AN ACT
AMENDING R.A. NO. 9262 OTHERWISE KNOWN AS "AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES", EXPANDING ITS COVERAGE AND COVERED ACTS PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES.

EXPLANATORY NOTE

In 2004, Republic Act No 9262 otherwise known as the Anti-Violence Against Women and Children (VAWC) was enacted to prevent and address violence committed against women and children, who are the usual and most likely victims of domestic violence due to unequal power relations and deeply ingrained cultural misogyny.

While women and children are still considered as the most vulnerable to domestic violence, it is important to recognize that domestic violence may also be committed against men and members of the LGBTQIA+ community. Existing social and cultural prejudices tend to trivialize domestic violence against these members of society—for men, they are often considered less macho and "under the saya (skirt)" or "takusa" (takot sa asawa); for members of the LGBTQIA+ community, they are often discriminated due to their sexual orientation or gender identity or expression and considered deserving of such violence.

As the Philippine society continues to challenge stereotypical gender norms, roles, and relations towards a more gender-inclusive society, it is important to provide measures to prevent and protect domestic violence against men and members of the LGBTQIA+, as well.
Finally, in the midst of the novel coronavirus disease pandemic where most families are mandated to stay at home until the community quarantine is lifted, there is a threat that domestic violence may be more frequent, severe, and dangerous. Thus, it is important to ensure that all members of society are protected.

In view of the foregoing, the passage of this bill is earnestly sought.

HON. MANUEL LUIS T. LOPEZ  
Representative

1st District, City of Manila
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Be it enacted by the Senate and House of Representatives of the Republic of the Philippines in Congress assembled:

SECTION 1. Section of Republic Act No. 9161, otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004" is hereby amended to read as follows:

"SECTION 1. Short Title. – This Act shall be known as the "Anti-Violence Against Partners and their Children Act or Anti-VAPC Law".

SECTION 2. Section 2 of the same law is hereby amended as follows:

"SECTION 2. Declaration of Policy. – It is hereby declared that the State values the dignity of women, children, and marginalized genders and guarantees full respect for human rights. The State also recognizes the need to protect the family and its members from all forms of violence and threats to their personal safety and security.

Towards this end, the State shall exert efforts to address violence committed against men, women, members of the of the LBTQIA+ Community that are in partnership, and children in keeping with the fundamental freedoms guaranteed under the Constitution and provisions of the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Rights of the Child, and other international human rights instruments of which the Philippines is a state party."

SECTION 3. Section 3 of the same law is hereby amended as follows:
“SECTION 3. Definition of Terms. – As used in this Act,

(a) “Violence against partners and their children” refers to any act or a series of acts committed by any person against their spouse, former spouse, partner, or against any other person with whom they have or had a sexual or dating relationship, or with whom they have a common child, or against the other person’s 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.

The term “partner” may refer to any individual who identifies as a heterosexual, lesbian, gay, bisexual, transgender, queer, intersex, asexual, and individuals of various sexual and gender orientations (hereinafter referred to as “LGBTQIA+”).

Violence against partners and their children includes, but is not limited to, the following acts:

A. “Physical violence” refers to an act that includes bodily or physical harm;

B. “Sexual violence” refers to an act which is sexual in nature, committed against a partner or their child. It includes, but is not limited to:

i. Rape, sexual harassment, acts of lasciviousness, treating a partner or their child as a sex object, making demeaning and sexually suggestive remarks, physically attacking the sexual parts of the victim’s body, forcing them to watch obscene publications and indecent shows or forcing the partner or their child to do indecent acts and/or make films thereof, forcing the partner to live in the conjugal home or common home or sleep together in the same room with the abuser;

ii. 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 coercions;

iii. Prostituting the partner or their child.

C. “Psychological violence” refers to an act or omission 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.
It shall also include electronic or information communication technology (ICT)-related violence which refers to an act or omission involving the use or exploitation of data or any form of ICT which causes or is likely to cause mental, emotional, or psychological distress or suffering to the partners and their children. This includes any forms of harassment, intimidation, coercion, threat, or vilification of the partner or their children through any form, as well as any form of stalking including hacking of personal accounts on social media and the use of location data from electronic devices, fabrication of fake information or new through text messages or other cyber, electronic, or multimedia technology.

