



HOUSE OF REPRESENTATIVES

H. No. 8655

BY REPRESENTATIVES VILLARICA, ABAYON, DE JESUS, BROSAS, CUARESMA, TAMBUNTING, VILLAFUERTE, HERRERA-DY, BULUT-BEGTANG, ROQUE (R.), DALIPE, BELMONTE (R.), NIETO, NOEL, FORTUN, SANGCOPAN, AQUINO-MAGSAYSAY, CHIPECO, ROMAN, VERGARA, ANTONINO, SARMIENTO (C.), AGGABAO, ALONTE, SAHALI, ARAGONES, SARMIENTO (E.M.), SACDALAN, UY (J.), CASTRO (F.L.), KHO, ALCALA, SY-ALVARADO, VIOLAGO, VILLARAZA-SUAREZ, NAVA, BORDADO, BAGATSING, YU, LAGMAN AND MACAPAGAL-ARROYO, PER COMMITTEE REPORT NO. 957

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:

1 SECTION 1. Section 1 of Republic Act No. 9262, otherwise
2 known as the "Anti-Violence Against Women and Their Children
3 Act of 2004", is hereby amended to read as follows:

4 "SECTION 1. *Short Title.* – This Act shall be known
5 as the "EXPANDED Anti-Violence Against Women and
6 Their Children [Act of 2004] (E-VAWC) ACT".

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

4 "SEC. 3. *Definition of Terms.* - x x x

5 "(a) x x x

6 "(A) x x x

7 "(B) x x x

8 "(C) "*Psychological violence*" refers to acts or
9 omissions THAT MAY BE COMMITTED THROUGH PHYSICAL,
10 VERBAL, EMOTIONAL, ELECTRONIC OR INFORMATION
11 COMMUNICATION TECHNOLOGY (ICT)-RELATED MEANS,
12 OR OTHER MEANS causing or likely to cause mental or
13 emotional suffering of [the victim] A WOMAN AND HER
14 CHILDREN such as [but not limited to] intimidation,
15 harassment, stalking, damage to property, public ridicule
16 or humiliation, [repeated] verbal abuse and marital
17 infidelity. It includes THE ACT OF causing or [allowing the
18 victim] COERCING A WOMAN AND HER CHILDREN to
19 witness the physical, sexual or psychological abuse of a
20 member of the family to which the [victim] WOMAN AND
21 HER CHILDREN belong[s], or to witness pornography in
22 any form or to witness abusive injury to pets or to
23 unlawful or unwanted deprivation of the right to custody
24 and/or visitation of common children.

25 "(D) x x x

1 “(E) *“ELECTRONIC OR ICT-RELATED VIOLENCE”*

2 REFERS TO ANY ACT OR OMISSION INVOLVING THE USE
3 OR EXPLOITATION OF DATA OR ANY FORM OF
4 INFORMATION AND COMMUNICATIONS TECHNOLOGY
5 WHICH CAUSES OR IS LIKELY TO CAUSE MENTAL,
6 EMOTIONAL, OR PSYCHOLOGICAL DISTRESS OR
7 SUFFERING TO THE WOMAN AND HER CHILDREN, TO
8 INCLUDE THE FOLLOWING:

9 “(1) UNAUTHORIZED RECORDING, REPRODUCTION,
10 DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY
11 PHOTOGRAPH, VIDEO, OR OTHER FORM OF ELECTRONIC
12 AND/OR ARTISTIC PRESENTATION SHOWING OR DEPICTING
13 IN ANY FORM OR MANNER THE GENITALIA OF A WOMAN
14 AND THOSE OF HER CHILDREN’S GENITALIA, PUBIC AREA,
15 BUTTOCKS, BREASTS, EXCRETORY BODY PART OR
16 FUNCTION, NUDITY, SCENES WITH SEXUAL CONTEXT OR
17 PORTRAYAL OF SEXUAL CONDUCT SUCH AS SEXUAL
18 INTERCOURSE, MASTURBATION, KISSING, CARESSING,
19 HUGGING, AND PETTING;

20 “(2) UNAUTHORIZED RECORDING, REPRODUCTION,
21 DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY
22 PHOTOGRAPH, VIDEO, OR ANY OTHER FORM OF
23 ELECTRONIC AND/OR ARTISTIC PRESENTATION
24 EXHIBITING ANY SEXUALLY-RELATED VERBAL OR
25 NONVERBAL EXPRESSION OR GESTURE OF THE WOMAN
26 AND HER CHILDREN WHICH MAY BE CONSTRUED AS LEWD,
27 INDECENT OR OBSCENE;

