



BARANGAY PROTECTION ORDER

(ANTI-VIOLENCE AGAINST WOMEN & THEIR CHILDREN ACT OF 2004)

RA 9262

A PRIMER



Department of the Interior and Local Government
NATIONAL BARANGAY OPERATIONS OFFICE

A joint project of the DILG-National Barangay Operations Office
and the
National Commission on the Role of Filipino Women
with the support of the
United Nations Population Fund (UNFPA)

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MESSAGE



Congratulations to the men and women of the **Department of the Interior and Local Government** for coming out with a primer, "Barangay Protection Order Primer" and to the **National Commission on the Role of Filipino Women** for providing technical and financial support thru the **Canadian International Development Agency** under the Institutional Support Program II.

Domestic violence has, for a long time, been hidden in the homes of affected families. However, its effect on the victims, who are usually women and children, must not be a cause for shame and should not be ignored. The culture of silence must be broken and domestic violence must be stopped.

This primer discusses the problem of domestic violence and ways of dealing with or preventing it from weakening the bond that unites the Filipino family. Presented in simple language, it equips the readers especially our barangay officials, with the knowledge and skills in maintaining peace, and order in the community.

I am confident that this publication will help shore up the foundation of Filipino families. This is a goal that is worth our best efforts together.

MANILA
10 November 2004

Gloria Arroyo
Gloria Macapagal-Arroyo



**Department of the Interior and Local Government
Quezon City**

MESSAGE



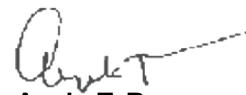
The passage of the “Anti-Violence Against Women and Their Children Act of 2004” or Anti-VAWC Law on March 8, 2004 marked a high point in the history of the country’s commitment to uphold the rights of women and their children.

The Law, in itself, is an indication of the need to involve the citizenry in addressing domestic violence and mandating the barangay officials to perform certain roles to deter further acts of violence against women and their children. The Department, as an advocate of the Anti-VAWC Law, enjoins local government units and other concerned entities to commit themselves to implement the Law and ensure compliance by local officials.

In ensuring the Anti-VAWC Law’s full implementation at the local levels, the Department of the Interior and Local Government has developed this Primer on RA 9262 for local officials and DILG field officers to enable them to gain knowledge and insights on their role in promoting women and child rights with the support of all concerned agencies and civil society organizations, I believe that we shall succeed in this worthy endeavor.

Rest assured of DILG’s unqualified support to all entities that support the crusade to prevent domestic violence.

Mabuhay!



Agelo T. Reyes
Secretary



National Barangay Operations Office
Quezon City

MESSAGE



RA 9262, otherwise known as the “Anti-Violence Against Women and Their Children Act of 2004” has gained public attention due to the growing incidence of violence against women and their children. Violence against women and their children is one of the issues that face our communities.

Barangay officials play a vital role under the Law. It is important that barangay officials, being the front liners in addressing problems in the barangay, should be equipped with tools on how to handle problems, especially on violence against women and their children.

The Primer is aimed not only to advocate awareness on the implementation of the law but essentially to equip barangay officials with knowledge in responding to VAWC cases. The roles and responsibilities of barangay officials in the implementation of the law are also discussed in the Primer.

We wish to express our appreciation to Atty. Rowena Guanzon and to the NCRCFW - Policy Analysis Division for providing technical assistance in developing this Primer, to the Liga ng mga Barangay sa Pilipinas (LnB) and other concerned entities for extending their support in the advocacy of the law.

Mabuhay!


Nelda D. Leda, CESO IV
Director IV



Liga ng mga Barangay sa Pilipinas
Pasig City

MESSAGE



The signing into law on March 8, 2004 of RA 9262 otherwise known as the “Anti-Violence Against Women and Their Children Act of 2004” or Anti-VAWC Law is a milestone in the history of the country’s commitment to human rights.

The Law has brought to fore the need for a deepening involvement of the citizenry in addressing domestic violence and upholding the rights of women and their children, as violations thereof constitute a public crime. Indeed, the Anti-VAWC Law has given recognition on the role of the barangay officials in promoting human rights and ensuring child-friendly communities.

The Liga ng mga Barangay sa Pilipinas extends its partnership to DILG and other concerned entities in drawing up activities to inform local officials and the public on the Anti-VAWC Law. This advocacy guide on barangay protection order (BPO) is one great step towards the attainment of our common efforts.

Mabuhay!

James Marty L. Lim
National President

PART 1

Q : *What is the Anti-Violence Against Women and their Children Act of 2004 (Anti-VAWC Act) or RA 9262?*

A : It is the law penalizing acts of violence against women and their children as a public crime. These acts include physical violence, sexual violence, psychological violence and economic abuse.

These acts are punishable even if committed outside the house.

Q : *What is violence against women and their children or “VAWC” under the law?*

A : VAWC 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 relationships, or with whom he has a common child, or against her child whether legitimate or illegitimate, inside or outside the family residence, which result or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse. It includes threats of the above acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty.

Q : *Who are protected by the law?*

A : Women and their children.

“Children” means the children of the abused woman, below 18 years old, legitimate or illegitimate, or 18 years old and above who are incapable of taking care of themselves, including children who are not her biological children but who are under her care.

If the acts are committed in the presence of the woman’s child, or if the woman or child is pregnant, the penalty shall be the maximum period prescribed by law.

Example: the woman’s niece who lives with her is a child under her care.

Q : Who are liable?

A : The following can be held liable for violation of RA 9262:

- a. husbands;
- b. former husbands;
- c. present and former boyfriends or live-in partners;
- d. those with whom the woman has a common child, or
- e. anyone with whom she has/had sexual or dating relationship.

Example: A woman who has a child by her rapist who harasses or abuses her is protected by this law because they have a common child.

Q : Can a woman be held liable for committing violation of RA 9262?

A : Women can also be liable under this Act. These are the lesbian partners/girlfriends or former partners of the victim with whom she has or had a sexual or dating relationship.

Q : What is “sexual relations?”

A : Sexual relations refer to a single sexual act which may or may not result in the bearing of a common child.

Example: A prostituted woman can avail of the remedies under the law if she is being harassed or abused or publicly humiliated by a man with whom she had a single sexual contact.

