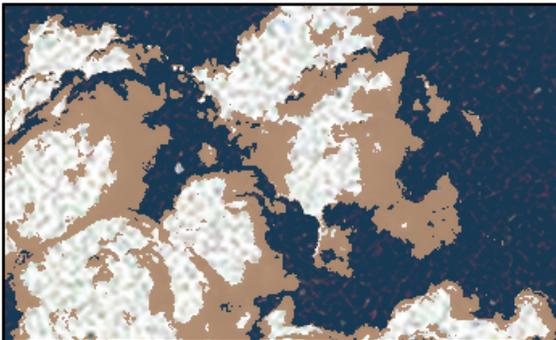
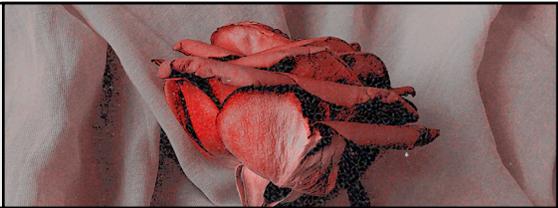


## PHYSICAL

- This includes bodily or physical harm

**SEXUAL**

- This includes rape, sexual harassment, acts of lasciviousness, forcing her/him to watch obscene publications and indecent shows, forcing the wife and mistress/lover to live in the conjugal home or sleep together in the same room with the abuser, acts causing or attempting to cause the victim to engage in any sexual activity by force, harm, threat or other coercion, and prostituting the woman or her child.

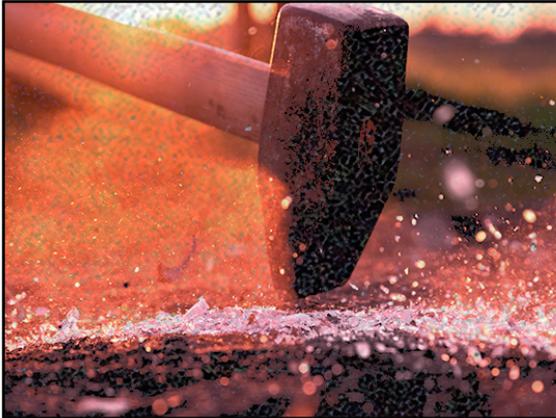


## PSYCHOLOGICAL

- Acts or omissions **causing or likely to cause mental or emotional suffering of the victim.**
- It includes but is 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.

**ECONOMIC**

- Acts that **make or attempt to make a woman financially dependent.**
- It includes but is not limited to:
  - a) Withdrawal of financial support or preventing the victim from engaging in any legitimate profession, occupation, Business or activity.
  - b) Exc: Art 73 of the Family Code: spouse or partner may object on valid, serious, and moral grounds
  - c) 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
  - d) Destroying household property
  - e) Controlling the victim's own money or properties or solely controlling the conjugal money or properties.



## BATTERY

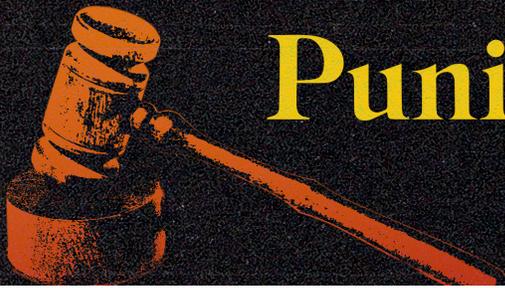
- Act of **inflicting physical harm** upon the woman or her child resulting in physical and psychological or emotional distress.
- **What is the "Battered Woman Syndrome"?**
  - a) It is scientifically defined pattern of psychological and behavioral symptoms found in women living in battering relationships as a result of cumulative abuse
  - b) Sec 26: **Battered Woman Syndrome (BWS) is a defense provided that it is present at the time of the commission of the crime.**
  - c) Victim-survivors who are found by the courts to be suffering from BWS do not incur any criminal and civil liability notwithstanding the absence of self defense.
  - d) To determine BWS presence at the time of the commission of the crime

**OTHERS**

**ARBITRARY DEPRIVATION OF LIBERTY**

**ASSUALT****COERCION****HARASSMENT**

# *What are the* **Punishable Acts** *under this Act?*



1. By causing physical harm to the woman or her child;
2. By threatening to cause the woman or her child physical harm;
3. By attempting to cause the woman or her child physical harm;
4. By placing the woman or her child in fear of imminent physical harm;
5. By 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;
  - Desist from conduct which the woman or her child has the right to engaged in;
6. By attempting to restrict or restricting the woman's or her child's freedom of movement or conduct:
  - By force or threat of force, physical harm or threat of physical or other harm;
  - By intimidation directed against the woman or child.

