



Republika ng Pilipinas

Lungsod ng Caloocan



TANGGAPAN NG SANGGUNIANG PANLUNGSOD

ORDINANCE NO. 0645 S. 2016

(PROPOSED ORDINANCE No. 10-018)

AN ORDINANCE MANDATING THE ESTABLISHMENT OF AN ANTI-VIOLENCE AGAINST WOMEN AND CHILDREN'S (VAWC) DESK IN EVERY BARANGAY OF CALOOCAN CITY, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES.

SPONSORED BY:

Hon. MARYLOU "ALOU" NUBLA

WHEREAS, Republic Act No. 9710 otherwise known as the *Magna Carta of Women* provides for a comprehensive women's human rights law that seeks to eliminate discrimination against women by recognizing, protecting, fulfilling and promoting the rights of Filipino women, especially those in marginalized sector;

WHEREAS, Section 9 (d) of RA 9710 mandates that all local government units shall establish a Violence Against Women's Desk in every barangay to ensure that violence against women cases are fully addressed in a gender-responsive manner;

WHEREAS, a joint Memorandum Circular No. 2010-2 dated December 9, 2010 has been issued by the DILG, DSWD, DOH, DepEd and the Philippine Commission on Women to provide guidelines and procedures for the establishment of Women's Desk in every barangay pursuant to the Implementing Rules and Regulations of R.A. 9710;

WHEREAS, Section 47 (f) of Implementing Rules and Regulations of Republic Act No. 9262 otherwise known as the *"Anti-Violence Against Women and their Children Act of 2004"* provides that in order to eliminate violence against women and their children, the barangay shall have an anti-Violence Against Women and Children (VAWC) desk person who shall coordinate a one-stop help desk. As much as possible, this help desk shall be open for 24 hours;

WHEREAS, it is therefore imperative that a VAWC desk in every barangay be mandatorily set-up and made available to attend to and act upon all VAWC cases referred to or brought before the barangay.

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NOW, THEREFORE, BE IT ORDAINED as it is hereby ordained by the Sangguniang Panlungsod, Caloocan City, in session duly assembled, THAT:

SECTION 1. DEFINITION OF TERMS – As used in this Ordinance and pursuant to RA 9262, the following terms shall be understood to mean:

- 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 results 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:
 1. Physical violence refers to acts that include bodily or physical harm;
 2. 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:
 - i. 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;
 - 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 coercion; and
 - iii. prostituting the woman or her child.

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3. Psychological violence refers to acts or omissions causing or likely to cause mental or emotional suffering to 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.
4. Economic abuse refers to acts that make or attempt to make a woman 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/ 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, community or property owned in common;
 - iii. destroying household property; and controlling the victim's own money or properties or solely controlling the conjugal money or properties.
- b. Battery – refers to an act of inflicting physical harm upon the woman or her child resulting to physical and psychological or emotional distress.
- c. Battered Woman Syndrome – refers to a scientifically defined pattern of psychological and behavioral symptoms that have resulted from cumulative abuse found in women living in battering relationships.
- d. Stalking – refers to an intentional act committed by a person who, knowingly and without lawful justification follows the woman or her child or places the woman or her child under surveillance directly or indirectly or a combination thereof.

- e. Dating relationship – refers to a situation wherein the parties live as husband and wife without the benefit of marriage or are romantically involved over time and on a continuing basis during the course of the relationship. A casual acquaintance or ordinary socialization between two individuals in a business or social context is not a dating relationship.

- f. Protection Order. – A protection order is an order issued under the Act for the purpose of preventing further acts of violence against a woman or her child and granting other necessary reliefs. The relief granted under a protection order should serve the purpose of safeguarding the victim-survivor from further harm, minimizing any disruption in the victim-survivor's daily life, and facilitating the opportunity and ability of the victim-survivor to independently regain control over her life. The provisions of the protection order shall be enforced by law enforcement agencies. The protection order that may be issued by the barangay shall be known as a Barangay Protection Order (BPO). The protection order that may be issued by the court may be a Temporary Protection Order (TPO) or a Permanent Protection Order (PPO).

- g. Sexual relation - refers to a single sexual act which may or may not result in the bearing of a common child.