Q : *What are examples of punishable acts?*

A : Economic abuse:

- a) not giving adequate financial support to the wife and/or minor children,
- b) Controlling the conjugal business or conjugal or community property or the woman's own money.

Psychological violence:

- a) Marital infidelity
- b) Repeated verbal abuse
- c) Public humiliation
- d) Threatening the woman that she will lose her child
- e) Stalking or following the woman in her work-place, school or any public or private place without justification

Physical abuse:

- a) battery (physical injuries)
- b) frustrated parricide

Sexual violence:

- a) Causing or attempting to make the woman or her child to perform sexual acts (that do not constitute Rape) by use of force, threats, intimidation directed against the woman, her child, or her immediate family
- b) Prostituting the woman or her child.

Q : *What does “public crime” mean?*

A : Public crime is 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.

Q : *What are the remedies of the victim?*

A : She and/or her children can request for:

- a) Barangay Protection Order (BPO);
- b) Temporary Protection Order (TPO);
- c) Permanent Protection Order (PPO) with the court; and
- d) File a criminal action for violation of R.A. 9262.

Q : *What is a Protection Order?*

A : 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 the IRR and granting other necessary relief.

Q : *What is a Barangay Protection Order or BPO?*

A : A BPO refers to the Protection Order issued by the Punong *Barangay* (PB) or if the PB is unavailable, by kagawad ordering the offender to desist from committing or threatening physical harm to the victim. It is effective for 15 days and is not extendible.

Q : *How does the victim get a BPO?*

A : 1) She or her child can go to the *Punong Barangay* or if he/she is not available, to any *kagawad*, and apply for a *Barangay Protection Order* (BPO). The application must be in writing, signed and under oath. It shall be attested before the *Punong Barangay* who has jurisdiction over the application.

- 2) The PB or kagawad must issue the BPO on the same day of application, immediately upon the conclusion of the exparte proceedings.

Q : *What is another option for the woman or her child?*

A : With or without a BPO, she can apply for a Temporary Protection Order (TPO) from the Family Court in her place of residence, or if there is no Family Court, in Regional Trial Court, the Municipal Trial Court or Municipal Circuit Trial Court or Metropolitan Trial Court.

Q : *Who may file/ apply for a protection order from the barangay or court?*

A : The offended party; parents or guardians of the offended party; ascendants, descendants or collateral relatives within 4th civil degree of consanguinity or affinity, social workers of DSWD or social workers of local government units; police officers, *Punong Barangay or Kagawad* (for Temporary Protection Order in court); lawyer, counselor, therapist; healthcare provider of victim; or at least 2 citizens of the city who have personal knowledge of the commission of the crime.

Example: If the woman is unable to file for a protection order, her sister or first cousin can file for her, but the application must state that the woman consented.

Q : *What should the Barangay Officials do when the victim applies for a BPO?*

A : 1) Assist her in writing her application. If there is no notary public or it is an emergency, have the applicant take an oath before the PB that her statements are true.

2) Ask questions on the “*salaysay*” or statement of the applicant. Be sure the date of commission of the offense, place and specific circumstances are in the statement.

Q : *Where do you file for a TPO or PPO?*

A : An application for a TPO or PPO may be filed in the Family Court where the woman or her child resides. If there is no Family Court, file in the Regional Trial Court, Municipal Trial Court, Municipal Circuit Trial Court or Metropolitan Trial court where the woman or her child resides.

Q : *Is there a filing fee for a Petition for TPO and PPO?*

A : Yes, but if the petitioner 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.

Q : *What is a Bond to Keep the Peace for?*

A : It is for the purpose of ensuring that the respondent will not violate the TPO or PPO. The amount of the bond is up to the judge. If the respondent violates the TPO or PPO , this bond will be forfeited.

Q : *Can the barangay officials mediate or conciliate?*

A : No. Conciliation and mediation of acts of violence against women and their children are not allowed under this law (Sec. 33, RA 9262). R.A. 9262 amended Secs. 410-413 of the Local Government Code.

The barangay officials, police or social workers should not attempt to mediate or influence the woman to give up her legal action or application for a BPO, TPO or PPO.

Q : *What are the duties of barangay officials and law enforcers?*

- A : 1) enter the house of the victim if necessary, whether or not a BPO or Temporary Protection Order has been issued and ensure the safety of the victims;
- 2) confiscate any deadly weapon in the possession of the perpetrator or within plain view;
- 3) arrest the offender even without a warrant when the act is being committed, or they have personal knowledge that the abuse has just been committed;
- 4) transport or escort the victim to a safe place of their choice or to a clinic or hospital;
- 5) assist victim in getting personal belongings from the house; and ensure the enforcement of Protection Orders issued by the barangay or by the courts.

Q : *Can barangay officials arrest the perpetrator without a warrant?*

- A : Yes. Arrest him or her when any of the acts under R.A. 9262 is occurring, or when the barangay official has personal knowledge that any act of abuse has just been committed and there is imminent danger to the life or limb of the victim.

Any citizen or law enforcer can also arrest the perpetrator if the situation also falls under the Rules on Warrantless Arrests, or when they have 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.

Q : *Can barangay officials, police, social workers or private individuals be sued for trespassing if they enter the house of the victim?*

A : No. They are exempt from civil, criminal or administrative liability. Even private individuals, including foreigners who intervene to help the victim are exempt from civil and criminal liability.

Q : *What are the rights of victims under this law?*

- A : 1) to be treated with respect and dignity
- 2) legal assistance from the Public Attorney's office or any public legal assistance, including from the local government unit.
- 3) support services from DSWD and local government
- 4) to be informed of their rights and services available, including their right to a protection order
- 5) if the victim is an indigent, or even if she is not but there is an immediate necessity to act on the protection order, the victim can file for a protection order in court without payment of court fees.

Q : *When was the law signed by President Gloria Macapagal -Arroyo*

A : It was signed on March 8, 2004 and took effect on March 27, 2004.

PART 2

FREQUENTLY ASKED QUESTIONS

Q : *What acts of violence against women and their children are generally referred to in RA 9262?*

A : The acts of violence against women and their children committed by any person against a woman and her child/children are any physical violence and threats.