This shall include the following acts committed with the purpose or effect of controlling or restricting the woman's or her child's movement or conduct:

- Threatening to deprive or actually depriving the woman or her child of custody to her/his family;
  - 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;
  - Depriving or threatening to deprive the woman or her child of a legal right;
  - 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;
7. By inflicting or threatening to inflict physical harm on oneself for the purpose of controlling her actions or decisions;
  8. By 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;
  9. 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:
    - Stalking or following the woman or her child in public or private places;
    - Peering in the window or lingering outside the residence of the woman or her child;
    - Entering or remaining in the dwelling or on the property of the woman or her child against her/his will;
    - Destroying the property and personal belongings or inflicting harm to animals or pets of the woman or her child; and
    - Engaging in any form of harassment or violence;
  10. By 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 access to the woman's child/children.
    - Marital Infidelity



# WHAT ARE THE RIGHTS OF VICTIMS OF VAWC UNDER RA 9262?

1. The right to be treated with respect and dignity;
2. The right to avail of legal assistance from PAO or any public legal assistance office;
3. The right to be entitled to support services from the DSWD and LGUs;
4. The right to be entitled to all legal remedies and support as provided under the Family Code; and
5. The right to be informed of their rights and services available to them including their right to apply for a protection order.

# WHAT ARE THE RIGHTS OF CHILDREN?

All children shall be entitled to the rights herein set forth without distinction as to legitimacy or illegitimacy, sex, social status, religion, political antecedents, and other factors:

1. Every child is endowed with the dignity and worth of a human being from the moment of his conception, as generally accepted in medical parlance, and has, therefore, the right to be born well.
2. Every child has the right to a wholesome family life that will provide him with love, care and understanding, guidance and counseling, and moral and material security. The dependent or abandoned child shall be provided with the nearest substitute for a home.
3. Every child has the right to a well-rounded development of his personality to the end that he may become a happy, useful and active member of society.
4. Every child has the right to a balanced diet, adequate clothing, sufficient shelter, proper medical attention, and all the basic physical requirements of a healthy and vigorous life.
5. Every child has the right to an education commensurate with his abilities and to the development of his skills for the improvement of his capacity for service to himself and to his fellowmen.
6. Every child has the right to protection against exploitation, improper influences, hazards, and other conditions or circumstances prejudicial to his physical, mental, emotional, social and moral development.
7. Every child has the right to the care, assistance, and protection of the State, particularly when his parents or guardians fail or are unable to provide him with his fundamental needs for growth, development, and improvement.
8. Every child has the right to grow up as a free individual, in an atmosphere of peace, understanding, tolerance, and universal brotherhood, and with the determination to contribute his share in the building of a better world.

# WHAT ARE THE TYPES OF PROTECTION GRANTED UNDER RA 9262?

- **Protection Order (PO):**

Order issued for the purpose of preventing further acts of VAWC.

- **Purpose of PO:**

to safeguard the victim from further harm, minimizing any disruption in the victim's daily life , and facilitating the opportunity and ability of the victim to independently regain control over her life

- **Kinds of Protection Orders:**

1. Barangay Protection Order (BPO)
2. Temporary protection order (TPO)
3. Permanent protection order (PPO)

- **Reliefs under the protection orders:**

1. Prohibiting the defendant from:
  - a) Threatening to commit or committing, personally or through another any of the prohibited acts
  - b) Harassing, annoying, telephoning, contacting or otherwise communicating with the petitioner, directly or indirectly
2. Removal and exclusion of respondent from residence of petitioner; removal of personal effects of the respondent from the residence.
3. Directing the respondent to stay away from the petitioner and any designated family or household member.
4. Granting a temporary or permanent custody of a child/children to petitioner
5. Directing the respondent to provide support to the woman and/or her child if entitled to legal support.
6. Prohibiting respondent from any use or possession of any firearm or deadly weapon and order him to surrender the same to the court for appropriate disposition by the court.
7. Restitution for actual damages
8. Directing DSWD or any appropriate agency to provide petitioner temporary shelter and other social services that the petitioner may need
9. 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 as long as they consented to it.

