

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

EIGHTEENTH CONGRESS  
First Regular Session



COMMITTEE REPORT NO. 158

Submitted by the Committee on Women & Gender Equality on DEC 18 2019

Re: House Bill No. 5869

Recommending its approval in substitution of House Bills Numbered 479, 2266, 3330 and 5223

Sponsors: Representatives Maria Lourdes Acosta-Alba, Arlene D. Brosas, Lawrence "Law" H. Fortun, Joy Myra S. Tambunting and Rufus B. Rodriguez

Mr. Speaker:

The Committee on Women and Gender Equality to which were referred **House Bill No. 479**, introduced by Representatives Arlene D. Brosas, France L. Castro, Sarah Jane I. Elago, Eufemia "Ka Femia" C. Cullamat, Carlos Isagani T. Zarate, and Ferdinand R. Gaite, entitled:

AN ACT

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

**House Bill No. 2266**, introduced by Representative Lawrence "Law" H. Fortun, entitled:

AN ACT

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

**House Bill No. 3330**, introduced by Representative Joy Myra S. Tambunting, entitled:

**AN ACT**

AMENDING REPUBLIC ACT NO. 9262, OTHERWISE KNOWN AS THE ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT OF 2004, DEFINING VIOLENCE AGAINST WOMEN (E-VAW), PROVIDING PROTECTIVE MEASURES AND PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES; and

**House Bill No. 5223**, introduced by Representative Rufus B. Rodriguez, entitled:

**AN ACT**

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

**5869**

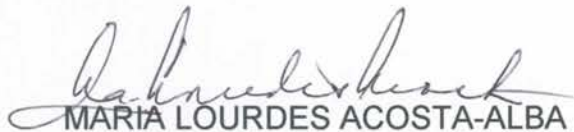
has considered the same and recommends that the attached House Bill No. \_\_\_\_\_, entitled:

**AN ACT**

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

be approved in substitution of House Bills Numbered 479, 2266, 3330, 4888 and 5223 with Representatives Arlene D. Brosas, France Castro, Sarah Jane I. Elago, Eufemia "Ka Femia" C. Cullamat, Carlos Isagani T. Zarate, Ferdinand R. Gaité, Lawrence "Law" H. Fortun, Joy Myra S. Tambunting, Rufus B. Rodriguez, Alyssa Sheena P. Tan, Faustino V "Inno" A. Dy, Faustino Michael Carlos III T. Dy, Geraldine B. Roman, Maria Lourdes Acosta-Alba, Glona G. Labadlabad, Ma. Lourdes T. Arroyo, Paz C. Radaza, Jocelyn Sy Limkaichong, Shirlyn Bañas-Nogales, Irene Gay F. Saulog, Juan Fidel Felipe F. Nogales and Michael Edgar Y. Aglipay as authors thereof.

Respectfully submitted:



MARIA LOURDES ACOSTA-ALBA

Chairperson

Committee on Women and Gender Equality

HONORABLE SPEAKER  
HOUSE OF REPRESENTATIVES



**Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City**

**EIGHTEENTH CONGRESS  
First Regular Session**

**HOUSE BILL NO. 5869**

(In Substitution of House Bills Numbered 479, 2266, 3330 and 5223)

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Introduced by Representatives Arlene D. Brosas, France L. Castro, Sarah Jane I. Elago, Eufemia "Ka Femia" C. Cullamat, Carlos Isagani T. Zarate, Ferdinand R. Gaite, Lawrence "Law" H. Fortun, Joy Myra S. Tambunting, Rufus B. Rodriguez, Alyssa Sheena P. Tan, Faustino V "Inno" A. Dy, Faustino Michael Carlos III T. Dy, Geraldine B. Roman, Maria Lourdes Acosta-Alba, Glona G. Labadlabad, Ma. Lourdes T. Arroyo, Paz C. Radaza, Jocelyn Sy Limkaichong, Shirlyn Bañas-Nogales, Irene Gay F. Saulog, Juan Fidel Felipe F. Nogales and Michael Edgar Y. Aglipay

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**AN ACT  
DEFINING ELECTRONIC VIOLENCE AGAINST WOMEN AND THEIR  
CHILDREN, PROVIDING PROTECTIVE MEASURES, AND  
PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF, 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.** Section 1 of Republic Act No.9262, otherwise known as the "Anti-  
2   Violence Against Women and Their Children Act of 2004, is hereby amended as  
3   follows:

4       "SECTION 1. *Short Title.* - This Act shall be known as the "EXPANDED  
5       Anti-Violence Against Women And Their Children [Act of 2004] (E-VAWC)  
6       ACT."