28 “(3) UNAUTHORIZED RECORDING, REPRODUCTION,
29 DISTRIBUTION, USE, SHARING OR UPLOADING OF ANY

1 PHOTOGRAPH, VIDEO, OR ANY OTHER FORM OF
2 ELECTRONIC OR ARTISTIC PRESENTATION DEPICTING ANY
3 PURPORTED VIOLENT OR ERRANT BEHAVIOUR OF THE
4 WOMAN AND HER CHILDREN, OR THE USE OF
5 INTOXICATING OR PROHIBITED SUBSTANCES OR DRUGS;

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

11 "(5) UNAUTHORIZED USE OF A PHOTOGRAPH,
12 VIDEO, VOICE RECORDING, NAME OR ANY MARK,
13 REFERENCE OR CHARACTER IDENTIFIABLE WITH A
14 WOMAN AND HER CHILDREN AND SUGGESTIVE OF A
15 WRONGDOING, CONDUCT OR ATTRIBUTE THAT TENDS TO
16 BESMIRCH THE REPUTATION OF THE WOMAN AND HER
17 CHILDREN;

18 "(6) HARASSING, INTIMIDATING, COERCING,
19 THREATENING OR VILLIFYING THE WOMAN AND HER
20 CHILDREN THROUGH TEXT MESSAGING OR OTHER CYBER,
21 ELECTRONIC, OR MULTIMEDIA TECHNOLOGY;

22 "(7) STALKING, INCLUDING THE HACKING OF
23 PERSONAL ACCOUNTS ON SOCIAL NETWORKING SITES AND
24 THE USE OF LOCATION DATA FROM ELECTRONIC DEVICES;

25 "(8) FABRICATION OF FAKE INFORMATION OR NEWS
26 THROUGH TEXT MESSAGING OR OTHER CYBER,
27 ELECTRONIC, OR MULTIMEDIA TECHNOLOGY; AND

28 "(9) CREATION OF FAKE SOCIAL MEDIA ACCOUNTS
29 USING AN ALIAS OR A DIFFERENT INDIVIDUAL'S PERSONAL

1 INFORMATION WITH ILL INTENT AND MALICE, TO SOW
2 INTRIGUE OR INFLICT HARM.”

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

5 “SEC. 5. *Acts of Violence Against Women and Their*
6 *Children.* - x x x

7 “(a) x x x

8 “(b) x x x

9 “(c) x x x

10 “(d) x x x

11 “(e) x x x

12 “(f) x x x

13 “(g) x x x

14 “(h) x x x

15 “(1) x x x

16 “(2) x x x

17 “(3) x x x

18 “(4) Destroying the property and personal
19 belongings or inflicting harm to animals or pets of the
20 woman [or] AND her child; [and]

21 “(5) x x x

22 “(6) UNAUTHORIZED RECORDING, REPRODUCING OR
23 DISTRIBUTING OF VIDEOS WHICH ARE SHOWING THE
24 WOMAN AND HER CHILDREN’S NAKED OR IN THEIR
25 UNDERGARMENT CLAD GENITALS, PUBIC AREA, BUTTOCKS
26 OR BREASTS;

1 “(7) SHARING WITHOUT THE CONSENT OF A WOMAN
2 AND HER CHILDREN, ANY MEDIA THAT CONTAIN
3 PICTURES, VOICE RECORDING OR VIDEO OF THE WOMAN
4 AND HER CHILDREN WHICH MAY BE CONSTRUED AS LEWD,
5 INDECENT OR OF SEXUAL CONTENT; AND

6 “(8) USING THE PICTURES, VIDEO, VOICE NAME OR
7 ANY OTHER ASPECT OF THE IDENTITY OF A WOMAN AND
8 HER CHILDREN WITHOUT PERMISSION AND FOR
9 MALICIOUS PURPOSES INCLUDING BUT NOT LIMITED TO
10 PORNOGRAPHY, AND OTHER VIOLATIONS STIPULATED IN
11 REPUBLIC ACT NO. 10175, OTHERWISE KNOWN AS THE
12 “CYBER CRIME PREVENTION ACT OF 2012”.

13 “(i) x x x

14 “(J) INFLECTING ELECTRONIC VIOLENCE AGAINST A
15 WOMAN AND HER CHILDREN; AND

16 “(K) THREATENING TO CAUSE ELECTRONIC
17 VIOLENCE AGAINST A WOMAN AND HER CHILDREN.”

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

20 “SEC. 6. *Penalties.* — x x x

21 “(a) x x x

22 “(b) x x x

23 “(c) x x x

24 “(d) x x x

25 “(e) x x x

26 “(f) x x x

27 “(G) ACTS FALLING UNDER SECTION 5(J) AND 5(K)
28 SHALL BE PUNISHED BY *PRISION MAYOR.*

1 “If the acts are committed while the woman or child
2 is pregnant or committed in the presence of her child, the
3 penalty to be applied shall be the maximum period of
4 penalty prescribed in this section.