Q : *When a mother does not file a complaint against somebody who abuses or deliberately inflicts physical pain on her child, who else may file a complaint in behalf of the child?*

A : Any citizen having personal knowledge of the circumstances involving the commission of the crime or any form of abuse may file a complaint in behalf of the child. (Rule III Sec. 6)

Q : *Can a Punong Barangay be held liable for not acting or responding to a VAWC case reported?*

A : Yes. A Punong Barangay or any barangay official or law enforcer who fails to act on or 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 complaint against the barangay official for failure to perform her/his duties can also be filed by victim-survivor with the Sanggunian Panlungsod or Bayan for gross neglect of duty or malfeasance. (Sec. 47 p 59)

Q : *When a husband refuses to leave the house after committing violence against his wife or child, what could be another option for/against the husband?*

A : The Court can issue PPO if the TPO is violated.

Q : *Is a medical certificate required in the issuance of Barangay Protection Order?*

A : No. Application for Barangay Protection Order Form (VAWC Form 3) does not specifically require a medical certificate. The information supplied by the complainant in the application for BPO to the Punong Barangay or any barangay kagawad shall be the basis in the determination of ex-parte issuance of BPO.

Q : *Can VAWC cases be still submitted to the Lupong Tagapamayaya?*

A : No. VAWC cases are outside the concerns of the Lupong Tagapamaya since mediation, arbitration and conciliation are prohibited acts under RA9262. It specifically prevents further acts of violence against women or her child through protection orders that may be issued by the barangay (Barangay Protection Order) or by the court (Temporary Protection Order or TPO) or Permanent Protection Order or PPO. (Sec. 33)

Q : *Under RA 9262, can a child/children apply for financial support?*

A : Yes. One of the crimes of violence against women and children is deprivation or threat to deprive them of financial support legally due them or deliberately providing the children insufficient financial support. When this situation occurs, even in the absence of the mother, a child/children can apply for financial support. However, in cases involving financial support, it is the Court that will decide, not the barangay.

Q : *What are the sanctions against a perpetrator who violates the Barangay Protection Order (BPO)?*

A : Violation of BPO shall be a ground for court action. If found guilty, the perpetrator shall be ordered by the court to suffer imprisonment of thirty (30) days without prejudice to other criminal or civil Action that the offended party may file for any acts committed.

Q : *What is the prescriptive period for a complainant to file a complaint?*

A : For punishable acts such as causing, threatening, attempting to cause the woman or her child physical harm; placing the woman or her child in fear of physical harm; attempting to compel the woman or her child to engage in conduct which they have the right to desist and inflicting or threatening to inflict physical harm on oneself to control her actions or decisions, the criminal complaint may be filed within twenty (20) years from the occurrence or commission.

Punishable acts such as causing or attempting the woman or her child to engage in any sexual activity; engaging in purposeful, knowing, or reckless conduct, personally or through another causes substantial emotional or psychological distress to the woman or her child, the criminal complaint may be filed within ten (10) years.

Q : *Can barangay officials request for police assistance in serving the BPO?*

A : Yes. Request for police assistance may be an option of the barangay officials concerned in serving the BPO. BPOs shall be personally served by the Punong Barangay or Barangay Kagawad or any barangay official directed to affect its personal service.

Q : *What action shall the barangay officials do when a perpetrator refuses to receive the BPO?*

A : 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 the date it was served.

Q : *Is there a fee required in applying for BPO?*

A : No. Fees are not required in securing BPO. BPOs are issued free of charge.

Q : *Who may file for violation of BPO?*

A : The Punong Barangay or Kagawad who issued the BPO shall initiate a complaint against the perpetrator for violation of 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.

Q : *Where can a complaint for violation of BPO be filed?*

A : A complaint for a violation of BPO can 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.

Q : *Can barangay officials handle cases of offenders who happen to be their close friends/pals?*

A : Yes. Barangay Officials are mandated to perform their duties and functions to eliminate violence against women and their children specifically to arrest the perpetrator regardless of any personal relationship with him, 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

Q : *What if the complainant is the wife of the Punong Barangay?*

A : Any Kagawad can issue BPO

Q : *How many days are given to the Punong Barangay or Kagawad in the issuance of BPO?*

A : The Punong Barangay or Kagawad must act on the application for BPO immediately/ASAP.

Government VAW Hotlines

Counseling and Referral Services

DSWD-NCR Ugnayan Pag-asan Crisis Intervention Center	734-8617 / 734-8619
DSWD Social Protection Unit Quezon City	931-9133 / 932-2573

Medical and Health Services

Hospital-based Women's Desk Program

Amang Rodriguez Memorial Medical Center Marikina City	998-2485
East Avenue Medical Center Quezon City	434-2511 / 929-4080
Jose Fabella Memorial Hospital Manila	712-2451
Jose R. Reyes Memorial Medical Center Sta. Cruz, Manila	711-9508 / 732-1077
Las Piñas District Hospital Las Piñas, Metro Manila	828-4157 / 806-6873
National Center for Mental Health Mandaluyong City	531-8578 / 531-8682
National Children's Hospital Quezon Ave., Quezon City	725-4533 / 724-0656
Philippine General Hospital Taft Ave., Manila	521-8450 loc. 3816
Philippine Orthopedic Center Banawe, Quezon City	712-4767 / 712-4569
Quirino Memorial Medical Center Quezon City	721-3089 / 723-7724
Rizal Medical Center Pasig City	671-4216
Tondo Medical Center Tondo, Manila	252-8661 / 252-6101

UP-CM PGH Child Protection Unit	521-8450 loc. 2214
Department of Pediatrics Philippine General Hospital Taft ave., Ermita, Manila	526-8418
NBI Crisis Center for Women & Children Taft Ave., Manila	523-8231 loc. 545 524-0237

Legal Assistance

Public Attorney's Office (PAO) 929-9010 / 927-6810
 Department of Justice
 DOJ Agencies Bldg., NIA Rd., cor East Ave.
 Diliman, Quezon City

Law Enforcement

Philippine National Police Camp Crame, Quezon City Crime Lab. Service, Medico-legal Div.	722-0955 / 721-8558 723-7429 / 724-1227
National Bureau of Investigation (NBI) Taft Ave., Manila	523-8231 / 525-3094 525-6028
Philippine National Police (PNP)	724-8773 / 724-8767
Directorate for Investigation & Detective Management (DIDM) NHQ-PNP 1 st Flr., Annex & 2 nd Flr Gen. Delos Reyes St., Camp Crame, Q.C.	724-8790
Women's Desk Headquarters Camp Karingal, Quezon City	921-5229
Eastern Police District Pasig City	641-0436
Southern Police District Makati City	899-9016
Western Police District Manila	524-6506 / 524-6526