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

4       "SEC. 3. *Definition of Terms.* xxx

5       "(a) xxx

6       "(A) xxx

7       "(B) xxx

8       "(C) *"Psychological violence"* refers to acts or omissions THAT MAY  
9       BE COMMITTED THROUGH PHYSICAL, VERBAL, EMOTIONAL,  
10      ELECTRONIC OR INFORMATION COMMUNICATION  
11      TECHNOLOGY (ICT)-RELATED MEANS OR OTHER MEANS  
12      causing or likely to cause the mental or emotional suffering of [the  
13      victim] A WOMAN AND HER CHILDREN such as [but not limited to]  
14      intimidation, harassment, stalking, damage to property, public  
15      ridicule or humiliation, [repeated] verbal abuse and marital infidelity.  
16      It includes THE ACT OF causing or [allowing the victim] COERCING  
17      A WOMAN AND HER CHILDREN to witness the physical, sexual or  
18      psychological abuse of a member of the family to which the [victim]  
19      WOMAN AND HER CHILDREN belong[s], or to witness pornography  
20      in any form or to witness abusive injury to pets or to unlawful or  
21      unwanted deprivation of the right to custody and/or visitation of  
22      common children.

23      "(D) xxx



1       “(E) *“ELECTRONIC VIOLENCE OR ICT-RELATED VIOLENCE”*  
2       REFERS TO ANY ACT OR OMISSION INVOLVING THE USE OR  
3       EXPLOITATION OF DATA OR ANY FORM OF INFORMATION  
4       AND COMMUNICATIONS TECHNOLOGY WHICH CAUSES OR IS  
5       LIKELY TO CAUSE MENTAL, EMOTIONAL, OR  
6       PSYCHOLOGICAL DISTRESS OR SUFFERING TO THE WOMAN  
7       AND HER CHILDREN, INCLUDING THE FOLLOWING:

8       “(1) UNAUTHORIZED RECORDING, REPRODUCTION,  
9       DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY  
10      PHOTOGRAPH, VIDEO, OR OTHER FORMS OF ELECTRONIC  
11      AND/OR ARTISTIC PRESENTATION SHOWING OR DEPICTING  
12      IN ANY FORM OR MANNER THE GENITALIA OF A WOMAN AND  
13      THOSE OF HER CHILDREN’S GENITALIA, PUBIC AREA,  
14      BUTTOCKS, BREASTS, EXCRETORY BODY PART OR  
15      FUNCTION, NUDITY, SCENES WITH SEXUAL CONTEXT OR  
16      PORTRAYAL OF SEXUAL CONDUCT SUCH AS SEXUAL  
17      INTERCOURSE, MASTURBATION, KISSING, CARESSING,  
18      HUGGING, AND PETTING;

19      “(2) UNAUTHORIZED RECORDING, REPRODUCTION,  
20      DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY  
21      PHOTOGRAPH, VIDEO, OR ANY OTHER FORM OF  
22      ELECTRONIC AND/OR ARTISTIC PRESENTATION EXHIBITING  
23      ANY SEXUALLY-RELATED VERBAL OR NONVERBAL  
24      EXPRESSION OR GESTURE OF THE WOMAN AND HER

1 CHILDREN WHICH MAY BE CONSTRUED AS LEWD, INDECENT,  
2 OR OBSCENE;

3 "(3) UNAUTHORIZED RECORDING, REPRODUCTION,  
4 DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY  
5 PHOTOGRAPH, VIDEO, OR ANY OTHER FORM OF  
6 ELECTRONIC AND/OR ARTISTIC PRESENTATION DEPICTING  
7 ANY PURPORTED VIOLENT OR ERRANT BEHAVIOUR OF THE  
8 WOMAN AND HER CHILDREN, OR THE USE OF INTOXICATING  
9 OR PROHIBITED SUBSTANCES OR DRUGS;

10 "(4) ANY SIMILAR RECORDING, REPRODUCTION,  
11 DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY AUDIO  
12 PRESENTATION AND DATA, INCLUDING SOUND CLIPS OF THE  
13 SAME NATURE AS THOSE ENUMERATED IN SUBSECTION (a)  
14 E. 1-3;

15 "(5) UNAUTHORIZED USE OF A PHOTOGRAPH, VIDEO, VOICE  
16 RECORDING, NAME OR ANY MARK, REFERENCE OR  
17 CHARACTER IDENTIFIABLE WITH A WOMAN AND HER  
18 CHILDREN AND SUGGESTIVE OF A WRONGDOING, CONDUCT  
19 OR ATTRIBUTE THAT TENDS TO BESMIRCH THE REPUTATION  
20 OF THE WOMAN AND HER CHILDREN;

