

Introduction:

Every year, November 25 – December 12 is the observance of the “**18-day Campaign to End Violence Against Women and Children**”. This was declared through Presidential Proclamation No. 1172 on 2006. The campaign covers the International Human Rights Day during December 10 and International Day Against Trafficking every December 12.

Through RA 10398, 25<sup>th</sup> day of November every year was declared as “**National Consciousness Day for the Elimination of Violence Against Women and Children**”.

Agencies are mandated to organize, engage or participate in activities designed to raise public awareness on the problem of violence, and the elimination of all forms of violence, against women and children.

To understand the essence of the VAWC campaign, the following brief regarding RA 9282 that comprises the **Anti-Violence Against Women and Their Children Act of 2004** is hereby presented.

#### **REPUBLIC ACT NO. 9262 is the Anti- Violence Against Women and their Children(VAWC) Act of 2004.**

- This law protects the family and its members particularly women and children, from violence and threats to their personal safety and security.
- VAWC is considered a public offense, which may be prosecuted upon the filing of a complaint by any citizen having personal knowledge of the circumstances involving the commission of the crime.

#### **What is VAWC under the law?**

*Violence against women and their children (VAWC)* refers to any acts 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 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 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.

**"Economic abuse"** refers to acts that make or attempt to make a woman financially dependent which 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 victims' own money or properties or solely controlling the conjugal money or properties.

**"Battery"** refers to an act of inflicting physical harm upon the woman or her child resulting to the physical and psychological or emotional distress.

**"Battered Woman Syndrome"** refers to a scientifically defined pattern of psychological and behavioral symptoms found in women living in battering relationships as a result of cumulative abuse.

**"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.

**"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.

**"Sexual relations"** refers to a single sexual act which may or may not result in the bearing of a common child.

**"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 this Act or any other suitable place the resident of which is willing temporarily to receive the victim.

**"Children"** refers 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 this Act, it includes the biological children of the victim and other children under her care.

#### **Is VAWC committed by men alone?**

Women can also be liable under the law. There are the lesbian partner/ 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)

#### **How about women who commit violence against their partner?**

Women who commit violence against their partners would be determined if they are suffering from *battered woman syndrome* (BWS) at the time of the commission by expert psychiatrists/psychologists.

Victim-survivors who are found by the courts to be suffering from BWS do not incur any criminal and civil liability notwithstanding the absence of any of the elements for justifying circumstances of self-defense under the Revised Penal Code.

#### **Other considerations**

Being under the influence of alcohol, any illicit drug, or any other mind-altering substance shall not be a defense under the Act.

A victim-survivor who is suffering from Battered Woman Syndrome shall not be disqualified from having custody of her children.

### 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?

Offenders who are guilty of VAWC crimes as declared by court may:

- ✓ be imprisoned and shall pay a fine in the amount of not less 100,000.00 but not more than 300,000.00.
- ✓ undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to the court.

### How does VAWC victim-survivor be protected?

The victim-survivor may requests:

1. Barangay Protection Order (BPO)
2. Temporary Protection Order (TPO)
3. Permanent Protection Order (PPO), issued by the court
4. File a criminal case for violation of RA 9262.

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 as cited in Section 7 of the RA9262 IRR.

### 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 VWC happened and who have personal knowledge of the crime.

### CORE MESSAGES ON VIOLENCE AGAINST WOMEN (VAW)

- VAW is a human rights issue. It strikes at the personhood of women and limits human development.
- VAW is rooted in historical and structural inequality in power relations between women and men, and persist in every country in the world as a pervasive violation of the enjoyment of human rights.
- Gender-based violence is a form of discrimination that seriously violates and impairs or nullifies the enjoyment by women and girls of all human rights and fundamental freedoms.
- VAW is characterized by the use and abuse of power and control in public and private spheres, and is intrinsically linked with gender stereotypes that underlie and perpetuate such violence.
- Policies, laws and mechanisms addressing VAW have been put in place, the need now is to sustain and improve on initial gains.
- Participation is a fundamental human right. Rights holder is entitled to demand his or her rights from duty-bearers.

### Sources:

- <http://www.pcw.gov.ph/event/18-day-campaign-end-violence-against-women-vaw-2014>
- Barangay Protection Order RA 9262 A Primer. Department of Interior and Local Government, National Barangay Operations Office. 2004
- Presidential Proclamation No. 1172 of 2006, 18-day Campaign to End Violence Against Women and Children
- RA 9262 Anti- Violence Against Women and their Children Act of 2004 Implementing Rules and Regulation
- RA 9262 Anti- Violence Against Women and their Children Act of 2004: A Briefer
- RA 10398 National Consciousness Day for the Elimination of Violence Against Women and Children

### SEEK HELP THROUGH THE FOLLOWING HOTLINES:

- KaagapaysaKababaihan at KabataanCenter (KKKC) Benguet State University –Office of the Student Services La Trinidad, Benguet Telephone No: 422-2043
- Barangay Women’s Desk
- Municipal Social Welfare & Development Office
- Police Outpost Women’s Desk
- BeGH Women & Children Protection Unit

Prepared by BSU-GAD Unit. July 2015



**Primer on  
Republic Act 9282  
Anti-Violence Against Women and their  
Children (VAWC) Act**