



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila
SEVENTEENTH CONGRESS
First Regular Session
HOUSE BILL NO. **2592**

HOUSE OF REPRESENTATIVES	
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Introduced by Representative Linabelle Ruth R. Villarica

EXPLANATORY NOTE

In the advent of modern technology, mobile phones and other gadgets have become handy tools in coping with fast-paced lifestyle. These new electronic gadgets are equipped with clear cameras as well as video cameras for taking pictures. Hence, any individual has virtually become a photographer or even a videographer by using said electronic gadgets.

The use of these tools also come with great responsibility and it should adhere to the objective of protecting the rights of women and their children who are vulnerable to abuse by using modern means of technology.

In the past years, there have been a lot of video and photo scandals with women as victims circulating in the internet and/or the passing of such materials from one mobile phone to another. It is also a sad fact that usually, the culprit is the partner of the woman victim whom she loves and trusts.

The emotional plights the victims have to go through is appalling and disgusting. Hence, the need to protect women and children from all forms of electronic violence as defined in this measure to augment, enhance and fortify laws for the protection of any form of violence against women particularly "electronic violence as defined in this legislative proposal.

This bill aims to protect women and children from all forms of electronic violence and obviate any creative legal defense that may be used by violators of the law who manipulate technology to inflict violence against women amend Republic Act No. 9262, otherwise known as the Anti-Violence Against Women and Their Children Act of 2004 as well as Republic Act No. 9995 or the "Anti-Photo and Video Voyeurism Act."

This bill was also exhaustively deliberated upon in the previous congresses and it was also passed by the House of Representatives during the 16th Congress and likewise transmitted to the Senate.

Your support and Immediate approval of this bill is therefore earnestly sought.

LINABELLE RUTH R. VILLARICA



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SEVENTEENTH CONGRESS
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HOUSE BILL NO. 2592

Introduced by Representative Linabelle Ruth R. Villarica

AN ACT
DEFINING ELECTRONIC VIOLENCE AGAINST WOMEN AND THEIR CHILDREN,
PROVIDING PROTECTIVE MEASURES, AND PRESCRIBING PENALTIES, AMENDING
FOR THE PURPOSE REPUBLIC ACT NO. 9262 OTHERWISE KNOWN AS THE ANTI-
VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT OF 2004

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

1 **SECTION 1.** *Short Title.* - This Act shall be known as the "THE EXPANDED ANTI-VIOLENCE
2 AGAINST WOMEN AND THEIR CHILDREN (E-VAWC) ACT."

3 **SEC. 2.** - Section 3, paragraph (a) of Republic Act No. 9262, otherwise known as the Anti-
4 Violence Against Women and Their Children Act of 2004, is hereby amended to read as
5 follows:

6 "SEC. 3. *Definition of terms.* XXX

7 (a) XXX

8 A. XXX

9 B. XXX

10 C. XXX

11 D. XXX

1 E. '*ELECTRONIC VIOLENCE OR ICT-RELATED VIOLENCE*' REFERS TO ANY ACT OR
2 OMISSION INVOLVING THE USE OR EXPLOITATION OF DATA OR ANY FORM OF
3 INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT) WHICH CAUSES
4 OR IS LIKELY TO CAUSE MENTAL, EMOTIONAL, OR PSYCHOLOGICAL DISTRESS
5 OR SUFFERING TO THE VICTIM, TO INCLUDE THE FOLLOWING:

6 1. UNAUTHORIZED RECORDING, REPRODUCTION, DISTRIBUTION,
7 USE, SHARING OR UPLOADING OF ANY PHOTOGRAPH, VIDEO, OR OTHER
8 FORM OF ELECTRONIC AND/OR ARTISTIC PRESENTATION SHOWING OR
9 DEPICTING IN ANY FORM OR MANNER THE VICTIM'S GENITALIA, PUBIC AREA,
10 BUTTOCKS, BREASTS, EXCRETORY BODY PART OR FUNCTION, NUDITY, SCENES
11 WITH SEXUAL CONTEXT OR PORTRAYAL OF SEXUAL CONDUCT SUCH AS
12 SEXUAL INTERCOURSE, MASTURBATION, KISSING, CARESSING, HUGGING, AND
13 PETTING;