21 "(6) HARASSING, INTIMIDATING, COERCING, THREATENING  
22 OR VILLIFYING THE WOMAN AND HER CHILDREN THROUGH  
23 TEXT MESSAGING OR OTHER CYBER, ELECTRONIC, OR  
24 MULTIMEDIA TECHNOLOGY;

1       “(7) STALKING, INCLUDING THE HACKING OF PERSONAL  
2       ACCOUNTS ON SOCIAL NETWORKING SITES AND THE USE OF  
3       LOCATION DATA FROM ELECTRONIC DEVICES;  
4       “(8) FABRICATION OF FAKE INFORMATION OR NEWS  
5       THROUGH TEXT MESSAGING OR OTHER CYBER,  
6       ELECTRONIC OR MULTIMEDIA TECHNOLOGY; AND  
7       “(9) CREATION OF FAKE SOCIAL MEDIA ACCOUNTS USING  
8       AN ALIAS OR A DIFFERENT INDIVIDUAL’S PERSONAL  
9       INFORMATION WITH ILL INTENT AND MALICE, TO SOW  
10      INTRIGUE OR INFLICT HARM.”

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

13       “SEC. 5. *Acts of Violence Against Women and Their Children.* – 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       “(1) xxx

23       “(2) xxx

24       “(3) xxx



1       “(4) Destroying the property and personal belongings or inflicting  
2       harm to animals or pets of the woman [or] AND her child; [and]

3       “(5) xxx

4       “(6) UNAUTHORIZED RECORDING, REPRODUCING OR  
5       DISTRIBUTION OF VIDEOS WHICH SHOW THE WOMAN AND  
6       HER CHILDREN NAKED OR IN UNDERGARMENT CLAD  
7       GENITALS, PUBIC AREA, BUTTOCKS OR BREASTS;

8       “(7) SHARING WITHOUT THE CONSENT OF A WOMAN AND  
9       HER CHILDREN, ANY MEDIA THAT CONTAINS PICTURES,  
10      VOICE RECORDING OR VIDEO OF THE WOMAN AND HER  
11      CHILDREN WHICH MAYBE CONSTRUED AS LEWD, INDECENT  
12      OR OF SEXUAL CONTENT; AND

13      “(8) USING THE PICTURES, VIDEO, VOICE NAME OR ANY  
14      OTHER ASPECT OF THE IDENTITY OF A WOMAN AND HER  
15      CHILDREN WITHOUT PERMISSION AND FOR MALICIOUS  
16      PURPOSES INCLUDING PORNOGRAPHY, AND OTHER  
17      VIOLATIONS STIPULATED IN REPUBLIC ACT NO. 10175,  
18      OTHERWISE KNOWN AS THE “CYBER CRIME PREVENTION  
19      ACT OF 2012”.

20      “(i) xxx

21      “(J) INFLECTING ELECTRONIC VIOLENCE AGAINST A WOMAN  
22      AND HER CHILDREN; AND

23      “(K) THREATENING TO CAUSE ELECTRONIC VIOLENCE  
24      AGAINST A WOMAN AND HER CHILDREN.”



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

3       “SEC. 6. *Penalties.* – xxx

4       “(a) xxx

5       “(b) xxx

6       “(c) xxx

7       “(d) xxx

8       “(e) xxx

9       “(f) xxx

10       “(G) ACTS FALLING UNDER SECTION 5(J) AND 5(K) SHALL BE  
11 PUNISHED BY *PRISION MAYOR*.

12               “If the acts are committed while the woman or child is  
13 pregnant or committed in the presence of [her] THE WOMAN’S child,  
14 the penalty to be applied shall be the maximum period of penalty  
15 prescribed in this section.

16               “In addition to imprisonment, the perpetrator shall (a) pay a  
17 fine in the amount of not less than [One] THREE hundred thousand  
18 pesos ([P100,000.00] P300,000.00) but not more than [Three] FIVE  
19 hundred thousand pesos ([P300,000.00] P500,000.00): *PROVIDED,*  
20 *THAT,* IN CASES OF ELECTRONIC OR INFORMATION AND  
21 COMMUNICATIONS TECHNOLOGY-RELATED VIOLENCE, THE  
22 FINE THAT MAY BE IMPOSED SHALL NOT BE LESS THAN  
23 THREE HUNDRED THOUSAND PESOS (PHP300,000.00) BUT  
24 NOT MORE THAN FIVE HUNDRED THOUSAND PESOS (PHP

1           500,000.00); AND (b) undergo mandatory psychological counseling  
2           or psychiatric treatment and shall report compliance to the court.”