- h. Safe Place or Shelter – refers to any home or institution maintained or managed by the Department of Social Welfare and Development (DSWD) or by any other agency or voluntary organization accredited by the DSWD for the purposes of the Act or any other suitable place the resident of which is willing to temporarily receive the victim.

- i. Children – refer to those below eighteen (18) years of age or older but are incapable of taking care of themselves as defined under Republic Act No. 7610. As used in the Act, it includes the biological or adopted children of the victim and other children under her care including foster children, relatives or other children who live with her.

- j. Psychosocial services - refer to the provision of help or support for the total well-being of an individual who has suffered as a result of physical harm and psychological or emotional distress that further resulted in an unpleasant or traumatic experience. The services are provided to restore the impaired physical, social,

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emotional, psychological, and spiritual aspects of the person, to ensure the victims' safety and security, and involves the process of recovery and re-integration into community life.

- k. VAWC Desk – a facility that would address VAWC cases in a gender-responsive manner, managed by a person designated by the punong barangay. It is situated within the premises of the barangay hall. In the absence of a barangay hall, the VAWC Desk shall be established within the premises where the punong barangay holds office.
- l. Victim-survivor –refers to the women and children victims of VAWC.

SECTION 2. ESTABLISHMENT OF VAWC DESK - The punong barangay shall provide an area within the barangay hall for the VAWC desk. He shall also provide for the necessary furniture and fixtures such as, but not limited to, table, chairs, separate filing cabinet and log book for record-keeping of cases.

SECTION 3. DESIGNATION OF VAWC DESK OFFICER - The punong barangay shall designate, preferably the chairperson of the Committee on Women and Family of the Sangguniang Barangay as VAWC desk officer. A woman barangay tanod may also assist the desk officer in handling gender-sensitive VAWC cases. They shall undergo basic gender sensitivity training and orientation on anti-VAWC laws.

SECTION 4. FUNCTIONS OF THE BARANGAY VAWC DESK – The VAWC Desk shall perform the following tasks:

- a. Respond to gender-based violence cases brought to the barangay;
- b. Record the number of gender-based violence handled by the barangay and submit a quarterly report on all cases of VAWC to the City DILG Field Office and the City's Social Welfare Department;
- c. Keep VAWC case records confidential and secured, and ensure that only authorized personnel can access it;
- d. Assist victims of VAWC in securing Barangay Protection Order (BPO) and access necessary services;

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- e. Develop the barangay gender-responsive plan in addressing gender based violence, including support services, capacity building and referral system;
- f. Coordinate with and refer cases to government agencies, non-government organizations (NGOs), institutions, and other service providers as necessary;
- g. Address other forms of abuse committed against women, especially senior citizens, women with disabilities, and other marginalized groups;
- h. Lead advocacies on the elimination of VAWC in the community; and
- i. Perform other related functions as may be assigned.

SECTION 5. PROTOCOL IN HANDLING VAWC CASES - The following protocols shall be observed by the VAWC desk officer when responding to VAWC situations:

- a. A VAWC victim-survivor is accompanied by someone to the barangay or the victim herself goes to the barangay.
 - 1. Make the woman (and children, if applicable) comfortable in a safe and private room giving her water and other immediate needs, if any;
 - 2. Assess the situation and get initial information to determine the risks on hand and if immediate medical attention is needed. If so, facilitate referral to the nearest medical facility;
 - 3. After the victim-survivor has stabilized, conduct of an investigation in a gender sensitive and non-judgmental manner in a language understood by her;
 - 4. Inform her of her rights and the remedies available and the processes involved particularly in relation to the BPO. Assist her to file application, if she decides to have a BPO;
 - 5. Record the incident using the national VAWC documentation system barangay form;