14 2. UNAUTHORIZED RECORDING, REPRODUCTION, DISTRIBUTION,
15 USE, SHARING OR UPLOADING OF ANY PHOTOGRAPH, VIDEO, OR ANY OTHER
16 FORM OF ELECTRONIC AND/OR ARTISTIC PRESENTATION EXHIBITING ANY
17 SEXUALLY-RELATED VERBAL OR NON-VERBAL EXPRESSION OR GESTURE OF
18 THE VICTIM;

19 3. UNAUTHORIZED RECORDING, REPRODUCTION, DISTRIBUTION,
20 USE, SHARING OR UPLOADING OF ANY PHOTOGRAPH, VIDEO, OR ANY OTHER
21 FORM OF ELECTRONIC AND/OR ARTISTIC PRESENTATION DEPICTING ANY
22 PURPORTED VIOLENT OR ERRANT BEHAVIOUR OF THE VICTIM OR THE USE OF
23 INTOXICATING OR PROHIBITED SUBSTANCES OR DRUGS;

1 4. ANY SIMILAR RECORDING, REPRODUCTION, DISTRIBUTION, USE,
2 SHARING OR UPLOADING OF ANY AUDIO PRESENTATION AND DATA,
3 INCLUDING SOUND CLIPS, OF THE SAME NATURE OR SIMILAR TO THOSE
4 MENTIONED IN SUBSECTION (a) E. 1-3;

5 5. UNAUTHORIZED USE OF THE VICTIM'S PHOTOGRAPH, VIDEO,
6 VOICE, NAME OR ANY MARK, REFERENCE OR CHARACTER IDENTIFIABLE WITH
7 THE VICTIM, AND SUGGESTIVE OF ANY WRONGDOING OR ANY CONDUCT OR
8 ATTRIBUTE TENDING TO BLACKEN THE REPUTATION OF THE VICTIM;

9 6. HARASSING OR THREATENING THE VICTIM THROUGH TEXT
10 MESSAGING OR OTHER CYBER, ELECTRONIC, OR MULTIMEDIA MEANS; AND

11 7. STALKING WHICH INCLUDES THE HACKING OF PERSONAL
12 ACCOUNTS ON SOCIAL NETWORKING SITES AND THE USE OF LOCATION DATA
13 FROM ELECTRONIC DEVICES.

14 **SEC. 3.** Section 5 of Republic Act No. 9262 is hereby amended to read as follows:

15 "SEC. 5. *Acts of Violence Against Women and their Children.* – XXX

16 (a) XXX

17 (b) XXX

18 (c) XXX

19 (d) XXX

20 (e) XXX

21 (f) XXX

22 (g) XXX

23 (h) XXX

24 (i) XXX

1 (J) CAUSING ELECTRONIC VIOLENCE AGAINST A WOMAN OR HER CHILD; AND
2 (K) THREATENING TO CAUSE ELECTRONIC VIOLENCE AGAINST A WOMAN OR
3 HER CHILD.”

4 **SEC. 4.** Section 6 of Republic Act No. 9262 is hereby amended to read as follows:

5 “SEC. 6. *Penalties.* – XXX

6 (a) XXX

7 (b) XXX

8 (c) XXX

9 (d) XXX

10 (e) XXX

11 (f) XXX

12 (G) ACTS FALLING UNDER SECTION 5(J) SHALL BE PUNISHED BY *PRISION*
13 *CORRECCIONAL*; AND

14 (H) ACTS FALLING UNDER SECTION 5(K) SHALL BE PUNISHED BY ARRESTO
15 MAYOR.

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

19 In addition to imprisonment, the perpetrator shall (a) pay a fine in the
20 amount of not less than One hundred thousand pesos (P100,000.00) but not
21 more than Three hundred thousand pesos (300,000.00), *PROVIDED, THAT, IN*
22 *CASES OF ELECTRONIC VIOLENCE, THE FINE THAT MAY BE IMPOSED SHALL*
23 *NOT BE LESS THAN THREE HUNDRED THOUSAND PESOS (PHP300,000.00) BUT*
24 *NOT MORE THAN FIVE HUNDRED THOUSAND PESOS (PHP 500,000.00); (b)*

1 undergo mandatory psychological counseling or psychiatric treatment and
2 shall report compliance to the court.”