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

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

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

16           **“SEC. 8. Protection Orders – xxx**

17           **“(a) xxx**

18           **“(b) xxx**

19           **“(c) xxx**

20           **“(d) xxx**

21           **“(e) xxx**

22           **“(f) xxx**

23           **“(g) xxx**

24           **“(h) xxx**



1       “(i) xxx

2       “(j) xxx; [and]

3       “(k) xxx[.]; AND

4       “(L) FOR E-VAWC CASES, ORDERING THE IMMEDIATE  
5       BLOCKING, BLACKLISTING, REMOVAL, OR SHUTDOWN OF  
6       ANY UPLOAD, PROGRAM, OR APPLICATION THAT CAUSES OR  
7       TENDS TO CAUSE VIOLENCE AGAINST A WOMAN AND HER  
8       CHILDREN. FAILURE OF AN INTERNET SERVICE PROVIDER  
9       TO COOPERATE WITH LAW ENFORCEMENT AGENCIES SHALL  
10      CONSTITUTE THE CRIME OF OBSTRUCTION OF JUSTICE. THE  
11      DUTIES OF AN INTERNET SERVICE PROVIDER AS PROVIDED  
12      FOR UNDER SECTION 9 OF REPUBLIC ACT NO. 9775,  
13      OTHERWISE KNOWN AS THE “ANTI-CHILD PORNOGRAPHY  
14      ACT OF 2009” SHALL BE APPLICABLE.”

15   **SEC. 7.** Section 24 of Republic Act No. 9262 is hereby amended as follows:

16       “SEC. 24. *Prescriptive Period.* – Acts falling under Sections 5(a) to  
17       5(f) shall prescribe in twenty (20) years. Acts falling under Sections  
18       5(g) to 5(i) shall prescribe in ten (10) years. ACTS FALLING UNDER  
19       SECTION 5(J) AND 5(K) SHALL PRESCRIBE IN FIFTEEN (15)  
20       YEARS.”

21   **SEC. 8.** Section 39 of Republic Act No. 9262 is hereby amended as follows:

22       “SEC. 39. *Inter-Agency Council on Violence Against Women and*  
23       *Their Children (IAC-VAWC).* - xxx

24       “(a) xxx

1       “(b) [National Commission on the Role of Filipino Women (NCRFW)]  
2       PHILIPPINE COMMISSION ON WOMEN (PCW);  
3       “(c) xxx  
4       “(d) xxx  
5       “(e) xxx  
6       “(f) xxx  
7       “(g) xxx  
8       “(h) xxx  
9       “(i) xxx  
10       “(j) xxx  
11       “(k) xxx; [and]  
12       “(l) xxx[.];  
13       “(M) MOVIE AND TELEVISION REVIEW AND CLASSIFICATION  
14       BOARD (MTRCB);  
15       “(N) DEPARTMENT OF SCIENCE AND TECHNOLOGY (DOST);  
16       “(O) NATIONAL TELECOMMUNICATIONS COMMISSION (NTC);  
17       “(P) DEPARTMENT OF INFORMATION AND COMMUNICATIONS  
18       TECHNOLOGY (DICT);  
19       “(Q) DEPARTMENT OF FOREIGN AFFAIRS (DFA);  
20       “(R) COMMISSION ON FILIPINOS OVERSEAS (CFO); AND  
21       “(S) TWO (2) REPRESENTATIVES FROM CIVIL SOCIETY  
22       ORGANIZATIONS (CSOs) WITH PROVEN TRACK RECORD OF  
23       INVOLVEMENT IN THE PREVENTION AND ELIMINATION OF  
24       VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (VAWC)



WHO SHALL BE CHOSEN BY THE GOVERNMENT AGENCY  
REPRESENTATIVES OF THE COUNCIL TO SERVE FOR A TERM  
OF THREE (3) YEARS.

"xxx"

**SEC. 9.** Section 40 of Republic Act No. 9262 is hereby amended to read as  
follows:

*"SEC. 40. Mandatory Programs and Services for [Victims] WOMEN  
AND THEIR CHILDREN. - The DSWD, and LGUs shall provide the  
[victims] WOMEN AND THEIR CHILDREN temporary shelters,  
provide counseling, psycho-social services and/or[,] recovery,  
rehabilitation programs, and livelihood assistance.*

*"The DOH shall provide medical assistance to [victims]  
WOMEN AND THEIR CHILDREN.*

*"THE DSWD, LGUs AND DOH SHALL ENSURE THAT ALL  
RECORDS OF A WOMAN AND HER CHILDREN OBTAINED IN  
CONNECTION WITH THE PROVISIONING OF SUCH SERVICES  
BY THE AGENCIES SHALL BE HELD CONFIDENTIAL UNLESS  
THERE IS A COURT ORDER AUTHORIZING THE RELEASE OF  
ANY INFORMATION OR DATA.*

