

EIGHTEENTH CONGRESS )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez*

House Bill No. **5223**

EXPLANATORY NOTE

It is now very common to find in the internet various so-called "scandals" where sexual acts are recorded on video and posted online without the permission of either party. More often than not, it is the male who posts the video for various reasons to the detriment of the female victim.

There are various laws that were supposed to protect women from these types of violations including Republic Act 9262 or the the Anti-Violence Against Women and Their Children Act, and Republic Act 9995 or the Anti-Photo and Video Voyeurism Act of 2009.

Unfortunately, with various advancements in technology, existing laws are not enough and there are still deficiencies and loopholes in the laws. RA 9995 did not take into account the special relationship component among parties in RA 9262. Also, RA 9262 does not take into consideration the existence of a new form of violence now known as electronic violence against women or EVAW.

As such, we need amendments to the law. It is in this regard that amendments to the law are sought, amendments which are designed to protect women and their children, and penalize violators of the law who manipulate and take advantage of technology to inflict violence.

In view of the foregoing, immediate approval of this measure is earnestly requested.

  
RUFUS B. RODRIGUEZ

HOUSE OF REPRESENTATIVES

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House Bill No. **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"

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

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

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

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

- a. XXX
- A. XXX
- B. XXX

C. "Psychological violence" refers to acts or omissions **THAT MAY BE COMMITTED THROUGH PHYSICAL, VERBAL, EMOTIONAL, ELECTRONIC OR INFORMATION COMMUNICATION TECHNOLOGY (ICT) - RELATED MEANS, OR OTHER MEANS** causing or likely to cause mental or emotional suffering of [the victim] **A WOMAN AND HER CHILDREN** such as [but not limited to] intimidation, harassment, stalking, damage to property, public ridicule or humiliation, [repeated] verbal abuse and marital infidelity. It includes **THE ACT OF** causing or [allowing the victim] **COERCING A WOMAN AND HER CHILDREN** to witness the physical, sexual or psychological abuse of a member of the family to which the [victim] **WOMAN AND HER CHILDREN** belong[s], 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. XXX

E. "ELECTRONIC OR ICT-RELATED VIOLENCE" REFERS TO ANY ACT OR OMISSION INVOLVING THE USE OR EXPLOITATION OF DATA OR ANY FORM OF INFORMATION AND COMMUNICATIONS TECHNOLOGY WHICH CAUSES OR IS LIKELY TO CAUSE MENTAL, EMOTIONAL, OR PSYCHOLOGICAL DISTRESS OR SUFFERING TO THE WOMAN AND HER CHILDREN, TO INCLUDE 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 GENITALIA OF A WOMAN AND THOSE OF 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 EXPRESSION OR GESTURE OF THE WOMAN AND HER CHILDREN WHICH MAY BE CONSTRUED AS LEWD, INDECENT OR OBSCENE;
3. UNAUTHORIZED RECORDING, REPRODUCTION, DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY PHOTOGRAPH, VIDEO, OR ANY OTHER FORM OF ELECTRONIC 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 AS THOSE ENUMERATED IN SUBSECTION (a) E. 1-3;
5. UNAUTHORIZED USE OF A PHOTOGRAPH, VIDEO, VOICE RECORDING, NAME OR ANY MARK, REFERENCE OR CHARACTER IDENTIFIABLE WITH A WOMAN AND HER CHILDREN AND SUGGESTIVE OF A WRONGDOING, CONDUCT OR ATTRIBUTE THAT TENDS TO BESMIRCH 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 TECHNOLOGY;
7. STALKING, INCLUDING THE HACKING OF PERSONAL ACCOUNTS ON SOCIAL NETWORKING SITES AND THE USE OF LOCATION DATA FROM ELECTRONIC DEVICES;
8. FABRICATION OF FAKE INFORMATION OR NEWS THROUGH TEXT MESSAGING OR OTHER CYBER, ELECTRONIC, OR MULTIMEDIA TECHNOLOGY; AND
9. CREATION OF FAKE SOCIAL MEDIA ACCOUNTS USING AN ALIAS OR A DIFFERENT INDIVIDUAL'S PERSONAL INFORMATION WITH ILL INTENT AND MALICE, TO SOW INTRIGUE OR INFLICT HARM."