3 **SEC. 5.** Section 7 of Republic Act No. 9262 is hereby amended to read as follows:

4 **“SEC. 7. Venue.-** The Regional Trial Court designated as a Family Court
5 shall have original and exclusive jurisdiction over cases of violence against
6 women and their children under this law. In the absence of such court in the
7 place where the offense was committed, the case shall be filed in the Regional
8 Trial Court where the crime or any of its elements was committed at the
9 option of the complainant. IN CASES OF ELECTRONIC VIOLENCE, THE CASE MAY
10 BE FILED IN THE PLACE WHERE THE COMPLAINANT RESIDES AT THE TIME OF
11 THE COMMISSION OF THE OFFENSE.”

12 **SEC. 6.** Section 8 of Republic Act No. 9262 is hereby amended as follows:

13 **“SEC. 8. Protection Orders – XXX**

- 14 (a) XXX
- 15 (b) XXX
- 16 (c) XXX
- 17 (d) XXX
- 18 (e) XXX
- 19 (f) XXX
- 20 (g) XXX
- 21 (h) XXX
- 22 (i) XXX
- 23 (j) XXX
- 24 (k) XXX

1 (L) FOR E-VAWC CASES, ORDERING THE IMMEDIATE BLOCKING, BLACKLISTING,
2 REMOVAL, OR SHUTDOWN OF ANY UPLOAD, PROGRAM, OR APPLICATION
3 THAT CAUSES OR TENDS TO CAUSE VIOLENCE AGAINST THE VICTIM.”

4 **SEC. 7.** Section 39 of Republic Act No. 9262 is hereby amended as follows:

5 “SEC. 39. *Inter-Agency Council on Violence Against Women and Their Children*
6 *(IAC-VAWC)*. XXX

7 (a) XXX

8 (b) XXX

9 (c) XXX

10 (d) XXX

11 (e) XXX

12 (f) XXX

13 (g) XXX

14 (h) XXX

15 (i) XXX

16 (j) XXX

17 (k) XXX

18 (l) XXX

19 (M) MOVIE AND TELEVISION REVIEW AND CLASSIFICATION BOARD
20 (MTRCB);”

21 (N) DEPARTMENT OF SCIENCE AND TECHNOLOGY (DOST) ; AND

22 (O) NATIONAL TELECOMMUNICATIONS COMMISSION (NTC).

23 XXX

24 **SEC. 8.** Section 40 of Republic Act No. 9262 is hereby amended to read as follows:

1 “SEC. 40. *Mandatory Programs and Services for Victims.* - The DSWD, and LGUs
2 shall provide the victims temporary shelters, provide counseling, psycho-social
3 services and/or recovery, rehabilitation programs, and livelihood assistance.

4 The DOH shall provide medical assistance to victims.

5 THE DOJ SHALL ESTABLISH AND ADMINISTER AN ADDRESS
6 CONFIDENTIALITY PROGRAM WHICH SHALL BE REFERRED TO AS THE
7 “PROGRAM” WHICH SHALL ENSURE THE PROTECTION AND SAFETY OF EAWC
8 VICTIMS BY PROVIDING THEM WITH SUBSTITUTE ADDRESS TO BE USED WHEN
9 INTERACTING WITH GOVERNMENT AGENCIES AND A NEW MAILING ADDRESS
10 WHICH KEEPS THEIR ACTUAL ADDRESS CONFIDENTIAL AND FREE FROM THE
11 RISK OF DISCOVERY BY THIRD PARTIES. THE PROGRAM SHALL CATER TO
12 VICTIMS WHO INTEND TO ESTABLISH A NEW RESIDENCE AND THOSE WHO
13 HAVE ALREADY RELOCATED TO ANOTHER PLACE UNKNOWN TO THEIR
14 ASSAILANTS OR ABUSERS WHO MAY USE PUBLIC RECORDS TO FIND THEM.”