*"THE DOJ SHALL ESTABLISH AND ADMINISTER AN  
IDENTITY AND LOCATION CONFIDENTIALITY PROGRAM TO BE  
REFERRED TO AS THE "PROGRAM", WHICH SHALL ENSURE  
THE PROTECTION AND SAFETY OF WOMEN AND THEIR  
CHILDREN BY PROVIDING THEM WITH A SUBSTITUTE*

1 ADDRESS TO BE USED WHEN INTERACTING WITH  
2 GOVERNMENT AGENCIES AND A NEW MAILING ADDRESS  
3 WHICH KEEPS THEIR ACTUAL WHEREABOUTS CONFIDENTIAL  
4 AND FREE FROM THE RISK OF DISCOVERY BY THIRD  
5 PARTIES. THE PROGRAM SHALL CATER TO WOMEN AND  
6 THEIR CHILDREN WHO INTEND TO ESTABLISH A NEW  
7 RESIDENCE OR THOSE WHO HAVE ALREADY RELOCATED TO  
8 ANOTHER PLACE UNKNOWN TO THEIR ASSAILANTS OR  
9 ABUSERS WHO MAY USE PUBLIC RECORDS TO FIND THEM.

10 "IN THIS REGARD, THE APPLICATION FOR INCLUSION IN  
11 THE PROGRAM AS WELL AS OTHER SUPPORTING  
12 DOCUMENTS SUBMITTED BY WOMEN AND THEIR CHILDREN  
13 SHALL NOT BE CONSIDERED AS PUBLIC RECORD AND SHALL  
14 BE KEPT CONFIDENTIAL BY THE DOJ AND SHALL ONLY BE  
15 RELEASED UPON THE ORDER OF THE COURT.

16 "ANY OFFICIAL OR EMPLOYEE WHO WILLFULLY  
17 BREACHES THE CONFIDENTIALITY OF THESE RECORDS OR  
18 WILLFULLY DISCLOSES THE NAME, RESIDENTIAL OR MAILING  
19 ADDRESS OF A WOMAN AND HER CHILDREN IN VIOLATION OF  
20 THIS PROVISION, SHALL SUFFER THE PENALTY OF ONE (1)  
21 YEAR IMPRISONMENT AND A FINE OF NOT LESS THAN THREE  
22 HUNDRED THOUSAND PESOS (P300,000.00) BUT NOT MORE  
23 THAN FIVE HUNDRED THOUSAND PESOS (P500,000.00)."



**SEC. 10.** Section 43 of Republic Act No. 9262 is hereby amended to read as follows:

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

“Any employer who shall prejudice the right of the person under this section shall be penalized in accordance with the provisions of the Labor Code and the Civil Service Rules and Regulations. Likewise, an employer who shall prejudice any person for assisting a co-employee who is a victim under this Act shall likewise be liable for discrimination.] *TEN (10)-DAY PAID LEAVE IN ADDITION TO OTHER LEAVE BENEFITS.* - DURING THE APPLICATION OF ANY PROTECTION ORDER, INVESTIGATION, PROSECUTION, AND/OR TRIAL OF THE CRIMINAL CASE, A VICTIM OF E-VAWC WHO IS EMPLOYED SHALL BE ENTITLED TO A PAID LEAVE OF UP TO TEN (10) DAYS IN ADDITION TO OTHER PAID LEAVES UNDER THE LABOR CODE, CIVIL SERVICE RULES AND REGULATIONS AND OTHER EXISTING LAWS AND COMPANY POLICIES, EXTENDIBLE WHEN THE NECESSITY ARISES AS SPECIFIED IN THE PROTECTION ORDER. THE PUNONG BARANGAY/KAGAWAD, PNP WOMEN’S AND CHILDREN’S DESKS OR PROSECUTOR OR THE CLERK OF

1 COURT, PHYSICIANS, SOCIAL WORKERS, AND LICENSED  
2 COUNSELORS AS THE CASE MAY BE, SHALL ISSUE A  
3 CERTIFICATION, AT NO COST TO THE WOMAN, THAT SUCH IS  
4 PENDING UNDER THEIR JURISDICTION. THIS CERTIFICATION  
5 SHALL BE THE ONLY REQUIREMENT FOR THE EMPLOYER TO  
6 GRANT THE TEN (10)-DAY PAID LEAVE APPLICATION. IN  
7 ADDITION TO THE AFOREMENTIONED CERTIFICATION, AN  
8 EMPLOYEE OF THE GOVERNMENT MUST FILE AN  
9 APPLICATION FOR LEAVE, CITING THIS ACT. THE  
10 ADMINISTRATIVE ENFORCEMENT OF THIS LEAVE  
11 ENTITLEMENT SHALL BE CONSIDERED WITHIN THE  
12 JURISDICTION OF THE REGIONAL DIRECTOR OF THE  
13 DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE) UNDER  
14 ARTICLE 129 OF THE LABOR CODE OF THE PHILIPPINES, AS  
15 AMENDED, FOR EMPLOYEES IN THE PRIVATE SECTOR, AND  
16 THE CIVIL SERVICE COMMISSION (CSC), FOR GOVERNMENT  
17 EMPLOYEES.