**DSWD Centers for Women and Girls Victims/ Survivors
of Rape and other Forms of Abuse and Exploitation**

NCR

Crisis Intervention Unit 389 San Rafael cor. Legarda Sts., Manila	(02) 734-8617/8618 (02) 734-8637
Haven Zapote Road, Alabang, Muntinlupa City	(02) 807-1568/1588 (02) 807-1590
Marilac Hills Zapote Road, Alabang, Muntinlupa City	(02) 807-1585/1587/1589

Region I

Crisis Intervention Unit San Fernando, La Union	(072) 888-2505
Substitute Home for Women / Girls San Nicolas, West Agoo, La Union	(072) 710-0425
Haven Bonoan, Binloc, Dagupan City	(072) 523-3284

Region II

Crisis Intervention Unit Carig, Tuguegarao, Cagayan	(078) 846-7043
Haven Linga, Solana, Cagayan	(078) 824-8181

Region III

Crisis Intervention Unit Teopaco St., San Fernando, Pampanga	(045) 861-2413
Home for Girls Capitol Compound, Malolos, Bulacan	(044) 791-1478
Home for Girls San Vicente, Tarlac City	(045) 982-3192
Home for Girls Gordon Ave., Olongapo City	(047) 222-2240

Home for Girls
Singgalat, Palayan City (0919) 469-1506

Haven
San Vicente, Magalang, Pampanga (0918) 3312516

Region IV

Crisis Intervention Unit
Alabang, Zapote Road,
Muntinlupa City (02) 735-5412/5413

Home for Girls-Bahay Tuluyan
Dasmarinas, Bago-Bantay
DBB Area B, Dasmarinas, Cavite City (046) 416-0579

Haven
Rosario, Batangas (043) 321-2276

Region V

Crisis Intervention Unit
Buragwis, Legaspi City (052) 821-7920

Home for Girls
Ladies Village, Pampang, Sorsogon (056) 211-2093

Haven
Nasis, Ligao, Albay (052) 837-0172

Region VI

Crisis Intervention Unit
Molo St., Iloilo City (033) 336-5429

Home for Girls
Brgy. Pungtod, Cabatuan, Iloilo (033) 522-8941

Haven
Brgy. Wari-wari, New Lucena, Iloilo City (0919) 659-7445

Region VII

Crisis Intervention Unit
Cuenco St. cor Maxilom Ave., Cebu City (032) 416-7646

Home for Girls
Cuenco St. cor Maxilon Ave., Cebu City (032) 416-7516
(032) 416-7646

Haven
A. Lopez St., Labangon, Cebu City (032) 261-8106

Region VIII

DSWD Crisis Intervention Unit (053) 325-2906
Magsaysay Ave., Tacloban City

Home for Girls (053) 323-3145
Pawing, Palo, Leyte

Haven (053) 323-2872
Pawing, Palo, Leyte

Region IX

DSWD Crisis Intervention Unit (062) 991-4113
Gen. Alvarez St., Zamboanga City

Home for Girls (065) 212-6265
Upper Turno, Dipolog City

Region X

DSWD Crisis Intervention Unit (088) 723-3297
Km. 5 Upper Canitoan, (088) 858-2404
Cagayan De Oro City

Home for Girls (088) 858-2439
Km. 5 Upper Canitoan,
Cagayan De Oro City

Haven (088) 272-7344
Km. 5 Upper Canitoan,
Cagayan De Oro City

Region XI

DSWD Crisis Intervention Unit (082) 227-1964 loc. 220
Magsaysay Ave., Davao City

Home for Girls (082) 244-0576
Maa, Riverside, Davao City

Substitute Home for Women (082) 244-0662
Maa, Riverside, Davao City

Region XII

DSWD Crisis Intervention Unit (083) 228-9895
South Cotabato Gymnasium & Cultural Center,
Alunan Ave., Koronadal City

Haven (064) 421-6877
ARMM Complex, Cotabato City

CAR

DSWD Crisis Intervention Unit (074) 444-3209
#40 North Drive, Baguio City

Haven (074) 444-5344
Leonard Wood Road, Baguio City

CARAGA

DSWD Crisis Intervention Unit (085) 341-3565
Alviola Village, Baan, Butuan City (085) 342-5619

Home for Girls (085) 226-5127
Brgy. Bonbon, Butuan City

PNP COC TELEPHONE DIRECTORY

Crame Operator (Trunkline) 723-0401 to 20
National Headquarters,
PNP General Rafael Crame, Q. C.

Camp Bagong Diwa, Bicutan, Taguig 837-2471 loc. 860
839-0468

Action Phone 7211-1245 loc. 44-74
SOCO 723-6865
Camp Castañeda, Silang, Cavite (049)545-5940

Fort Bonifacio, Makati 881-2719 / 816-3222

NCR Police Office

Camp Bagong Diwa,,Bicutan, 837-2471/838-0434
Taguig, M.M. 838-0251

Central Police District

Camp BGen. Karingal, Sikatuna Vill.,
Diliman, Q. C.

921-7474 / 924-3111

Station 1: Mayon cor. Malaya Sts.,
La Loma

731-8341 / 712-5757

Station 2: Baler St. cor West Ave.

