



## HOUSE OF REPRESENTATIVES

H. No. 5675

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BY REPRESENTATIVES DE JESUS, ILAGAN, ABAYON, TAMBUNTING, SY-ALVARADO, GARIN (S.), ARENAS, DIMAPORO (I.), BULUT-BEGTANG, MACROHON-NUÑO, DE VENECIA, REYES, HOFER, MERCADO-REVILLA, CATAMCO, CERILLES, SUANSING, VELASCO, OCAMPO, GARCIA (G.), UY (J.), BONOAN, ANTONINO, SANTIAGO, GERONA-ROBREDO, ZAMORA (M.), ACOSTA-ALBA, PAQUIZ, ARBISON, VARGAS-ALFONSO, GOMEZ, SAHALI, ESCUDERO, SUAREZ, TAN (M.), CALIXTO-RUBIANO, ERMITA-BUHAIN, PAGDILAO, RELAMPAGOS AND VILLARICA, PER COMMITTEE REPORT NO. 682

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AN ACT DEFINING ELECTRONIC VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING PROTECTIVE MEASURES, AND PRESCRIBING PENALTIES, 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:*

1           SECTION 1. *Short Title.* – This Act shall be known as "The Expanded  
2 Anti-Violence Against Women and Their Children (E-VAWC) Act".

3           SEC. 2. Section 3, paragraph (a) of Republic Act No. 9262, otherwise  
4 known as the "Anti-Violence Against Women and Their Children Act of  
5 2004", is hereby amended to read as follows:

1           “SEC. 3. *Definition of Terms.* – x x x

2                   “A. x x x

3                   “B. x x x

4                   “C. x x x

5                   “D. x x x

6                   “E. *‘ELECTRONIC VIOLENCE OR ICT-RELATED*  
7                   *VIOLENCE’* REFERS TO ANY ACT OR OMISSION INVOLVING THE  
8                   USE OR EXPLOITATION OF DATA OR ANY FORM OF  
9                   INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT)  
10                   WHICH CAUSES OR IS LIKELY TO CAUSE MENTAL, EMOTIONAL,  
11                   OR PSYCHOLOGICAL DISTRESS OR SUFFERING TO THE VICTIM,  
12                   TO INCLUDE THE FOLLOWING:

13                           “1. UNAUTHORIZED RECORDING, REPRODUCTION,  
14                           DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY  
15                           PHOTOGRAPH, VIDEO, OR ANY OTHER FORM OF ELECTRONIC  
16                           AND/OR ARTISTIC PRESENTATION SHOWING OR DEPICTING IN  
17                           ANY FORM OR MANNER THE VICTIM'S GENITALIA, PUBIC AREA,  
18                           BUTTOCKS, BREASTS, EXCRETORY BODY PART OR FUNCTION,  
19                           NUDITY, SCENES WITH SEXUAL CONTEXT OR PORTRAYAL  
20                           OF SEXUAL CONDUCT SUCH AS SEXUAL INTERCOURSE,  
21                           MASTURBATION, KISSING, CARESSING, HUGGING, AND  
22                           PETTING;

23                           “2. UNAUTHORIZED RECORDING, REPRODUCTION,  
24                           DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY  
25                           PHOTOGRAPH, VIDEO, OR ANY OTHER FORM OF ELECTRONIC  
26                           AND/OR ARTISTIC PRESENTATION EXHIBITING ANY SEXUALLY-  
27                           RELATED VERBAL OR NONVERBAL EXPRESSION OR GESTURE  
28                           OF THE VICTIM;

1           **"3. UNAUTHORIZED RECORDING, REPRODUCTION,**  
2           **DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY**  
3           **PHOTOGRAPH, VIDEO, OR ANY OTHER FORM OF ELECTRONIC**  
4           **AND/OR ARTISTIC PRESENTATION DEPICTING ANY PURPORTED**  
5           **VIOLENT OR ERRANT BEHAVIOUR OF THE VICTIM OR THE USE**  
6           **OF INTOXICATING OR PROHIBITED SUBSTANCES OR DRUGS;**