15 IN THIS REGARD, THE APPLICATION FOR INCLUSION IN THE PROGRAM
16 AS WELL AS OTHER SUPPORTING DOCUMENTS SUBMITTED BY A VICTIM SHALL
17 NOT BE CONSIDERED AS PUBLIC RECORD AND SHALL BE KEPT CONFIDENTIAL
18 BY THE DOJ. ANY EMPLOYEE WHO WILLFULLY BREACHES THE
19 CONFIDENTIALITY OF THESE RECORDS OR WILLFULLY DISCLOSES THE NAME,
20 RESIDENTIAL OR MAILING ADDRESS OF A VICTIM IN VIOLATION OF THIS
21 PROVISION SHALL SUFFER THE PENALTY OF ONE (1) YEAR IMPRISONMENT
22 AND A FINE OF NOT MORE THAN FIVE HUNDRED THOUSAND PESOS
23 (P500,000.00).

24 **SEC. 9.** Section 43 of Republic Act No. 9262 is hereby amended to read as follows:

1 "SEC. 43. [Entitlement to Leave. Victims under this Act shall be entitled
2 to take a paid leave of absence up to ten (10) days in addition to other paid
3 leaves under the Labor Code and Civil Service Rules and Regulations,
4 extendible when the necessity arises as specified in the protection order.

5 Any employer who shall prejudice the right of the person under this
6 section shall be penalized in accordance with the provisions of the Labor Code
7 and the Civil Service Rules and Regulations. Likewise, an employer who shall
8 prejudice any person for assisting a co-employee who is a victim under this Act
9 shall likewise be liable for discrimination.]- *TEN (10)-DAY PAID LEAVE IN*
10 *ADDITION TO OTHER LEAVE BENEFITS - ANY TIME DURING THE APPLICATION*
11 *OF ANY PROTECTION ORDER, INVESTIGATION, PROSECUTION, AND/OR TRIAL*
12 *OF THE CRIMINAL CASE, A VICTIM OF VAWC WHO IS EMPLOYED SHALL BE*
13 *ENTITLED TO A PAID LEAVE OF UP TO TEN (10) DAYS IN ADDITION TO OTHER*
14 *PAID LEAVES UNDER THE LABOR CODE, CIVIL SERVICE RULES AND*
15 *REGULATIONS AND OTHER EXISTING LAWS AND COMPANY POLICIES,*
16 *EXTENDIBLE WHEN THE NECESSITY ARISES AS SPECIFIED IN THE PROTECTION*
17 *ORDER. THE PUNONG BARANGAY/KAGAWAD OR PROSECUTOR OR THE CLERK*
18 *OF COURT, AS THE CASE MAY BE, SHALL ISSUE A CERTIFICATION, AT NO COST*
19 *TO THE WOMAN, THAT SUCH AN ACTION IS PENDING. THIS CERTIFICATION*
20 *SHALL BE THE ONLY REQUIREMENT FOR THE EMPLOYER TO GRANT THE TEN*
21 *(10)-DAY PAID LEAVE APPLICATION. FOR GOVERNMENT EMPLOYEES, IN*
22 *ADDITION TO THE AFOREMENTIONED CERTIFICATION, THE EMPLOYEE*
23 *CONCERNED MUST FILE AN APPLICATION FOR LEAVE, CITING AS BASIS R.A.*
24 *9262. THE ADMINISTRATIVE ENFORCEMENT OF THIS LEAVE ENTITLEMENT*

1 SHALL BE CONSIDERED WITHIN THE JURISDICTION OF THE REGIONAL
2 DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE) UNDER
3 ARTICLE 129 OF THE LABOR CODE OF THE PHILIPPINES, AS AMENDED, FOR
4 EMPLOYEES IN THE PRIVATE SECTOR, AND THE CIVIL SERVICE COMMISSION
5 (CSC), FOR GOVERNMENT EMPLOYEES.

6 THE AVAILMENT OF THE TEN (10) -DAY LEAVE OF ABSENCE SHALL BE AT
7 THE OPTION OF THE WOMAN EMPLOYEE, WHICH SHALL COVER THE DAYS
8 THAT SHE HAS TO ATTEND TO MEDICAL AND LEGAL CONCERNS. LEAVES NOT
9 AVAILED OF ARE NON-CUMULATIVE AND NOT CONVERTIBLE TO CASH.