372-1725 / 415-2589

Station 3: Quirino, Hwy, Sangandaan

937-1703 / 939-6070

Station 4: Buenamar Ave., Novaliches

936-3624 / 418-2540

Station 5: Fairview Market

935-4941 / 939-9586
417-6664

Station 6: IBP Road, Batasan Hills

931-6470 / 931-6479
951-0466

Station 7: Camp Panopio, Cubao

726-2654 / 911-3101
723-0290

Station 8: P. Tuazon St., Proj. 4

913-9895 / 437-9427
936-3624

Station 9: Anonas St., Proj. 2

34-3687 / 929-6371
434-3942

Station 10: EDSA, Kamuning

924-1025 / 412-4012
412-4013

Station 11: Luzon Ave.,
Cor. Unang Hakbang St., Galas

715-5585 / 414-4878
450-6086 / 415-0331

Northern Police District

Tanigue St., Kaunlaran Vill.,
Dagat-dagatan, Caloocan City

287-3441 / 2873816

Station 1: Samson Rd.,
Sangandaan, Cal City

362-2714 / 364-4662
324-6528

Station 2: F. Sevilla Blvd.,
Malabon City

281-1133 / 281-9999
281-1139

Station 3: Naval St., Navotas, MM 281-9099 / 281-9105

Station 4: Maysan Rd., Val. City 292-0518 / 294-0656
292-0211 loc. 212

Eastern Police District

Caruncho Ave., Pasig City 643-6337 / 643-6331

Station 1: Jacamar St.,
Sta. Elena, Marikina City 646-6151 / 646-1631

Station 2: Jose Parancillo Park,
Pasig City 641-1433 / 641-0433

Station 3: Maysilo Circle,
Mandaluyong City 532-2318 / 532-2145

Station 4: Santolan Rd.,
San Juan, MM 744-2480 / 724-2515
724-3744

Western Police District

UN Ave., Ermita, Mla. 521-0209 / 523-1367

Station 1: Raxabago St., Balut, Tondo 252-9069 / 252-3093

Station 2: Morga cor. Nolasco Sts.,
Moriones, Tondo 245-5899 / 245-4551
245-5002

Station 3: Old Bilibid Comp.,
Quezon Blvd., Sta. Cruz 735-0268 / 735-0269

Station 4: G. Tuazon cor. Alegrias Sts.,
Sampaloc 781-3049 / 749-9190

Station 5: UN Ave., Ermita 528-0242 / 523-9804
Station 6: Plaza Hugo, Sta. Ana 420-2151 / 536-4691

Station 7: Jose Abad Santos Ave., Tondo 252-8450 / 251-9407

Station 8: Old Sta Mesa St. 716-5056 / 715-4124

Station 9: A. Mabini St., Malate 536-3537 / 524-9435

Station 10: Pandacan St., Pandacan 562-5105 / 564-0565

Station 11: Felipe II St., Binondo 244-3079 / 244-3080

Southern Police District

Fort Andres Bonifacio, Makati City	817-2128 / 817-2065
Station 1: FB Harisson St., Pasay City	831-7322 / 833-3734 831-9702 / 831-5054
Station 2: F. Zobel St., Makati City	899-9014 / 899-9015
Station 3: Gen. Aguinaldo Hwy., La Huerta, P'que City	826-2877 / 826-8182 826-8121
Station 4: Las Piñas City Hall Quadrangle	871-8221 / 874-0904 874-9201
Station 5: Muntinlupa City Hall Quadrangle	862-2611 / 862-2721
Station 6: Taguig Municipal Hall Quadrangle	642-2060 / 642-2062
Station 7: Pateros Municipal Hall Quadrangle	642-3391 / 642-8235

POLICE REGIONAL OFFICES

Region I – Ilocos Region Camp BGen. Oscar Florendo Parian, San Fernando City, La Union	(072) 700-5731
Region II – Cagayan Valley Camp Adduru Alimanao, Tuguegarao City, Cagayan	(078) 844-6644
Region III – Central Luzon Camp Olivas, City of San Fernando, Pampanga	(045) 961-2617
Region IV-A – Calabarzon Camp Vicente Lim Calamba City, Laguna	(049) 531-4470 (049) 834-1600
Region IV-B – MIMAROPA Camp Vicente Lim Calamba City, Laguna	(049) 834-1601 (049) 531 011

Region V – Bicol Region Camp Gen., Siimeon A. Ola, Legaspi City	(052) 481-1811 (052) 820-4602
Region VI – Western Visayas Camp Martin Delgado, Iloilo City	(033) 337-5511 (033) 335-0970
Region VII – Central Visayas Camp Sergio Osmeña Sr., Osmeña Blvd., Cebu City	(032) 253-2171 (032) 415-5894
Region VIII – Eastern Visayas Camp Sec. Roberto K. Kangleon Brgy. Campetic, Palo, Leyte	(053) 323-3024 (053) 323-3800
Region IX – Zamboanga Peninsula Camp Colonel Romeo Abendan Brgy. Mercedes, Zambo. City	(062) 991-3000 (062) 991-301
Region X – Northern Mindanao Camp Alagar, Brgy. Lapasan, Cagayan De Oro City	(088) 726670 (088) 711136 (088) 856-3183
Region XI – Davao Region Camp Catitipan, Davao City	(082) 235-2570 (082) 234-2514
Region XII – SOCCSKSARGEN Brgy. Tambler, Gen. Santos City	(083) 555-1654 (083) 302-5096
ARMM Camp BG Salipada K Pendatun Parang, Maguindanao	(064) 425-0077 (064) 425-0078
CARAGA Camp Rafael Rodriguez Libertad, Butuan City	(085) 342-8549 (085) 342-1367
Cordillera Autonomous Region Camp Bado Dangwa La Trinidad, Benguet	(074) 422-3207 (074) 422-1977



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
A. Francisco Gold Condominum II Edsa Cor. Mapagmahal St.,
Diliman, Quezon City

September 13, 2004

**MEMORANDUM CIRCULAR
NO. 2004-118**

TO : ALL PROVINCIAL GOVERNORS, CITY/MUNICIPAL MAYORS, PUNONG BARANGAYS, DILG REGIONAL/PROVINCIAL/CITY DIRECTORS, CLGOOs, MLGOOs and OTHERS CONCERNED

SUBJECT : IMPLEMENTATION OF REPUBLIC ACT NO. 9282 (ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT OF 2004) AND ISSUANCE OF BARANGAY PROTECTION ORDER (BPO)

I. Prefatory Statement

On March 8, 2004, Her Excellency President Gloria Macapagal-Arroyo signed into law R.A. No. 9262 otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004" which took effect on March 27, 2004. The Law is anchored on the constitutional guarantee of full respect for human rights, and was enacted to help ensure the safety and protection of women and their children.