7           **"4. ANY SIMILAR RECORDING, REPRODUCTION,**  
8           **DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY AUDIO**  
9           **PRESENTATION AND DATA, INCLUDING SOUND CLIPS, OF THE**  
10           **SAME NATURE OR SIMILAR TO THOSE MENTIONED IN**  
11           **SUBSECTION (a) E. 1-3;**

12           **"5. UNAUTHORIZED USE OF THE VICTIM'S**  
13           **PHOTOGRAPH, VIDEO, VOICE, NAME OR ANY MARK,**  
14           **REFERENCE OR CHARACTER IDENTIFIABLE WITH THE VICTIM,**  
15           **AND SUGGESTIVE OF ANY WRONGDOING OR ANY CONDUCT OR**  
16           **ATTRIBUTE TENDING TO BLACKEN THE REPUTATION OF THE**  
17           **VICTIM;**

18           **"6. HARASSING OR THREATENING THE VICTIM**  
19           **THROUGH TEXT MESSAGING OR OTHER CYBER, ELECTRONIC,**  
20           **OR MULTIMEDIA MEANS; AND**

21           **"7. STALKING WHICH INCLUDES THE HACKING OF**  
22           **PERSONAL ACCOUNTS ON SOCIAL NETWORKING SITES AND THE**  
23           **USE OF LOCATION DATA FROM ELECTRONIC DEVICES."**

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

26           **"SEC. 5. *Acts of Violence Against Women and Their***  
27           ***Children.* -- x x x**

28           **"(a) x x x**

29           **"(b) x x x**

- 1           “(c) x x x
- 2           “(d) x x x
- 3           “(e) x x x
- 4           “(f) x x x
- 5           “(g) x x x
- 6           “(h) x x x
- 7           “(i) x x x[.];

8           “(j) CAUSING ELECTRONIC VIOLENCE AGAINST A  
9           WOMAN OR HER CHILD; AND  
10           “(k) THREATENING TO CAUSE ELECTRONIC VIOLENCE  
11           AGAINST A WOMAN OR HER CHILD.”

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

14           “SEC. 6. *Penalties.* – x x x

- 15           “(a) x x x
- 16           “(b) x x x
- 17           “(c) x x x
- 18           “(d) x x x
- 19           “(e) x x x
- 20           “(f) x x x[.];

21           “(g) ACTS FALLING UNDER SECTION 5(j) SHALL BE  
22           PUNISHED BY *PRISION CORRECCIONAL*; AND

23           “(h) ACTS FALLING UNDER SECTION 5(k) SHALL BE  
24           PUNISHED BY *ARRESTO MAYOR*.

25           “If the acts are committed while the woman or child is  
26           pregnant or committed in the presence of her child, the penalty

1 to be applied shall be the maximum period of penalty prescribed  
2 in this section.

3 "In addition to imprisonment, the perpetrator shall (a) pay  
4 a fine in the amount of not less than One hundred thousand  
5 pesos (P100,000.00) but not more than Three hundred thousand  
6 pesos (P300,000.00): **PROVIDED, THAT, IN CASES OF**  
7 **ELECTRONIC VIOLENCE, THE FINE THAT MAY BE IMPOSED**  
8 **SHALL NOT BE LESS THAN THREE HUNDRED THOUSAND PESOS**  
9 **(P300,000.00) BUT NOT MORE THAN FIVE HUNDRED**  
10 **THOUSAND PESOS (P500,000.00);** (b) undergo mandatory  
11 psychological counseling or psychiatric treatment and shall  
12 report compliance to the court."