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6. If victim-survivor desires to be in a safe shelter, seek the assistance of the other barangay officials, barangay tanod or the police in getting her belongings and refer to a shelter or women's center or to the City's Social Welfare Department;
 7. Assist the victim-survivor to file for a temporary protection order (TPO) or permanent protection order (PPO) with the nearest Family Court within 24 hours after issuance of the BPO, if the victim-survivor so desires or she applies directly for a TPO/PPO instead of a BPO;
 8. Report the incident within four (4) hours to the PNP and the City's Social Welfare Department.
- b. A victim-survivor of VAWC is reported by a community member.
1. Verify the information and if needed, seek assistance from the PNP;
 2. Assess the situation and facilitate the rescue of the victim-survivor when necessary to ensure her safety, and when applicable the safety of her children;
 3. Inform the victim-survivor about her rights and remedies available particularly the BPO and its processes. Assist her to apply for a BPO, if she so desires;
 4. Refer victim-survivor for medical care and temporary shelter and other needs when needed based on the assessment done;
 5. Record the incident using the national VAWC documentation system barangay form;
 6. If not done earlier, report the incident within four (4) hours to the PNP and the City's Social Welfare Department.
- c. For rape, trafficking in persons and other cases which do not fall under the jurisdiction of the barangay, assist the victim-survivor to file a complaint at the PNP Women and Children Protection Center or the National Bureau of Investigation (NBI).

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SECTION 6. FILING AND RECORDING OF VAWC CASES - The designated VAWC desk officer shall record and file all VAWC cases and submit quarterly report to the punong barangay and the sangguniang barangay, with all the actions taken thereon including the status of each case. VAWC case records shall be treated with utmost confidentiality and security, and ensure that only authorized personnel can have an access on it.

SECTION 7. VAWC CASES NOT SUBJECT TO KATARUNGANG PAMBARANGAY LAW – Pursuant to RA 9262 and its IRR, all forms of amicable settlement under the *Katarungang Pambarangay Law* such as mediation, settlement, conciliation, and arbitration shall not apply to cases of VAWC.

SECTION 8. PENALTIES – Any violation of the provision of this ordinance shall be penalized with a fine of Two Thousand Pesos (PhP2,000.00) or imprisonment of not more than one (1) month or both upon discretion of the court. Without prejudice to the herein provided penalty, the person directly responsible for the violation as well as the punong barangay shall be held administratively liable for the offense/s committed.

SECTION 9. FUNDING REQUIREMENT – The cost of the establishment and operations of the anti-VAWC Desk shall be charged under the barangay Gender and Development (GAD) budget which is at least five percent (5%) of the Annual Barangay budget.

SECTION 10. SEPARABILITY CLAUSE – If any section or provision of this Ordinance is declared unconstitutional or invalid by competent court, other sections or provisions not affected thereby shall continue to be in full force and effect.

SECTION 11. REPEALING CLAUSE – All ordinances, resolution, local rules and regulations which are in consistent with or contrary to the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 12. EFFECTIVITY – This Ordinance shall take effect immediately upon its approval.

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**ENACTED BY THE SANGGUNIANG PANLUNGSOD, CITY OF CALOOCAN AT ITS
REGULAR SESSION HELD ON THE 9TH DAY OF NOVEMBER 2016.**

HON. CARMELO F. AFRICA III
CITY COUNCILOR

HON. EDGARDO N. ARUELO
CITY COUNCILOR

HON. DEAN ASISTIO
CITY COUNCILOR

HON. LUIS O. ASISTIO III
CITY COUNCILOR

HON. AURORA "ONET" A. HENSON, JR.
CITY COUNCILOR

HON. TOLENTINO J. BAGUS
CITY COUNCILOR

HON. CHRISTOPHER E. MALONZO
CITY COUNCILOR

HON. CAROLYN C. CUNANAN
CITY COUNCILOR

HON. MARYLOU "ALOU" NUBLA
CITY COUNCILOR

HON. MA. MILAGROS "ROSE" S. MERCADO
CITY COUNCILOR

(ON LEAVE)

HON. ANNA KARINA TEH
CITY COUNCILOR

HON. ROBERTO R. SAMSON
CITY COUNCILOR

HON. MARC MERVILLE T. OROZCO
CITY COUNCILOR

APPROVED BY HIS HONOR, THE CITY MAYOR ON _____, 2016.

APPROVED BY:

CERTIFIED BY:

HON. OSCAR G. MALAPITAN
City Mayor

HON. LUIS MACARIO E. ASISTIO
Presiding Officer

ATTESTED BY:

LILIBETH M. LUAKIAN
Secretary to the Mayor

LORENZO O. SUNGA, JR.
Secretary
Sangguniang Panlungsod