Sec. 8 of R.A. 9262 provides for the issuance of Barangay Protection Orders (BPOs) by the Punong Barangay (PB) or if she or he is not available, any Barangay Kagawad (BK) to prevent further acts of violence against a woman or her child. The relief granted under a protection order should serve the purpose of safeguarding 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. Considering the significant role that PBs/BKs will perform under said law, the Department deems it proper that appropriate policies and guidelines be issued for the guidance of all barangay officials and local chief executives.

The following Guidelines are hereby prescribed:

Barangay Protection Order (BPO)

Punong Barangays (PBs) or Barangay Kagawads (BKs) shall:

1. Receive all written applications or requests for a BPO. The application must be under oath or attested before the PB. If the applicant needs help, any barangay official must find persons such as lawyers, teachers or church or non-government organization workers who can assist the woman and/or her children with her application for a BPO.
2. Conduct an *ex parte* determination of the basis for issuance of the BPO (Sec. 14, R.A. 9262)
 - a.) During the proceedings, only the applicant shall appear before the PB/Kagawad.
 - b.) The respondent is not entitled to notice of the proceedings.
3. Allow a non-lawyer advocate or support group such as a non-government organization to accompany the woman and/or her child. Social workers of the DSWD or local government units may be present especially if children are involved.
4. After having determined the necessity of the BPO to protect the woman and/or her children from physical harm or threat of physical harm, issue a BPO on the same day the application was filed. (Sec. 14)
5. If the PB is not available, the application shall be acted upon by any available BK. If issued by a BK, the BPO must have an attestation by the BK that the PB was unavailable at the time of issuance of the BPO. (Sec. 14)
6. The BPO shall be effective for fifteen (15) days from receipt by the respondent. (Sec. 14) It is not extendible.
7. The PB or any BK shall personally serve a copy of the BPO to the respondent. If the respondent refuses to receive the BPO or has moved to an unknown address, this shall be reported in writing by the PB/BK and the BPO shall be considered as having been served with a notation of time and date served but not accepted or delivered.

After issuing a BPO, the PB or any Kagawad shall assist the woman and/or her children in filing an application for a Temporary and Permanent Protection Order with the court, provided that the woman and/or her child gave her consent.

III. Confidentiality

All records of BPOs shall be confidential. All barangay officials shall have the duty to ensure the privacy of the victim. (Sec. 44)

IV. Prohibition from Mediation and Conciliation

Pursuant to Sec. 33 of R.A. 9262, cases of violence against women and their children are not subject to mediation or conciliation. Barangay officials who violate this provision may be administratively liable.

Quoted below is Section 33 for your strict compliance:

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 for a protection order to compromise or abandon any of the relief sought in the application for protection order under this 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 this Act.

Failure to comply with this Section shall render the official or judge administratively liable.

A Certification to File Action is not required before the woman and/or her child can seek remedy with the court or file a complaint with the prosecutor.

V. Duties of the Barangay Officials .

All barangay officials shall faithfully comply with Section 30 of RA 9262 quoted as follow:

**"Section 30. Duties of Barangay Officials and Law Enforcers –
Barangay officials and law enforcers shall have the following duties:**

1. Respond immediately to a call for help or request for assistance or protection of the victim by entering the dwelling if necessary whether or not a protection order has been issued and ensure the safety of the victim/s;
2. Confiscate any deadly weapon in the possession of the perpetrator within plain view;
3. Transport or escort the victim/s to a safe place of their choice or to a clinic or hospital;
4. Assist the victim in removing personal belongings from the house;
5. Assist the barangay officials and other government officers and employees who respond to a call for help;
6. Ensure the enforcement of the Protection Orders issued by the Punong Barangay or by the courts;
7. Arrest the suspected perpetrator even without a warrant when any of the acts of violence defined by this Act is occurring, or when he/she has personal knowledge that any act of abuse has just been committed, and there is imminent danger to the life or limb of the victim as defined in this Act; and
8. Immediately report the call for assessment or assistance of the DSWD, Social Welfare Department of LGUs or accredited non-government organizations (NGOs).

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

VI. Duties of Other Government Agencies and LGUs

Other Government Agencies and LGUs must comply with Sec. 32 of the Act, as follows:

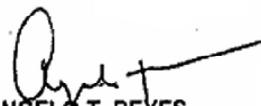
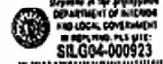
Other government agencies and LGUs shall establish programs such as, but not limited to, education and information campaign and seminars or symposia on the nature, causes, incidence and consequences of such violence particularly towards educating the public on its social impact.

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 violence against women and their children under this Act.

VII. Coordinating Instructions

1. DILG Regional and field offices are hereby directed to cause the quick dissemination of this Circular to concerned local chief executives and sanggunian at the provincial, city, municipal and barangay levels.
2. Notwithstanding that the Implementing Rules and Regulations of R.A. No. 9262 have not yet been issued, DILG field officers are directed to monitor implementation of said law and submit quarterly reports to the Secretary thru the Office of the Undersecretary for Special Concerns, Attention: National Barangay Operations Office (NBOO), to start during the 3rd Quarter of 2004.
3. The DILG Provincial/City Directors and Field Officers shall attend seminars on R.A. No. 9262 and assist the Philippine National Police in conducting an information and education program.

For information, guidance and compliance of all concerned.


ANGELO T. REYES
Secretary

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF INTERIOR
AND LOCAL GOVERNMENT
RE-ISSUED: JULY 2004
SILG04-000923


VAWC Form # 1

CTRL NO. —

COMPLIANCE MONITORING FORM

Submitted by

Notes

Signature Over Printed Name

Signature Over Printed Name

VAWC Form # 2

CONSOLIDATED REPORT ON COMPLIANCE MONITORING RE: RA 9262 (AVAWAC)

VANWC FORM #2

100

Regional Director

Signature Over Printed Name

VAWC Form # 3

VAWC FORM # 3

CTRL NO. _____

REPUBLIC OF THE PHILIPPINES
PROVINCE OF _____
CITY/MUNICIPALITY _____
BARANGAY _____

APPLICATION FOR BARANGAY PROTECTION ORDER

1. NAME OF APPLICANT: _____ AGE: _____
ADDRESS: _____ TEL.#: _____
RELATIONSHIP TO VICTIM: _____ OCCUPATION: _____
2. NAME OF VICTIM(S): _____ DATE OF BIRTH: _____
ADDRESS: _____ TEL.#: _____
CIVIL STATUS: Single Married Widow Separated Legally Separated
3. OCCUPATION/SOURCE OF INCOME: _____
4. NAME/S OF CHILDREN: _____ DATE OF BIRTH: _____ SEX: _____

4.a. Other Children under her care
NAME: _____ DATE OF BIRTH: _____ SEX: _____

5. NAME OF RESPONDENT: _____ AGE: _____
OCCUPATION/SOURCE OF INCOME: _____
ADDRESS: _____ TEL.#: _____
CIVIL STATUS: Single Married Widower Separated
6. Relationship of Complainant to Respondent:
 Wife Former Wife Common Law/Live-in Relationship
 Dating Relationship Sexual Relationship
7. Acts Complained of: (Pls. Check)
 Threats Physical Injuries
8. Date of commission of the offense: _____
9. Place where the offense was committed: _____
10. If the applicant is not the victim, state the circumstance of refusal to give consent of the victim.