18 "THE AVAILMENT OF THE TEN (10)-DAY LEAVE OF  
19 ABSENCE SHALL BE AT THE OPTION OF THE WOMAN  
20 EMPLOYEE, WHICH SHALL COVER THE DAYS THAT SHE HAS  
21 TO ATTEND TO MEDICAL, LEGAL, AND OTHER VALID  
22 CONCERNS RELATED TO THE PENDING CASE. LEAVES NOT  
23 AVAILED OF ARE NON-CUMULATIVE AND NOT CONVERTIBLE  
24 TO CASH.



1           "THE IMMEDIATE SUPERIOR OF THE PERSON  
2       APPLYING FOR A TEN (10)-DAY PAID LEAVE MUST APPROVE  
3       THE APPLICATION ON THE SAME DAY IT WAS FILED. IF THE  
4       IMMEDIATE SUPERIOR IS UNAVAILABLE TO ACT ON THE  
5       APPLICATION FOR A LEAVE, THE APPLICATION SHALL BE  
6       ACTED UPON BY ANY AVAILABLE SENIOR OFFICIAL OF THE  
7       PRIVATE COMPANY OR GOVERNMENT AGENCY.

8           "ALL PRIVATE COMPANIES AND GOVERNMENT  
9       AGENCIES SHALL RECORD ALL APPLICATIONS FOR LEAVE IN  
10      A LOGBOOK SPECIFICALLY FOR CASES OF VAWC. THEY  
11      SHALL SUBMIT A QUARTERLY REPORT ON ALL APPLICATIONS  
12      ISSUED TO THE REGIONAL DIRECTOR OF THE DOLE FOR  
13      EMPLOYEES OF THE PRIVATE SECTOR, AND THE CSC, FOR  
14      GOVERNMENT EMPLOYEES.

15          "FAILURE TO ACT ON AN APPLICATION FOR A TEN (10)-  
16      DAY PAID LEAVE OF ABSENCE WITHIN THE PRESCRIBED  
17      PERIOD WITHOUT JUSTIFIABLE CAUSE SHALL RENDER THE  
18      IMMEDIATE SUPERIOR OR SENIOR OFFICIAL  
19      ADMINISTRATIVELY LIABLE, AND THE PENALTY OF  
20      SUSPENSION FOR FIFTEEN (15) DAYS SHALL BE IMPOSED  
21      UPON THE OFFICIAL. AN ADMINISTRATIVE COMPLAINT  
22      AGAINST THE IMMEDIATE SUPERIOR OR SENIOR OFFICIAL  
23      FOR FAILURE TO PERFORM ONE'S DUTIES CAN BE FILED BY  
24      A VICTIM-SURVIVOR WITH THE REGIONAL DIRECTOR OF THE

DOLE FOR EMPLOYEES OF THE PRIVATE SECTOR, AND THE  
CSC, FOR GOVERNMENT EMPLOYEES, FOR GROSS NEGLECT  
OF DUTY OR MALFEASANCE.

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

“ANY SENIOR OFFICIAL, INCLUDING THE HEAD OF THE  
AGENCY, WHO HAS KNOWLEDGE OF, BUT FAILS TO ACT ON,  
OR HAS IN ANY WAY INFLUENCED THE DENIAL OF THE  
IMMEDIATE SUPERIOR OF THE LEAVE APPLICATION OF A  
VICTIM-SURVIVOR SHALL BE HELD ADMINISTRATIVELY  
LIABLE AND SHALL BE SUSPENDED FOR FIFTEEN (15) DAYS.”

**SEC. 11. *Separability Clause.*** - If any portion or provision of this Act is held  
unconstitutional or invalid, the remaining portions or provisions shall not be  
affected.

**SEC. 12. *Repealing Clause.*** - All laws, decrees, executive orders and rules and  
regulations, or parts thereof, inconsistent with the provisions of this Act are  
hereby repealed or modified accordingly.



1   **SEC. 13. Effectivity.** - This Act shall take effect fifteen (15) days after its  
2   publication in the *Official Gazette* or in a newspaper of general circulation.