10 THE IMMEDIATE SUPERIOR OF THE PERSON APPLYING FOR A TEN (10)-
11 DAY PAID LEAVE MUST APPROVE THE APPLICATION ON THE SAME DAY OF
12 APPLICATION. IF THE IMMEDIATE SUPERIOR IS UNAVAILABLE TO ACT ON THE
13 APPLICATION FOR A LEAVE, THE APPLICATION SHALL BE ACTED UPON BY ANY
14 AVAILABLE SENIOR OFFICIAL OF THE PRIVATE COMPANY OR GOVERNMENT
15 AGENCY.

16 EVERY PRIVATE COMPANY AND GOVERNMENT AGENCY SHALL RECORD
17 ALL APPLICATIONS FOR LEAVE IN A LOGBOOK SPECIFICALLY FOR CASES OF
18 VAWC. THEY SHALL SUBMIT A QUARTERLY REPORT OF ALL APPLICATIONS
19 ISSUED TO THE REGIONAL DIRECTOR OF THE DOLE FOR EMPLOYEES OF THE
20 PRIVATE SECTOR, AND THE CSC, FOR GOVERNMENT EMPLOYEES.

21 FAILURE TO ACT ON AN APPLICATION FOR A TEN (10)-DAY PAID LEAVE
22 OF ABSENCE WITHIN THE GIVEN PERIOD WITHOUT JUSTIFIABLE CAUSE SHALL
23 RENDER THE IMMEDIATE SUPERIOR OR SENIOR OFFICIAL ADMINISTRATIVELY
24 LIABLE, AND THE PENALTY OF SUSPENSION FOR FIFTEEN (15) DAYS SHALL BE

1 IMPOSED UPON THE OFFICIAL. AN ADMINISTRATIVE COMPLAINT AGAINST THE
2 IMMEDIATE SUPERIOR OR SENIOR OFFICIAL FOR FAILURE TO PERFORM ONE'S
3 DUTIES CAN BE FILED BY A VICTIM-SURVIVOR WITH THE REGIONAL DIRECTOR
4 OF THE DOLE FOR EMPLOYEES OF THE PRIVATE SECTOR, AND THE CSC, FOR
5 GOVERNMENT EMPLOYEES, FOR GROSS NEGLECT OF DUTY OR MALFEASANCE.

6 THE IMMEDIATE SUPERIOR OR SENIOR OFFICIAL WHO DENIES THE
7 APPLICATION FOR LEAVE, AND WHO SHALL PREJUDICE THE VICTIM-SURVIVOR
8 OR ANY PERSON FOR ASSISTING A CO-EMPLOYEE WHO IS A VICTIM-SURVIVOR
9 UNDER THE ACT SHALL BE LIABLE FOR A FINE NOT EXCEEDING TEN THOUSAND
10 PESOS (P10,000.00) AND SUSPENSION FOR THIRTY (30) DAYS FOR
11 DISCRIMINATION AND VIOLATION OF R.A. 9262.

12 ANY SENIOR OFFICIAL WHO HAS KNOWLEDGE OF, BUT FAILED TO ACT
13 ON, OR HAS IN ANY WAY INFLUENCED, THE DENIAL OF THE IMMEDIATE
14 SUPERIOR TO GRANT LEAVE TO A VICTIM-SURVIVOR SHALL BE HELD
15 ADMINISTRATIVELY LIABLE AND THE PENALTY OF SUSPENSION FOR FIFTEEN
16 (15) DAYS SHALL BE IMPOSED ON THE OFFICIAL."

17 **SEC. 10. Separability Clause.** If any portion or provision of this Act is held unconstitutional or
18 invalid, the remaining portions or provisions shall not be affected.

19 **SEC. 11. Repealing Clause.** All laws, decrees, executive orders and rules and regulations, or
20 parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified
21 accordingly.

22 **SEC. 12. Effectivity.** This Act shall take effect fifteen (15) days after its publication in the
23 Official Gazette or in a newspaper of general circulation.

24 Approved.