## WHO MAY FILE FOR POs?

1. Offended party
2. Parents or guardians of the offended party
3. Ascendants, descendants or collateral relatives within the 4th civil degree of consanguinity or affinity
4. Officers or social workers of the DSWD or social workers of LGU
5. Police officers (preferably those in charge of women and children's desks)
6. Lawyer, counselor, therapist or healthcare provider of the petitioner
7. At least 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.



## Where to Apply for a PO?

### BPO:

- Disputants actually residing in the same Barangay - **lupon of the said barangay**
- Disputants belonging to different Barangays but within the same city or municipality shall be brought in the Barangay - **Barangay where the respondent or any of the respondent actually resides, at the election of the complainant**

**TPO/PPO:** may be filed in the RTC, Metropolitan Trial Court, Municipal trial court, Municipal circuit trial court, **with territorial jurisdiction over the place of residence of the petitioner.**

- **BUT, if a family court exists in the place of residence of the petitioner, the application shall be filed with that court.**

## How to Apply for a PO?

1. Prepare an application for PO in writing, signed and verified under oath by the applicant.
2. Know the contents of the application
3. If applicant is **not the victim**, the application must be accompanied by **an affidavit of the applicant attesting to:**

- A. Circumstances of the abuse suffered by the victim
- B. Circumstances of consent given by the victim for the filing of the application.
- C. When the disclosure of the address of the victim will pose danger to her life, it shall be so stated in the application.

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

- NOTE: The woman or her child can request in the application for PO for the appointment of counsel because of lack of economic means to hire a counsel.

### • Enforceability of TPO/PPO:

- **TPO/PPO:** shall be enforceable anywhere in the PH

### Barangay Protection Order (BPO)

- BPO orders the perpetrator to desist from committing acts under Sec 5 (a) (b)
  - A. Causing physical harm to the woman or her child
  - B. Threatening to cause the woman or her child physical harm
- Protection order issued by the Punong Barangay after ex parte determination of the basis of the application.
- Who issues BPO?
  - Punong Barangay
  - If Punong Barangay is unavailable to act on the application, the application shall be acted upon by any available Barangay Kagawad, but the order must be accompanied by an attestation that the Punong Barangay was unavailable at the time for the issuance of the BPO.
- **Effectivity of BPO:** 15 days

### Temporary Protection Order (TPO)

- Protection order issued by the court on the date of filing of the application after ex parte determination that such order should be issued.
- **Effectivity of TPO:** 30 days
- TPO shall include notice of the date of the hearing on the merits for the issuance of PPO.
- The court shall schedule a hearing on the issuance of PPO prior to or on the date of the expiration of the TPO.

### Permanent Protection Orders (PPO)

- Refers to protection order issued by the court after notice and hearing
- **Hearing:**
  - Conduct a hearing on the merits of the issuance of a PPO in 1 day
  - If unable to conduct the hearing within 1 day and the TPO issued is due to expire, **the court shall continuously extend or renew the TPO for a period of 30 days at each particular time until final judgment is issued.**
- **Effectivity:** effective until revoked by a court upon application of the person in whose favor the order was issued.