Signature of Applicant Over Printed Name

Date

VERIFICATION OF PUNONG BARANGAY

I certify that the applicant for BPO who personally appeared before me is a bonafide resident of this barangay and is the same person who supplied all the above information and attest to the correctness of said information.

Punong Barangay
Signature Over Printed Name

Date Issued:

VAWC Form # 4

VAWC Form #4

CTRL NO. _____

BARANGAY PROTECTION ORDER

NAME OF RESPONDENT : _____
ADDRESS:

ORDER

_____ applied for a BPO on _____, under oath stating that:

After having heard the application and the witnesses and evidence, the undersigned hereby issues this BPO ordering you to immediately cease and desist from causing or threatening to cause physical harm to _____ and/or her child/children namely:

This BPO is effective for 15 days from receipt.

VIOLATION OF THIS ORDER IS PUNISHABLE BY LAW.

Punong Barangay
Signature over printed name

Date Issued:

Copy received by: _____ Signature over printed name

Date received: _____

Served by: _____
Signature over printed name

ATTESTATION

(In case the Punong Barangay is unavailable)

I hereby attest that Punong Barangay _____ was unavailable to act on Application for Barangay Protection Order No. _____ filed by _____ on _____ at _____ a.m./p.m. and issue such order.

Barangay Kagawad
Signature over printed name

VAWC Form # 5

VAWC Form #5
Bgy. Form No. _____
Control No. _____

Republic of the Philippines
Province _____
City/Municipality _____
Barangay _____

VIOLENCE AGAINST WOMEN AND THEIR CHILDREN INCIDENT REPORT

I. PERSONAL CIRCUMSTANCES

(A) Name of Complainant/ victims	Age	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____
(B) Civil Status	(C) Relationship to Perpetrator	
<input type="checkbox"/> Married	<input type="checkbox"/> Wife	<input type="checkbox"/> Girlfriend
<input type="checkbox"/> Separated	<input type="checkbox"/> Ex-wife	<input type="checkbox"/> Dating relationship
<input type="checkbox"/> Widow		
(D) Occupation / Profession:	Complainant	Perpetrator
	_____	_____

II. INCIDENT DETAILS

(A) Date/s of Violence Committed	_____
Date Reported	_____
(B) Nature of Violence Inflicted by Perpetrator	
<input type="checkbox"/> Physical	_____
<input type="checkbox"/> Sexual	_____
<input type="checkbox"/> Psychological	_____
<input type="checkbox"/> Economic Abuse	_____

III. ASSISTANCE EXTENDED / PROVIDED TO VICTIM/S

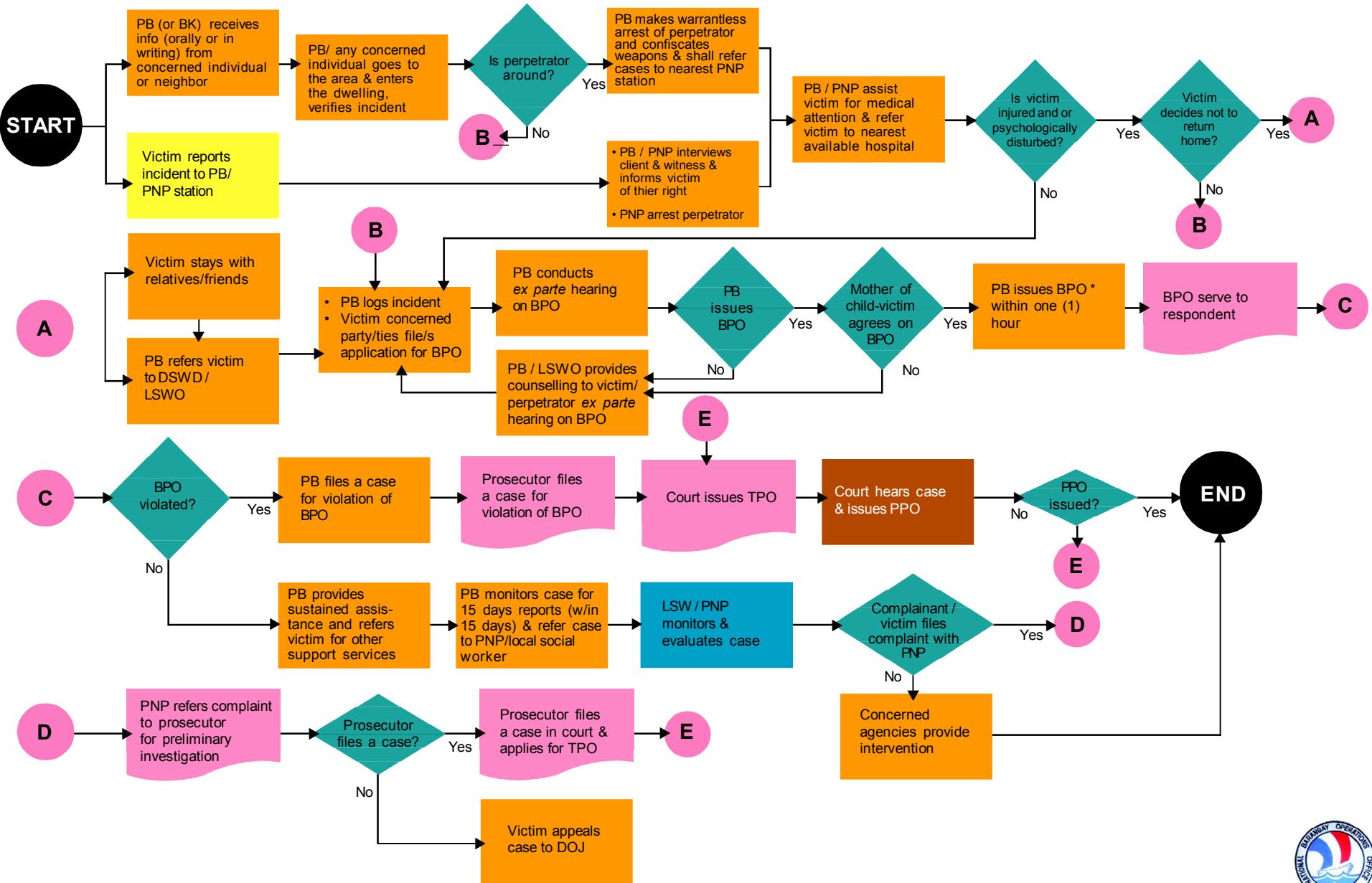
	Specific Service Provided	Provided by:	Remarks
<input type="checkbox"/> Medical	_____	_____	_____
<input type="checkbox"/> Counseling	_____	_____	_____
<input type="checkbox"/> Referral to	_____	_____	_____
<input type="checkbox"/> Shelter	_____	_____	_____
<input type="checkbox"/> Issued BPO* Date:	_____	_____	_____