3           Approved,

## FACT SHEET

HOUSE BILL NO. 5869

(In substitution of House Bills Numbered 479, 2266, 3330 and 5223)

### AN ACT

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

*Introduced By:* **REPRESENTATIVES ARLENE D. BROSAS, FRANCE L. CASTRO, SARAH JANE I. ELAGO, EUFEMIA "KA FEMIA" C. CULLAMAT, CARLOS ISAGANI T. ZARATE, FERDINAND R. GAITE, LAWRENCE "LAW" H. FORTUN, JOY MYRA S. TAMBUNTING, RUFUS B. RODRIGUEZ, ALYSSA SHEENA P. TAN, FAUSTINO V "INNO" A. DY, FAUSTINO MICHAEL CARLOS III T. DY, GERALDINE B. ROMAN, MARIA LOURDES ACOSTA-ALBA, GLONA G. LABADLABAD, MA. LOURDES T. ARROYO, PAZ C. RADAZA, JOCELYN SY LIMKAICHONG, SHIRLYN BAÑAS-NOGRALES, IRENE GAY F. SAULOG, JUAN FIDEL FELIPE F. NOGRALES AND MICHAEL EDGAR Y. AGLIPAY**

*Committee Referral:* **COMMITTEE ON WOMEN AND GENDER EQUALITY**

*Committee Chairperson:* **REP. MARIA LOURDES ACOSTA-ALBA**

### OBJECTIVE

- To protect women and children from all forms of electronic violence and prevent any creative legal defense that may be used by violators of the law who manipulate technology to perpetrate violence against women

### KEY PROVISIONS

- Defines "*Psychological violence*" as acts or omissions that may be committed through physical, verbal, emotional, electronic or information communication technology (ICT), or other means causing or likely to cause mental or emotional suffering of the woman and her children such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, verbal abuse and marital infidelity. it includes causing or allowing the woman and her children to witness the physical, sexual or psychological abuse of a member of the family to which the woman and her children 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.
- Defines "electronic violence or ICT-related violence" as any act or omission involving the use or exploitation of data or any form of information and communications technology (ICT) which causes or is likely to cause mental,



emotional or psychological distress or suffering to the women and her children, which includes the following:

1. unauthorized recording, reproduction distribution, use, sharing or uploading of any photograph, video or other form of electronic and/or artistic presentation showing or depicting in any form or manner the woman's and her children's genitalia, pubic area, buttocks, breasts, excretory body part or function, nudity, scenes with sexual context or portrayal of sexual conduct such as sexual intercourse, masturbation, kissing, caressing, hugging and petting;
  2. unauthorized recording, reproduction, distribution, use, sharing or uploading of any photograph, video, or any other form of electronic and/or artistic presentation exhibiting any sexually-related verbal or non-verbal expressions or gestures of the woman and her children which maybe construed as lewd, indecent, obscene or sexual content;
  3. unauthorized recording, reproduction, distribution, use, sharing or uploading of any photograph, video or any other form of electronic and/or artistic presentation depicting any purported violent or errant behavior of the woman and her children or the use of intoxicating or prohibited substances or drugs;
  4. any similar recording, reproduction, distribution, use, sharing or uploading of any audio presentation and data, including sound clips, of the same nature or similar to those mentioned in subsection (a) E. 1-3;
  5. unauthorized use of the woman's or her children's photograph, video, voice, name or any mark, reference or character identifiable with the woman and her children, and suggestive of any wrongdoing or any conduct or attribute tending to blacken the reputation of the woman and her children;
  6. harassing, intimidating, coercing, threatening or vilifying the woman and her children through text messaging or other cyber, electronic or multimedia means;
  7. stalking which includes the hacking of personal accounts on social networking sites and the use of location data from electronic devices;
  8. fabrication of fake information/news through text messaging or other cyber, electronic or multi-media means; and
  9. creation of fake social media accounts using a different individual's personal information with ill intent and/or show malice, intrigue or other harm.
- Includes the following as additional acts of Violence Against Women and Their Children (VAWC): (a) unauthorized recording, reproduction or distribution of videos



showing the woman's or her children's naked or undergarment clad genitals, pubic area, buttocks or breasts, (b) sharing without the consent of the woman and her children, any media that contains pictures, voice or video of the woman and her children which maybe construed as lewd, indecent or sexual content, (c) using the woman's or her children's pictures, video, voice name or any other aspect of the woman's or her children's identity, (d) causing electronic violence against a woman and her children, and (e) threatening to cause electronic violence against a woman and her children;