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

15 "SEC. 7. *Venue.* – The Regional Trial Court designated  
16 as a Family Court shall have original and exclusive jurisdiction  
17 over cases of violence against women and their children under  
18 this law. In the absence of such court in the place where the  
19 offense was committed, the case shall be filed in the Regional  
20 Trial Court where the crime or any of its elements was  
21 committed at the option of the complainant. **IN CASES OF**  
22 **ELECTRONIC VIOLENCE, THE CASE MAY BE FILED IN THE**  
23 **PLACE WHERE THE COMPLAINANT RESIDES AT THE TIME OF**  
24 **THE COMMISSION OF THE OFFENSE."**

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

27 SEC. 8. *Protection Orders.* – x x x

28 "(a) x x x

1                   “(b) x x x

2                   “(c) x x x

3                   “(d) x x x

4                   “(e) x x x

5                   “(f) x x x

6                   “(g) x x x

7                   “(h) x x x

8                   “(i) x x x

9                   “(j) x x x [and]

10                  “(k) x x x[.]; AND

11                   “(L) FOR E-VAWC CASES, ORDERING THE IMMEDIATE  
12                   BLOCKING, BLACKLISTING, REMOVAL, OR SHUTDOWN OF ANY  
13                   UPLOAD, PROGRAM, OR APPLICATION THAT CAUSES OR TENDS  
14                   TO CAUSE VIOLENCE AGAINST THE VICTIM.”

15                  SEC. 7. Section 39 of Republic Act No. 9262 is hereby amended to  
16                  read as follows:

17                   “SEC. 39. *Inter-Agency Council on Violence Against*  
18                   *Women and Their Children (IAC-VAWC).* – x x x

19                   “(a) x x x

20                   “(b) x x x

21                   “(c) x x x

22                   “(d) x x x

23                   “(e) x x x

24                   “(f) x x x

25                   “(g) x x x

26                   “(h) x x x

27                   “(i) x x x

1                   “(j) x x x

2                   “(k) x x x [and]

3                   “(l) x x x [.] ;

4                   “(M) MOVIE AND TELEVISION REVIEW AND  
5                   CLASSIFICATION BOARD (MTRCB);

6                   “(N) DEPARTMENT OF SCIENCE AND TECHNOLOGY  
7                   (DOST); AND

8                   “(O) NATIONAL TELECOMMUNICATIONS COMMISSION  
9                   (NTC).

10                  “x x x.”

11                  SEC. 8. Section 40 of Republic Act No. 9262 is hereby amended to  
12                  read as follows:

13                         “SEC. 40. *Mandatory Programs and Services for*  
14                         *Victims.* – The DSWD, and LGUs shall provide the victims  
15                         temporary shelters, provide counseling, psycho-social services  
16                         and/or[,] recovery, rehabilitation programs and livelihood  
17                         assistance.

18                         “The DOH shall provide medical assistance to victims.

19                         “THE DOJ SHALL ESTABLISH AND ADMINISTER AN  
20                         ADDRESS CONFIDENTIALITY PROGRAM WHICH SHALL BE  
21                         REFERRED TO AS THE ‘PROGRAM’ WHICH SHALL ENSURE THE  
22                         PROTECTION AND SAFETY OF E-VAWC VICTIMS BY  
23                         PROVIDING THEM WITH SUBSTITUTE ADDRESS TO BE USED  
24                         WHEN INTERACTING WITH GOVERNMENT AGENCIES AND A  
25                         NEW MAILING ADDRESS WHICH KEEPS THEIR ACTUAL ADDRESS  
26                         CONFIDENTIAL AND FREE FROM THE RISK OF DISCOVERY BY  
27                         THIRD PARTIES. THE PROGRAM SHALL CATER TO VICTIMS  
28                         WHO INTEND TO ESTABLISH A NEW RESIDENCE AND THOSE  
29                         WHO HAVE ALREADY RELOCATED TO ANOTHER PLACE

1 UNKNOWN TO THEIR ASSAILANTS OR ABUSERS WHO MAY USE  
2 PUBLIC RECORDS TO FIND THEM.

3 "IN THIS REGARD, THE APPLICATION FOR INCLUSION IN  
4 THE PROGRAM AS WELL AS OTHER SUPPORTING DOCUMENTS  
5 SUBMITTED BY A VICTIM SHALL NOT BE CONSIDERED AS  
6 PUBLIC RECORD AND SHALL BE KEPT CONFIDENTIAL BY THE  
7 DOJ. ANY EMPLOYEE WHO WILLFULLY BREACHES THE  
8 CONFIDENTIALITY OF THESE RECORDS OR WILLFULLY  
9 DISCLOSES THE NAME, RESIDENTIAL OR MAILING ADDRESS OF  
10 A VICTIM IN VIOLATION OF THIS PROVISION SHALL SUFFER  
11 THE PENALTY OF ONE (1) YEAR IMPRISONMENT AND A FINE OF  
12 NOT MORE THAN FIVE HUNDRED THOUSAND PESOS  
13 (P500,000.00)."