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

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

- a. XXX
- b. XXX

- c. XXX
- d. XXX
- e. XXX
- f. XXX
- g. XXX
- h. XXX
- 1. XXX
- 2. XXX
- 3. XXX
- 4. Destroying the property and personal belongings or inflicting harm to animals or pets of the woman [or] AND her child; [and]
- 5. XXX
- 6. UNAUTHORIZED RECORDING, REPRODUCING OR DISTRIBUTING OF VIDEOS WHICH ARE SHOWING THE WOMAN AND HER CHILDREN'S NAKED OR IN THEIR UNDERGARMENT CLAD GENITALS, PUBIC AREA, BUTTOCKS OR BREASTS;
- 7. SHARING WITHOUT THE CONSENT OF A WOMAN AND HER CHILDREN, ANY MEDIA THAT CONTAIN PICTURES, VOICE RECORDING OR VIDEO OF THE WOMAN AND HER CHILDREN WHICH MAYBE CONSTRUED AS LEWD, INDECENT OR OF SEXUAL CONTENT; AND
- 8. USING THE PICTURES, VIDEO, VOICE NAME OR ANY OTHER ASPECT OF THE IDENTITY OF A WOMAN AND HER CHILDREN WITHOUT PERMISSION AND FOR MALICIOUS PURPOSES INCLUDING BUT NOT LIMITED TO PORNOGRAPHY, AND OTHER VIOLATIONS STIPULATED IN REPUBLIC ACT NO. 10175, OTHERWISE KNOWN AS THE "CYBER CRIME PREVENTION ACT OF 2012".
- i. XXX
  - (J) INFLECTING ELECTRONIC VIOLENCE AGAINST A WOMAN AND HER CHILDREN; AND
  - (K) THREATENING TO CAUSE ELECTRONIC VIOLENCE AGAINST A WOMAN AND HER CHILDREN."

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

"SEC. 6. *Penalties.* – XXX

- a. XXX
- b. XXX
- c. XXX
- d. XXX
- e. XXX
- f. XXX

(G) ACTS FALLING UNDER SECTION 5(J) AND 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 this section.

In addition to imprisonment, the perpetrator shall (a) pay a fine in the amount of not less than [One] THREE hundred thousand pesos ([P100,000.00]P300,000.00) but not more than [Three] FIVE hundred thousand pesos ([P300,000.00]P500,000.00), *PROVIDED, THAT, IN CASES INVOLVING ELECTRONIC OR ICT-RELATED VIOLENCE, THE FINE THAT MAY BE IMPOSED SHALL NOT BE LESS THAN THREE HUNDRED THOUSAND PESOS (PHP300,000.00) BUT NOT MORE THAN FIVE HUNDRED THOUSAND PESOS (PHP 500,000.00);* AND (b) undergo



mandatory psychological counseling or psychiatric treatment and shall report compliance to the court."

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

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

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

"SEC. 8. *Protection Orders* – XXX

- a. XXX
- b. XXX
- c. XXX
- d. XXX
- e. XXX
- f. XXX
- g. XXX
- h. XXX
- i. XXX
- j. XXX, [and]
- k. XXX; AND

(L) FOR E-VAWC CASES, ORDERING THE IMMEDIATE BLOCKING, BLACKLISTING, REMOVAL, OR SHUTDOWN OF ANY UPLOAD, PROGRAM, OR APPLICATION THAT CAUSES OR TENDS TO CAUSE VIOLENCE AGAINST A WOMAN AND HER CHILDREN. FAILURE OF THE INTERNET SERVICE PROVIDERS TO COOPERATE WITH LAW ENFORCEMENT AGENCIES CONSTITUTES THE CRIME OF OBSTRUCTION OF JUSTICE. THE DUTIES OF THE INTERNET SERVICE PROVIDERS AS PROVIDED FOR UNDER SECTION 9 OF REPUBLIC ACT NO. 9775, OTHERWISE KNOWN AS THE "ANTI-CHILD PORNOGRAPHY ACT OF 2009" SHALL BE APPLICABLE."

XXX

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

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

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

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

- a. XXX
- b. [National Commission on the Role of Filipino Women (NCRFW)] PHILIPPINE COMMISSION ON WOMEN (PCW);
- c. XXX
- d. XXX

- e. XXX
- f. XXX
- g. XXX
- h. XXX
- i. XXX
- j. XXX
- k. XXX
- l. XXX; [and]