- Slaps the penalty of *prision mayor* for acts causing and threatening electronic violence against a woman and her children;
- Mandates the application of the maximum period of penalty if committed while the woman or child is pregnant or committed in the presence of her child; and in addition to imprisonment, the perpetrator shall (a) pay a fine in the amount of not less than Three hundred thousand pesos (P300,000.00) but not more than Five hundred thousand pesos (P500,000.00), *provided, that*, in cases of electronic violence, the fine that may be imposed shall not be less than Three hundred thousand pesos (P300,000.00) but not more than Five hundred thousand pesos (P500,000.00); (b) undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to the court;
- Provides that cases of Electronic Violence Against Women (EVAW) may be filed in the place where the complainant resides at the time the woman and her children learned of the commission of the offense;
- Mandates the immediate blocking, blacklisting, removal or shutdown of any upload, program or application that causes or tends to cause violence against the woman and her children for E-VAWC cases. Failure of the internet service providers to cooperate with law enforcement agencies constitutes crime of obstruction of justice;
- States that for acts causing and threatening electronic violence against a woman and her children shall prescribe in fifteen (15) years;
- Includes the Movie and Television Review and Classification Board (MTRCB), Department of Science and Technology (DOST); National Telecommunications Commission (NTC), Department of Information and Communications Technology (DICT), Department of Foreign Affairs (DFA), Commission on Filipinos Overseas (CFO) and two (2) representatives from civil society organizations (CSOs) with a proven track record of involvement in the prevention and elimination of violence against women and their children (VAWC) as additional members of the Inter-Agency Council on violence Against Women and Their children (VAWC);
- States that the Department of Health (DOH) shall provide medical assistance to women and their children;



- Provides mandatory programs and services to women and their children and that all records will be held confidential unless there is a court order for its release;
- Asserts that the Department of Justice (DOJ) shall establish and administer an address confidentiality program for VAWC victims who shall ensure their protection and safety by providing them with substitute address to be used when interacting with government agencies and a new mailing address which keeps their actual address confidential and free from the risk of discovery by third parties. The program shall cater to those who intend to establish a new residence and those who have already relocated to another place unknown to their assailants or abusers who may use public records to find them;
- States that the application for inclusion in the program as well as other supporting documents submitted by the women and their children be considered confidential by the DOJ and shall only be released upon the order of the court;
- Penalizes any official or employee who willfully breaches the confidentiality of these records or willfully discloses the name, residential or mailing address of a victim in violation of this provision with a penalty of one (1) year imprisonment and a fine of not more than Five hundred thousand pesos (P500,000.00);
- Entitles a victim of VAWC to a paid leave of absence up to ten (10) days in addition to other paid leaves under the Labor Code, Civil Service Rules and Regulations and other existing laws and company policies, extendible when the necessity arises as specified in the protection order which shall cover the days that she has to attend to medical, legal and other valid concerns related to the pending case. Leaves not availed of are non-cumulative and not convertible to cash;
- Obligates the Punong Barangay/Kagawad or prosecutor, clerk of court, physicians, social workers, and licensed counsellors as the case may be, to issue a certification, at no cost to the woman as required for by the employer to comply with the ten (10)-day paid leave. For government employees, in addition to the aforementioned certification, the employee concerned must file an application for leave citing as basis RA 9262. The administrative enforcement of this leave entitlement shall be considered within the jurisdiction of the regional director of the Department of Labor and Employment (DOLE) under article 129 of the Labor Code of the Philippines, as amended, for employees in the private sector, and the Civil Service Commission (CSC), for government employees;
- Gives the woman the option for the availment of the ten (10)-day leave of absence and the immediate superior of the person must approve the application on the same day of application. If the immediate superior is unavailable to act on the application for a leave, the application shall be acted upon by any available senior official of the private company or government agency;
- Requires every private company and government agency to record all applications for leave in a logbook specifically for cases of VAWC and shall submit a quarterly



report of all applications issued to the regional director of the DOLE for employees of the private sector, and the CSC for government employees;

- Renders the immediate superior or senior official including the head of the agency administratively liable for suspension for fifteen (15) days for failure to act on an application for a 10-day paid leave of absence within the given period without justifiable cause. Administrative complaint against the immediate superior or senior official for failure to perform her/his duties can be filed by victim-survivor with regional director of the DOLE for employees of the private sector, and the CSC for government employees, for gross neglect of duty or malfeasance;
- Holds the immediate superior or senior official liable for denying the application for leave, and who shall prejudice the victim-survivor or any person for assisting a co-employee who is a victim-survivor under the act and shall be given a fine of not exceeding Ten thousand pesos (P10,000.00) and suspension for thirty (30) days for discrimination and violation of R.A. No. 9262; and
- Mandates that any senior official who has knowledge of, but failed to act on, or has in any way influenced, the denial of the immediate superior to grant leave to a victim-survivor administratively liable for suspension for fifteen (15) days.

## **RELATED LAWS**

- Republic Act No. 9262 (Anti-VAWC Law)
- Republic Act No. 9710 (Magna Carta of Women)
- Republic Act No. 9995 or the "Anti-Photo and Video Voyeurism Act"