14 SEC. 9. Section 43 of Republic Act No. 9262 is hereby amended to  
15 read as follows:

16 "SEC. 43. [*Entitlement to Leave.* – Victims under this  
17 Act shall be entitled to take a paid leave of absence up to ten  
18 (10) days in addition to other paid leaves under the Labor Code  
19 and Civil Service Rules and Regulations, extendible when the  
20 necessity arises as specified in the protection order.

21 "Any employer who shall prejudice the right of the  
22 person under this section shall be penalized in accordance with  
23 the provisions of the Labor Code and Civil Service Rules and  
24 Regulations. Likewise, an employer who shall prejudice any  
25 person for assisting a co-employee who is a victim under this  
26 Act shall likewise be liable for discrimination.] **TEN (10)-DAY  
27 PAID LEAVE IN ADDITION TO OTHER LEAVE BENEFITS. – ANY  
28 TIME DURING THE APPLICATION OF ANY PROTECTION ORDER,**



1 INVESTIGATION, PROSECUTION, AND/OR TRIAL OF THE  
2 CRIMINAL CASE, A VICTIM OF VAWC WHO IS EMPLOYED  
3 SHALL BE ENTITLED TO A PAID LEAVE OF UP TO TEN (10) DAYS  
4 IN ADDITION TO OTHER PAID LEAVES UNDER THE LABOR  
5 CODE, CIVIL SERVICE RULES AND REGULATIONS AND OTHER  
6 EXISTING LAWS AND COMPANY POLICIES, EXTENDIBLE WHEN  
7 THE NECESSITY ARISES AS SPECIFIED IN THE PROTECTION  
8 ORDER. THE PUNONG BARANGAY/KAGAWAD OR PROSECUTOR  
9 OR THE CLERK OF COURT, AS THE CASE MAY BE, SHALL ISSUE  
10 A CERTIFICATION, AT NO COST TO THE WOMAN, THAT SUCH AN  
11 ACTION IS PENDING. THIS CERTIFICATION SHALL BE THE  
12 ONLY REQUIREMENT FOR THE EMPLOYER TO GRANT THE  
13 TEN (10)-DAY PAID LEAVE APPLICATION. FOR GOVERNMENT  
14 EMPLOYEES, IN ADDITION TO THE AFOREMENTIONED  
15 CERTIFICATION, THE EMPLOYEE CONCERNED MUST FILE AN  
16 APPLICATION FOR LEAVE, CITING AS BASIS REPUBLIC ACT  
17 NO. 9262. THE ADMINISTRATIVE ENFORCEMENT OF THIS  
18 LEAVE ENTITLEMENT SHALL BE CONSIDERED WITHIN THE  
19 JURISDICTION OF THE REGIONAL DIRECTOR OF THE DOLE  
20 UNDER ARTICLE 129 OF THE LABOR CODE OF THE  
21 PHILIPPINES, AS AMENDED, FOR EMPLOYEES IN THE PRIVATE  
22 SECTOR, AND THE CSC, FOR GOVERNMENT EMPLOYEES.

23 "THE AVAILMENT OF THE TEN (10)-DAY LEAVE OF  
24 ABSENCE SHALL BE AT THE OPTION OF THE WOMAN  
25 EMPLOYEE, WHICH SHALL COVER THE DAYS THAT SHE HAS TO  
26 ATTEND TO MEDICAL AND LEGAL CONCERNS. LEAVES NOT  
27 AVAILED OF ARE NONCUMULATIVE AND NOT CONVERTIBLE TO  
28 CASH.