D. "Economic abuse" refers to an act that makes or attempts to make a partner financially dependent which includes, but is not limited, to the following:

i. 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 or partner objects on valid, serious and moral grounds as defined in Article 73 of the Family Code;

ii. Deprivation or threat of deprivation of financial resources and the right to the use and enjoyment of the conjugal or community property, or property owned in common;

iii. Destroying household property;

iv. Controlling the victim’s own money or properties or solely controlling the conjugal or common money or properties.

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(i) "Discrimination" refers to any distinction, exclusion, restriction, or preference based on sex, sexual orientation, gender identity or expression, and has the purpose or effect of nullifying or impairing the recognition, access to, enjoyment, or exercise by all persons on an equal footing of all rights and freedoms. The actual sex, sexual orientation, or gender identity of the victim shall not be relevant for the purpose of determining whether an act of discrimination has been committed.

(j) "Hate crime" refers to a criminal act or bias crime motivated by another person’s race, color, religion, national origin, gender, sexual orientation, gender identity, or disability."

SECTION 4. Section 5 of the same law is amended to include the following:

"SECTION 5. Acts of Violence Against Partners and Their Children. – The crime of violence against partners and their children is committed through any of the following acts:
(k) Creating fake social media accounts using an alias or a different personal information with ill-intent and malice to sow intrigue and inflict harm.

SECTION 5. Section 6 of the same law is amended to read as follows:

"SECTION 6. Penalties. – The crime of violence against partners and their children under Sec. 5 hereof shall be punished according to the following rules:

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

Also, any acts of violence perpetrated as hate crimes against partners and their children which includes discrimination on the grounds of sex, sexual orientation, gender identity or expression shall be considered as special aggravating circumstance where the penalty shall be imposed on its maximum period.

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SECTION 6. Section 33 of the same law is amended, to read as follows:

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Willful refusal of a government official whose duty is to investigate, prosecute, or otherwise act on a complaint for a violation of this Act to perform such a duty without a valid ground shall constitute gross negligence on the part of the public official and shall be subject to administrative sanctions."

SECTION 7. Section 39 of the same law is amended to include the following:

"SECTION 41. Inter-Agency Council on Violence Against Partners and their Children (IAC-VAPC). – In pursuance of the abovementioned policy, there is hereby established an Inter-Agency Council on Violence Against Partners and their Children, hereinafter known as the Council, which shall be composed of the following agencies:

(a) Department of Social Welfare and Development (DSWD);
(b) National Commission on the Role of Filipino Women (NCRFW);"
(c) Civil Service Commission (CSC);

(d) Commission on Human Rights (CHR);

(e) Council for the Welfare of Children (CWC);

(f) Department of Justice (DOJ);

(g) Department of the Interior and Local Government (DILG);

(h) Philippine National Police (PNP);

(i) Department of Health (DOH);

(j) Department of Education (DepEd);

(k) Department of Labor and Employment (DOLE);

(l) National Bureau of Investigation (NBI);

(m) Department of Foreign Affairs (DFA);

(n) Movie and Television Review and Classification Board (MTRCB);

(o) Philippine Commission on Women (PCW);

(p) Department of Information and Communications Technology (DICT);

(q) Commission on Overseas Filipinos; and

(r) Two (2) representatives from civil society organizations.

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SECTION 9. Any reference to woman/women in the same law shall also refer to partner/s of other sexual orientation and gender identity and expression, without prejudice to any law providing distinction and limitations to the rights of men and women including the Civil Code and the Family Code.

SECTION 10. Suppletory Application. – For purposes of this Act, the Revised Penal Code and other applicable laws shall have suppletory application.

SECTION 11. Separability Clause. – If any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions shall not be affected.

SECTION 12. Repealing Clause. – All laws, presidential decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.
SECTION 13. Effectivity. – This Act shall take effect fifteen (15) days from the date of its complete publication in at least two (2) newspapers of general circulation.

Approved,