## What crimes are punishable and what are their penalties?

- Acts falling under Section 5(a) of RA 9262
  - When these acts constitute attempted, frustrated or consummated: (1) parricide; (2) murder; or (3) homicide.
    - Penalty:
      - Consummated Parricide: Reclusion Perpetua
      - Consummated Murder: Reclusion Temporal to Reclusion Perpetua
      - Consummated Homicide: Reclusion Temporal
      - Frustrated parricide, murder or homicide: Penalty lower than 1 degree than the consummated crime.
      - Attempted parricide, murder, or homicide: Penalty of 2 degrees lower than the consummated crime.
  - When these acts resulted in mutilation
    - Penalty:
      - Intentional mutilation of either totally or partially of some essential reproductive organ: Reclusion Temporal to Reclusion Perpetua
      - Any other intentional mutilation: Prision Mayor in its medium and maximum periods.
  - When these acts constitute serious physical injuries
    - Penalty: Prision Mayor
  - When these acts constitute less serious physical injuries
    - Penalty: Prision Correccional
  - When these acts constitute slight physical injuries
    - Penalty: Arresto Mayor
- Acts falling under Section 5(b) of RA 9262
  - Penalty: Imprisonment of 2 degrees lower than the prescribed penalty for consummated crimes in Section 5(a)
    - This shall never be lower than arresto mayor.
- Acts falling under Section 5(c) and 5(d) of RA 9262
  - Penalty: Arresto Mayor
- Acts falling under Section 5(e) of RA 9262
  - Penalty: Prision Correccional
- Acts falling under 5(f) of RA 9262
  - Penalty: Arresto Mayor
- Acts falling under 5(g) of RA 9262
  - Penalty: Prision Mayor
- Acts falling under 5(h) and 5(i)
  - Penalty: Prision Mayor

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Providing Services to Victims  
of Domestic Violence**

## What are the aggravating circumstances?

- If the acts are committed while the woman or child is pregnant; or
- If the acts are committed in the presence of her child.

## What is the penalty if there are aggravating circumstances present?

- Penalty: Maximum period of the penalty prescribed in Sec. 6.

## What are in addition to imprisonment when committing the punishable acts?

- Fine in the amount of **not less than Php 100,000.00, but not more than Php 300,000.00**; &
- Undergo mandatory psychological counseling or psychiatric treatment.
  - Shall report compliance to the court.

## Institutions Providing Services to Victims of Domestic Violence

### A. Department of Social Welfare and Development

Batasan Pambansa Complex, Batasan Road, Quezon City, 1100 Metro Manila, Philippines  
Telephone Number: 8931- 8101 | +63 289318101

### B. Department of Justice

Padre Faura Street, Ermita, Manila, 1000 Metro Manila, Philippines  
Telephone Number: 8523-8481 to 98

### C. Department of Health

San Lazaro Compound, Tayuman, Sta. Cruz, Manila Philippines 1003  
Telephone Number: 8651-7800

### D. Department of the Interior and Local Government

DILG-NAPOLCOM Center, EDSA, corner Quezon Avenue, West Triangle Quezon City, Philippines 1104  
Telephone Number: 925-0330 or 925-0331

### E. National Bureau of Investigation

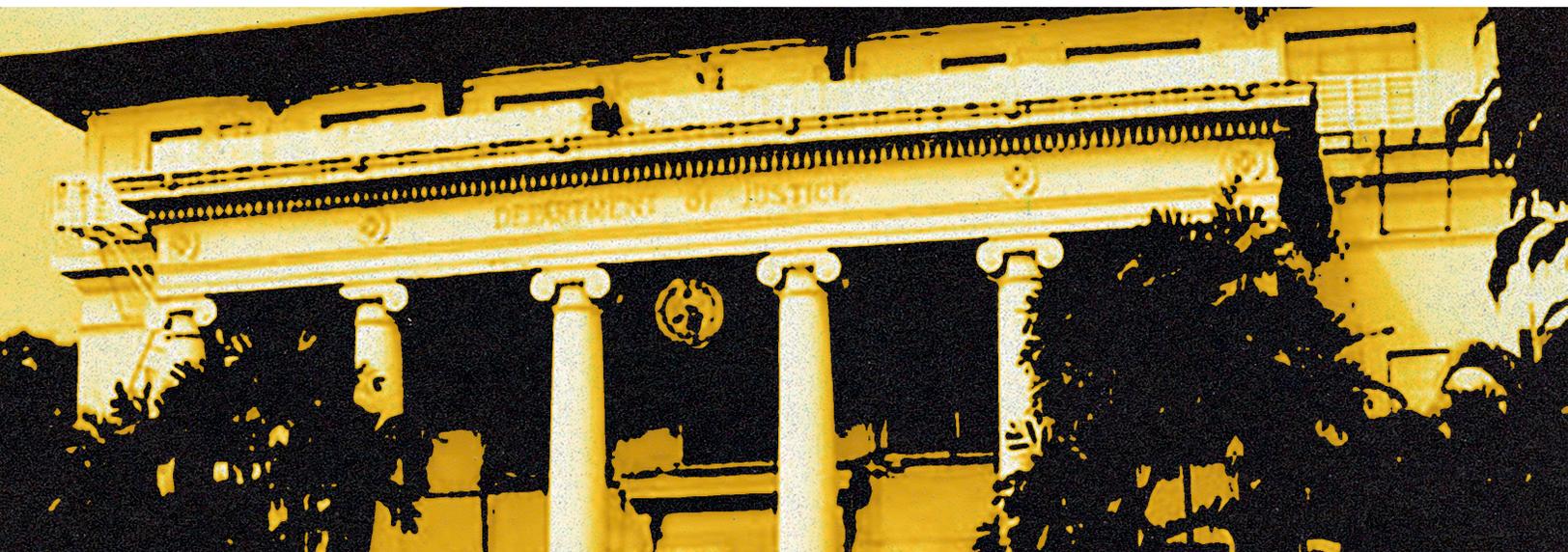
NBI Building, Taft Avenue, Ermita Manila, Philippines 1000  
Telephone Number: 8523-8231 to 38