- M. MOVIE AND TELEVISION REVIEW AND CLASSIFICATION BOARD (MTRCB);
- N. DEPARTMENT OF SCIENCE AND TECHNOLOGY (DOST) ;
- O. NATIONAL TELECOMMUNICATIONS COMMISSION (NTC);
- P. DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY (DICT);
- Q. DEPARTMENT OF FOREIGN AFFAIRS (DFA);
- R. COMMISSION ON FILIPINOS OVERSEAS (CFO); AND
- S. TWO (2) REPRESENTATIVES FROM CIVIL SOCIETY ORGANIZATIONS (CSOs) WITH PROVEN TRACK RECORD OF INVOLVEMENT IN THE PREVENTION AND ELIMINATION OF VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (VAWC) WHO SHALL BE CHOSEN BY THE GOVERNMENT AGENCY REPRESENTATIVES OF THE COUNCIL TO SERVE 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 ADDRESS TO BE USED WHEN INTERACTING WITH GOVERNMENT AGENCIES AND A NEW MAILING ADDRESS TO KEEP THEIR ACTUAL WHEREABOUTS CONFIDENTIAL AND FREE FROM THE RISK OF DISCOVERY BY THIRD PARTIES. THE PROGRAM SHALL CATER TO WOMEN AND THEIR CHILDREN WHO INTEND TO ESTABLISH A NEW RESIDENCE OR THOSE WHO HAVE ALREADY RELOCATED TO ANOTHER PLACE UNKNOWN TO THEIR ASSAILANTS OR ABUSERS WHO MAY USE PUBLIC RECORDS TO FIND THEM.



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

ANY OFFICIAL OR EMPLOYEE WHO WILLFULLY BREACHES THE CONFIDENTIALITY OF THESE RECORDS OR WILLFULLY DISCLOSES THE NAME, RESIDENTIAL OR MAILING ADDRESS OF A WOMAN AND HER CHILDREN IN VIOLATION OF THIS PROVISION, SHALL SUFFER THE PENALTY OF ONE (1) YEAR IMPRISONMENT AND A FINE OF NOT LESS THAN THREE HUNDRED THOUSAND PESOS (P300,000.00) BUT NOT MORE 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 COURT, PHYSICIANS, SOCIAL WORKERS, AND LICENSED COUNSELORS AS THE CASE MAY BE, SHALL ISSUE A CERTIFICATION, AT NO COST TO THE WOMAN, THAT SUCH IS PENDING UNDER THEIR JURISDICTION. THIS CERTIFICATION SHALL BE THE ONLY REQUIREMENT FOR THE EMPLOYER TO GRANT THE TEN (10)-DAY PAID LEAVE APPLICATION. FOR GOVERNMENT EMPLOYEES, IN ADDITION TO THE AFOREMENTIONED CERTIFICATION, THE EMPLOYEE CONCERNED MUST FILE AN APPLICATION FOR LEAVE, CITING THIS ACT. 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.

THE AVAILMENT OF THE TEN (10) -DAY LEAVE OF ABSENCE SHALL BE AT THE OPTION OF THE WOMAN EMPLOYEE, AND IT 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.



THE IMMEDIATE SUPERIOR OF THE PERSON APPLYING FOR A TEN (10)-DAY PAID LEAVE MUST APPROVE THE APPLICATION ON THE SAME DAY THAT IT WAS FILED. 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.

ALL PRIVATE COMPANIES AND GOVERNMENT AGENCIES SHALL RECORD ALL APPLICATIONS FOR LEAVE IN A LOGBOOK SPECIFICALLY FOR CASES OF VAWC. THEY SHALL SUBMIT A QUARTERLY REPORT ON ALL APPLICATIONS FILED TO THE REGIONAL DIRECTOR OF THE DOLE FOR EMPLOYEES OF THE PRIVATE SECTOR, AND THE CSC, FOR GOVERNMENT EMPLOYEES.

FAILURE TO ACT ON AN APPLICATION FOR A TEN (10)-DAY PAID LEAVE OF ABSENCE WITHIN THE GIVEN PERIOD WITHOUT JUSTIFIABLE CAUSE SHALL RENDER THE IMMEDIATE SUPERIOR OR SENIOR OFFICIAL ADMINISTRATIVELY LIABLE, AND THE PENALTY OF SUSPENSION FOR FIFTEEN (15) DAYS SHALL BE IMPOSED UPON THE OFFICIAL. AN ADMINISTRATIVE COMPLAINT AGAINST THE IMMEDIATE SUPERIOR OR SENIOR OFFICIAL FOR FAILURE TO PERFORM ONE'S DUTIES CAN BE FILED BY A VICTIM-SURVIVOR WITH THE REGIONAL DIRECTOR OF THE DOLE FOR EMPLOYEES OF THE PRIVATE SECTOR, AND THE CSC, FOR GOVERNMENT EMPLOYEES, FOR GROSS NEGLIGENCE 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 TO GRANT LEAVE TO A VICTIM-SURVIVOR SHALL BE HELD ADMINISTRATIVELY LIABLE AND THE PENALTY OF SUSPENSION FOR FIFTEEN (15) DAYS SHALL BE IMPOSED ON THE OFFICIAL."

**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.

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

Approved,