

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4188



Introduced by **Representative ANA CRISTINA SIQUIAN-GO**

AN ACT
AMENDING REPUBLIC ACT NO. 9262, DEFINING THE ACT OF REPRODUCTIVE
COERCION AND THE ACT OF CHILD ABANDONMENT, PROVIDING PROTECTIVE
MEASURES AND PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER
PURPOSES

EXPLANATORY NOTE

The passage of Republic Act No. 10354, the Reproductive Health Law, was in the main envisaged to guarantee universal access to methods in contraception, fertility control, sexual education and maternal care. At its core, it is intended to curtail unintended and unplanned pregnancies which were at a very disquieting rate of 54% of all pregnancies as of 2008.

While the RH Law may address this issue squarely, at least 16% of all pregnancies figures is classified unwanted. Unwanted pregnancy covers a classification that is not widely discussed about: pregnancies of women in extramarital affairs and coerced pregnancies.

More often, it is unwanted because the woman mindful of her situation would normally consent to have a sexual relationship but not to be a mother of an illegitimate child. In some other cases, the woman was pressured to consent to the pregnancy or worse she was violently coerced to mother a child of her married boyfriend. When she is aggrieved by these acts, she can perchance file a criminal case against her married lover under Republic Act No. 9262 or the Anti-Violence Against Women and Children Law, but the letters of the law are inadequate to address her predicament.

Clearly, the act of a man forcing his partner to bear him a child is an act of violence against a partner's reproductive health or reproductive decision-making intended to coerce a partner into becoming a parent. It is also an act of violence if a man impregnates his lover and abandons her after the child is born. These acts of violence are not articulated in the VAWC Law nor had these been made integrated concepts in the RH Law. This policy invocation to include these as defined acts of violence in the VAWC Law by amendment is a pressing imperative.

Approval of this Bill is, therefore, urgently recommended.

ANA CRISTINA SIQUIAN-GO
Representative
2nd District, Isabela

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

SECTION 1. This Act shall be known as the "REPRODUCTIVE COERCION AND CHILD ABANDONMENT IN ANTI-VAWC LAW OF 2016."

SECTION 2. Section 3 (a) of Republic Act No. 9262 is hereby amended to read as follows:

SECTION 3. *Definition of Terms.*- As used in this Act,

(a) "*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 result 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:

A. "*Physical Violence*" refers to acts that include bodily or physical harm;

B. "*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;

(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 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 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 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; and

(5) Engaging in any form of harassment or violence;

(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 access to the woman's child/children.

(j) APPLYING OR IMPOSING REPRODUCTIVE COERCION TO THE WOMAN;

(k) ABANDONING HIS CHILD UPON AND OR AFTER BIRTH LEAVING THE CHILD TO THE CARE AND RESPONSIBILITY OF THE MOTHER OR ANOTHER PERSON AND RELINQUISHING ALL HIS INTERESTS AND CLAIMS OVER HIS OFFSPRING IN EXTRALEGAL MEANS.

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;

c) Prostituting the woman or child.

C. "*Psychological violence*" refers to acts or omissions causing or likely to cause mental or emotional suffering of the victim such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse and mental 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.

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

1. 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;

2. 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;

3. destroying household property;

4. controlling the victims' own money or properties or solely controlling the conjugal money or properties.

E. "*REPRODUCTIVE COERCION*" REFERS TO THREATS OR ACTS OF VIOLENCE AGAINST A PARTNER'S REPRODUCTIVE HEALTH OR REPRODUCTIVE DECISION-MAKING AND IS A COLLECTION OF BEHAVIORS INTENDED TO PRESSURE OR COERCE A PARTNER INTO BECOMING A PARENT OR ENDING A PREGNANCY.

F. "*CHILD ABANDONMENT*" REFERS TO THE PRACTICE OF A FATHER OF RELINQUISHING INTERESTS AND CLAIMS OVER HIS OFFSPRING IN AN EXTRALEGAL WAY WITH THE INTENT OF NEVER AGAIN RESUMING OR REASSERTING THEM AND LEAVING THE MOTHER OR ANOTHER PERSON TO ASSUME AND TAKE RESPONSIBILITY OF ALL THE FINANCIAL AND ECONOMIC COSTS OF RAISING THEIR CHILD.

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

SECTION 5. *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;

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

SECTION 6. *Penalties.*- The crime of violence against women and their children, under Section 5 hereof shall be punished according to the following rules:

(a) Acts falling under Section 5(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 prison 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 5(b) shall be punished by imprisonment of two 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 5(c) and 5(d) shall be punished by arresto mayor;

(c) Acts falling under Section 5(e) shall be punished by prision correccional;

(d) Acts falling under Section 5(f) shall be punished by arresto mayor;

(e) Acts falling under Section 5(g) shall be punished by prision mayor;

(f) Acts falling under Section 5(h) and Section 5(i) shall be punished by prision mayor.

(g) ACTS FALLING UNDER SECTION 5 (J) SHALL BE PUNISHED BY PRISION MAYOR;

(h) ACTS FALLING UNDER SECTION 5 (K) 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 the 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 (300,000.00); (b) undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to the court.

SECTION 5. *Repealing Clause* – All laws, decrees, executive orders, letters of instructions, rules and regulations, or parts thereof, which are inconsistent with this Act are hereby repealed, amended, or modified accordingly.

SECTION 6. *Separability Clause* – If any provision of this act is judicially is declared invalid or unconstitutional, the remaining provisions of this Act not affected thereby shall continue to be in full force and effect.

SECTION 7. *Effectivity Clause* – This act shall take effect fifteen (15) days following its publication in two (2) newspaper of general circulation.

Approved.