### F. Child Rights Center – Commission on Human Rights

SAAC Building, UP Complex, Commonwealth Avenue, Diliman, Quezon City  
Telephone Number: (02) 8294-8704

### G. Department of Labor and Employment (DOLE)

DOLE Building, Muralla Wing cor. General Luna St., Intramuros, Manila, 1002, Philippines DOLE  
Hotline (24/7): 1349



## **Institutions Providing Services to Victims of Domestic Violence**

### **H. Integrated Bar of the Philippines National Center for Legal Aid**

Building, No.15 Doña Julia Vargas Avenue, Ortigas Center, Pasig City, Philippines 160

Telephone Number: 8-631-3013

Executive Office: 8-634-4697

Information Desk: 8-631-3016 to 3018; 8-634-4696

Email: info@ibp.ph

### **I. Integrated Bar of the Philippines Makati Chapter**

UG 39, 7648 Cityland De la Rosa Condominium De la Rosa Street, Makati City

Telephone Number: (+632) 813-4744; (+632) 3305477

Email : ibpmakati2@gmail.com

### **J. University of the Philippines Women Lawyers' Circle, Inc.**

2nd Floor, TOPS Annex Building, 2589 Sta. Clara Street corner Leiva & Syquia Streets,  
Sta. Ana, Manila

Telephone Number: (632) 8353-8762

Mobile No.: 0917-5839-343

Email: upwiloci@gmail.com

### **K. Women's Legal Bureau**

Unit 321, Eagle Court Condominium, Matalino St, Quezon City, 1100 Philippines

Telephone Number: (02) 921-4389

Email: womenslegalbureau@protonmail.com

### **L. GABRIELA**

35 Scout Delgado, Quezon City, Philippines

Telephone Number: 63(2) 374 3452 or +63(2) 371 2302

Email: gabriela.phils@gmail.com

### **M. Philippine National Police Women and Children Protection Center**

Camp BGen Rafael T. Crame 1111

Telephone Number: (02) 8723 0401

Email: alengpuliswcpc.didm@pnp.gov.ph

### **N. National Bureau of Investigation Violence Against Women and Children Desks**

Taft Ave., Ermita, Manila

Hotlines: (02) 8523-8231 to 38/(02) 8525-6028

Email: director@nbi.gov.ph

### **O. Philippine General Hospital-Child Protection Unit**

Taft Avenue, Ermita, Manila

Telephone Number: (02) 8353 0667; 8524 1512; 8554 8400 loc 2534 or 2545

### **P. Philippine General Hospital Women's Desk**

HXHP+36Q, Taft Ave, Ermita, Manila, 1000 Metro Manila

Telephone Number: (02) 524-2990; 521-8540 loc 3816; 567-3394 loc. 3072.