Prepared by:

Date Accomplished _____ (Signature Over Printed Name)
Note: Please bring copy of this form to referred agency.

OFFICIAL ACCOMPLISHING THIS FORM

Flowchart in Handling VAWC Cases

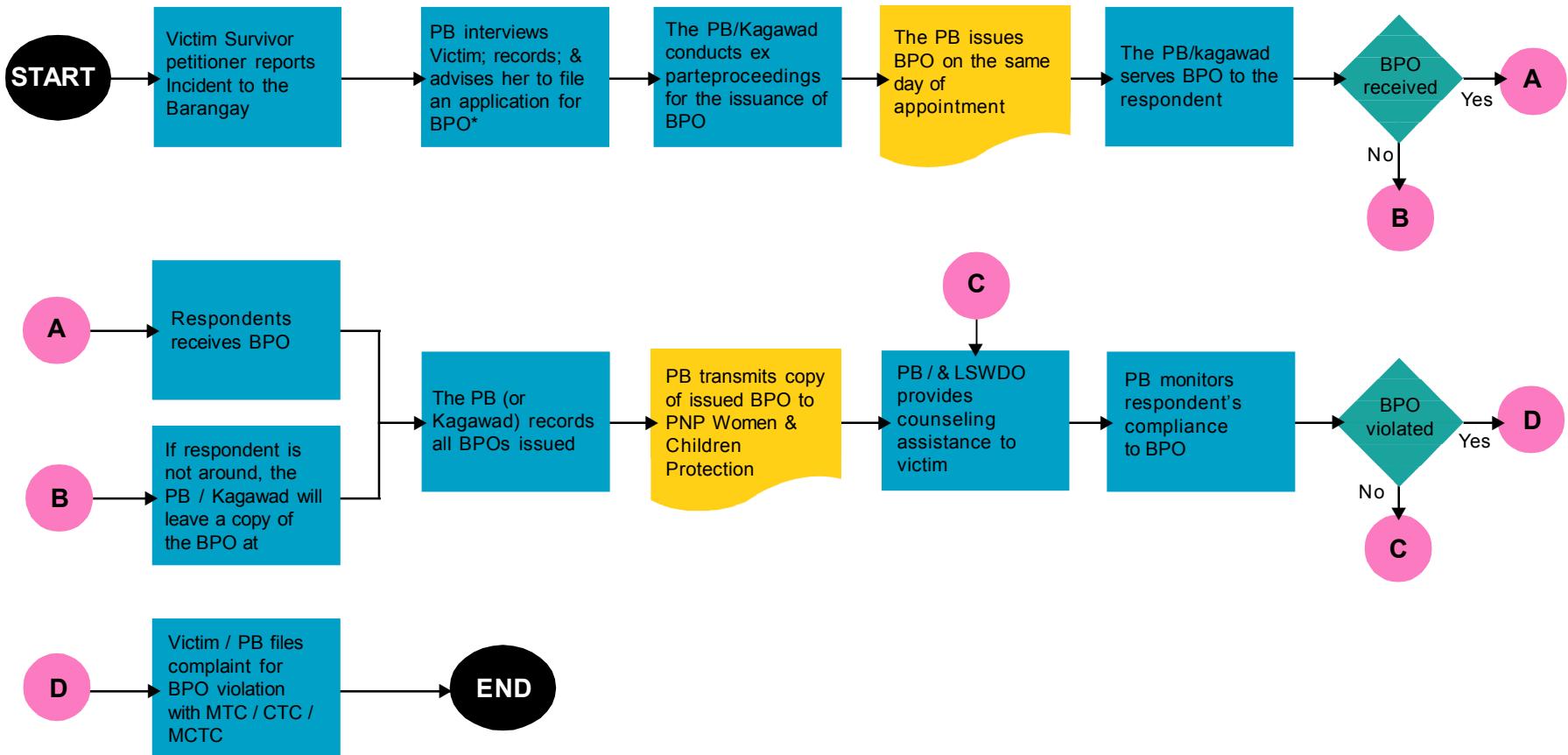


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graph TD; A[Orange Box: PB Duties, BKGawad] --- B[Yellow Box: Victims Actions]
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LSW / PNP Functions

Department of the Interior and Local Government
NATIONAL BARANGAY OPERATIONS OFFICE

Flowchart on the Issuance and Enforcement of Barangay Protection Order (BPO) (Per RA 9262)



* If PB is not available, any available Brgy. Kagawad may admit the victim / complaint





The National Barangay Operations Office acknowledges with appreciation the assistance of the following institutions in the production of this Primer.



National Commission on the Role of Filipino Women
<http://www.ncrfw.gov.ph>



United Nations Population Fund
<http://www.unfpa.org>



Liga ng mga Barangay sa Pilipinas
<http://www.barangay.gov.ph>