

## WHAT CAN WOMEN AND CHILDREN DO UNDER THE LAW?

The law allows women and their children to secure barangay protection order and/or temporary or permanent protection order from the courts.

They can also file an independent civil action for damages and criminal action for the violation of anti-VAWC Act.

## WHAT IS A PROTECTION ORDER?

It is an order prescribed in the Anti-VAWC Act to prevent further abuse of or violence against a woman and her child. It also provides them relief from said abuse or violence.

## WHO MAY FILE THE PROTECTION ORDER?

Anyone of the following may also file the protection order in behalf of the victim/s:

- a. Parent or guardian
- b. Grandparents
- c. Children and grandchildren
- d. Relatives (aunts, uncles, cousins, in-laws)
- e. Local officials and DSWD social workers
- f. Police
- g. Lawyers
- h. Counselors
- i. Therapists
- j. Health care providers (nurses, doctors, barangay health workers)
- k. Any two people who came from the city or municipality where VAWC happened and who have personal knowledge of the crime

## DON'T BE AFRAID TO SEEK HELP

### Department of Social Welfare and Development (DSWD)

NCR Ugnayang Pag-asa  
Legarda, Manila  
Crisis Intervention Unit (CIU)  
Tel. Nos.: (02) 734-8617 to 18

Rehabilitation Unit  
Tel. No.: (02) 734-8635

### Philippine National Police (PNP)

Women and Children's Concern Division (WCCD)  
Tel. No.: (02) 723-0401 loc. 3480  
Call or text 117 (PATROL 117)

### National Bureau of Investigation (NBI)

Violence Against Women and Children's Desk (VAWCD)  
Tel. Nos.: (02) 523-8231 loc. 3403; 525-6098

### Public Attorney's Office, DOJ

Tel. Nos.: (02) 929-9010; 929-9436 to 37

### Philippine General Hospital (PGH)

Women's Desk  
Tel. Nos.: (02) 524-2990; 521-8450 loc. 3816

### Women's Crisis Center

Women and Children Crisis Care & Protection Unit –  
East Avenue Medical Center (WCCCPU-EAMC)  
Tel. Nos.: (02) 926-7744; 922-5235

### KALAKASAN

Tel. Nos.: (02) 735-5555; 735-8303

### Sources:

- n *A Guide to Anti-Violence Against Women and their Children (RA 9262)*. Philippine Information Agency and the NCRFW. 2004
- n *END VAW A Complete Reference Book on the Anti-Violence Against Women and their Children Act of 2004 [Ra 9262]*. Published by the Support Service Institute of Women and the Democratic Socialist Women in the Philippines. 2006
- n RA 9262 Anti-Violence Against Women and Children Act of 2004 Implementing Rules and Regulations.
- n Q & A Implementing Rules and Regulations RA 9262 Anti-Violence Against Women and their Children Act of 2004. A Handbook for the Philippine National Police Personnel.
- n *Barangay Protection Order RA 9262 A Primer*. Department of Interior and Local Government, National Barangay Operations Office. 2004

# REPUBLIC ACT 9262

## The Anti-Violence Against Women and their Children (VAWC) Act of 2004

## *A Briefer*

“With Funding Assistance from the Office of Senator Pia S. Cayetano”

For more information, please contact the  
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PHILIPPINE COMMISSION ON WOMEN

## WHAT IS REPUBLIC ACT NO. 9262?

RA 9262 is the Anti-Violence Against Women and their Children Act of 2004.

It seeks to address the prevalence of violence against women and children (VAWC), abuses on women and their children by their intimate partners like:

- Husband or ex-husband
- Live-in partner or ex-live in partner
- Boyfriend/girlfriend or ex-boyfriend/ex-girlfriend
- Dating partner or ex-dating partner

The Act classifies violence against women and children (VAWC) as a public crime.

### What is VAWC under the law?

It 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:

- ✓ **“Physical violence”** refers to acts that include bodily or physical harm;
- ✓ **“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;
  - 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 her child.

✓ **“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 marital 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.

✓ **“Economic abuse”** refers to acts that make or attempt to make a woman financially dependent. This includes but is not limited to the following:

- a) 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;
  - b) 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;
  - c) destroying household property;
  - d) controlling the victim’s own money or properties or solely controlling the conjugal money or properties.
- Children are those below 18 years of age or older but are incapable of taking care of themselves (as stated in Republic Act 7610). It includes the biological children of the victim and other children under her care.
  - A dating relationship is one which has a romantic involvement. It means that a relationship existed between a woman and a partner who is abusive or has previously abused her, whether or not the relationship was formal.
  - “Sexual relations” refer to a single sexual act which may or may not result to a bearing of a child.

### WHO GETS PROTECTED UNDER THE LAW?

- The law recognizes the unequal relations of a man and a woman in an abusive relationship where it is usually the woman who is the disadvantaged. Thus, the law protects the woman and her children.
- The victim, the child who is a minor (legitimate and illegitimate), and a person aged 18 years and beyond who doesn’t have the ability to decide for herself/himself because of an emotional, physical and mental illness can make full use of the law.
- Any child under the care of a woman is also protected under the law.

### IS VAWC COMMITTED BY MEN ALONE?

Women can also be liable under the law. These are the lesbian partners/ girlfriends or former partners of the victim with whom she has or had a sexual or dating relationship. (Source: *Barangay Protection Order RA 9262 A Primer*. Department of Interior and Local Government, National Barangay Operations Office. 2004)

### WHAT IF THE FEMALE VICTIM COMMITS VIOLENCE AGAINST HER PARTNER?

The law acknowledges that women who have retaliated against their partners or who commit violence as a form of self-defense may have suffered from *battered women syndrome* (BWS).

BWS is a “scientifically defined pattern of psychological and behavioral symptoms found in women living in battering relationships as a result of cumulative abuse” (Salient Features. *A Guide to Anti-Violence Against Women and their Children* [RA 9262]. Philippine Information Agency and National Commission on the Role of Filipino Women. 2004)

Any victim who suffers from BWS should be diagnosed by a psychiatric expert or a clinical psychologist. This will also help the victim in obtaining a just decision in her case.

The law does not allow the offender to have custody of minor children. Their care is still entrusted to the woman even if she is found to have BWS.

### WHAT IF THE MALE SPOUSE/PARTNER COMPLAINS ABOUT ABUSES COMMITTED BY HIS WIFE/PARTNER?

He may file a complaint or case under the Revised Penal Code.

### WHAT ARE THE PENALTIES FOR COMMITTING VAWC?

If the courts have proven that the offender is guilty of the crime, he may be imprisoned and will be obliged to pay P100, 000 to P300, 000 in damages. The length of imprisonment depends on the gravity of the crime.

The offender is also obliged to undergo psychological counseling or psychiatric treatment.

Being drunk or under the influence of prohibited drugs cannot be taken as an excuse for committing VAW.