1           **“THE IMMEDIATE SUPERIOR OF THE PERSON APPLYING**  
2           **FOR A TEN (10)-DAY PAID LEAVE MUST APPROVE THE**  
3           **APPLICATION ON THE SAME DAY OF APPLICATION. IF THE**  
4           **IMMEDIATE SUPERIOR IS UNAVAILABLE TO ACT ON THE**  
5           **APPLICATION FOR A LEAVE, THE APPLICATION SHALL BE**  
6           **ACTED UPON BY ANY AVAILABLE SENIOR OFFICIAL OF THE**  
7           **PRIVATE COMPANY OR GOVERNMENT AGENCY.**

8           **“EVERY PRIVATE COMPANY AND GOVERNMENT**  
9           **AGENCY SHALL RECORD ALL APPLICATIONS FOR LEAVE IN A**  
10          **LOGBOOK SPECIFICALLY FOR CASES OF VAWC. THEY SHALL**  
11          **SUBMIT A QUARTERLY REPORT OF ALL APPLICATIONS ISSUED**  
12          **TO THE REGIONAL DIRECTOR OF THE DOLE FOR EMPLOYEES**  
13          **OF THE PRIVATE SECTOR, AND THE CSC, FOR GOVERNMENT**  
14          **EMPLOYEES.**

15          **“FAILURE TO ACT ON AN APPLICATION FOR A TEN (10)-**  
16          **DAY PAID LEAVE OF ABSENCE WITHIN THE GIVEN PERIOD**  
17          **WITHOUT JUSTIFIABLE CAUSE SHALL RENDER THE IMMEDIATE**  
18          **SUPERIOR OR SENIOR OFFICIAL ADMINISTRATIVELY LIABLE,**  
19          **AND THE PENALTY OF SUSPENSION FOR FIFTEEN (15) DAYS**  
20          **SHALL BE IMPOSED UPON THE OFFICIAL. AN ADMINISTRATIVE**  
21          **COMPLAINT AGAINST THE IMMEDIATE SUPERIOR OR SENIOR**  
22          **OFFICIAL FOR FAILURE TO PERFORM ONE’S DUTIES CAN BE**  
23          **FILED BY A VICTIM-SURVIVOR WITH THE REGIONAL**  
24          **DIRECTOR OF THE DOLE FOR EMPLOYEES OF THE PRIVATE**  
25          **SECTOR, AND THE CSC, FOR GOVERNMENT EMPLOYEES, FOR**  
26          **GROSS NEGLIGENCE OF DUTY OR MALFEASANCE.**

27          **“THE IMMEDIATE SUPERIOR OR SENIOR OFFICIAL WHO**  
28          **DENIES THE APPLICATION FOR LEAVE, AND WHO SHALL**  
29          **PREJUDICE THE VICTIM-SURVIVOR OR ANY PERSON FOR**  
30          **ASSISTING A CO-EMPLOYEE WHO IS A VICTIM-SURVIVOR**

1 UNDER THIS ACT SHALL BE LIABLE FOR A FINE NOT  
2 EXCEEDING TEN THOUSAND PESOS (P10,000.00) AND  
3 SUSPENSION FOR THIRTY (30) DAYS FOR DISCRIMINATION AND  
4 VIOLATION OF REPUBLIC ACT NO. 9262.

5 "ANY SENIOR OFFICIAL WHO HAS KNOWLEDGE OF, BUT  
6 FAILED TO ACT ON, OR HAS IN ANY WAY INFLUENCED THE  
7 DENIAL OF THE IMMEDIATE SUPERIOR TO GRANT LEAVE TO A  
8 VICTIM-SURVIVOR SHALL BE HELD ADMINISTRATIVELY LIABLE  
9 AND THE PENALTY OF SUSPENSION FOR FIFTEEN (15) DAYS  
10 SHALL BE IMPOSED ON THE OFFICIAL."

11 SEC. 10. *Separability Clause.* – If any portion or provision of this Act  
12 is held unconstitutional or invalid, the remaining portions or provisions shall  
13 not be affected.

14 SEC. 11. *Repealing Clause.* – All laws, decrees, executive orders,  
15 rules and regulations, or parts thereof inconsistent with the provisions of this  
16 Act are hereby repealed or modified accordingly.

17 SEC. 12. *Effectivity.* – This Act shall take effect fifteen (15) days after  
18 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

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