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

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

20 “SEC. 7. *Venue.* – The Regional Trial Court
21 designated as a Family Court shall have original and
22 exclusive jurisdiction over cases of violence against
23 women and their children under this law. In the absence
24 of such court in the place where the offense was
25 committed, the case shall be filed in the Regional Trial
26 Court where the crime or any of its elements was
27 committed at the option of the complainant. **IN CASES OF**

1 ELECTRONIC OR ICT-RELATED VIOLENCE, THE CASE MAY
2 BE FILED IN THE PLACE WHERE THE COMPLAINANT
3 RESIDED AT THE TIME THE WOMAN AND HER CHILDREN
4 LEARNED OF THE COMMISSION OF THE OFFENSE.”

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

7 “SEC. 8. *Protection Orders.* - x x x

8 “(a) x x x

9 “(b) x x x

10 “(c) x x x

11 “(d) x x x

12 “(e) x x x

13 “(f) x x x

14 “(g) x x x

15 “(h) x x x

16 “(i) x x x

17 “(j) x x x; [and]

18 “(k) x x x[.]; AND

19 “(L) FOR E-VAWC CASES, ORDERING THE
20 IMMEDIATE BLOCKING, BLACKLISTING, REMOVAL, OR
21 SHUTDOWN OF ANY UPLOAD, PROGRAM, OR APPLICATION
22 THAT CAUSES OR TENDS TO CAUSE VIOLENCE AGAINST A
23 WOMAN AND HER CHILDREN. FAILURE OF THE INTERNET
24 SERVICE PROVIDERS TO COOPERATE WITH LAW
25 ENFORCEMENT AGENCIES CONSTITUTES THE CRIME OF
26 OBSTRUCTION OF JUSTICE. THE DUTIES OF THE INTERNET
27 SERVICE PROVIDERS AS PROVIDED FOR UNDER SECTION 9
28 OF REPUBLIC ACT NO. 9775, OTHERWISE KNOWN AS THE

1 'ANTI-CHILD PORNOGRAPHY ACT OF 2009' SHALL BE
2 APPLICABLE.

3 "x x x."

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

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

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

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

16 "(a) x x x

17 "(b) [National Commission on the Role of Filipino
18 Women (NCRFW)] **PHILIPPINE COMMISSION ON**
19 **WOMEN (PCW);**

20 "(c) x x x

21 "(d) x x x

22 "(e) x x x

23 "(f) x x x

24 "(g) x x x

25 "(h) x x x

26 "(i) x x x

27 "(j) x x x

1 “(k) x x x; [and]

2 “(l) x x x[.];

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

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

7 “(O) NATIONAL TELECOMMUNICATIONS
8 COMMISSION (NTC);

9 “(P) DEPARTMENT OF INFORMATION AND
10 COMMUNICATIONS TECHNOLOGY (DICT);

11 “(Q) DEPARTMENT OF FOREIGN AFFAIRS (DFA);

12 “(R) COMMISSION ON FILIPINOS OVERSEAS
13 (CFO); AND

14 “(S) TWO (2) REPRESENTATIVES FROM CIVIL
15 SOCIETY ORGANIZATIONS (CSOs) WITH PROVEN TRACK
16 RECORD OF INVOLVEMENT IN THE PREVENTION AND
17 ELIMINATION OF VIOLENCE AGAINST WOMEN AND THEIR
18 CHILDREN (VAWC) WHO SHALL BE CHOSEN BY THE
19 GOVERNMENT AGENCY REPRESENTATIVES OF THE
20 COUNCIL TO SERVE A TERM OF THREE (3) YEARS.

21 “x x x.”

22 SEC. 9. Section 40 of Republic Act No. 9262 is hereby
23 amended to read as follows:

24 “SEC. 40. *Mandatory Programs and Services for*
25 [Victims] WOMEN AND THEIR CHILDREN. – The DSWD,
26 and LGUs shall provide the [victims] WOMEN AND THEIR
27 CHILDREN temporary shelters, provide counseling,

1 psycho-social services and/or[,] recovery, rehabilitation
2 programs, and livelihood assistance.

3 “The DOH shall provide medical assistance to
4 [victims] WOMEN AND THEIR CHILDREN.

5 “THE DSWD, LGUs AND DOH SHALL ENSURE
6 THAT ALL RECORDS OF A WOMAN AND HER CHILDREN
7 OBTAINED IN CONNECTION WITH THE PROVISIONING OF
8 SUCH SERVICES BY THE AGENCIES SHALL BE HELD
9 CONFIDENTIAL UNLESS THERE IS A COURT ORDER
10 AUTHORIZING THE RELEASE OF ANY INFORMATION OR
11 DATA.

12 “THE DOJ SHALL ESTABLISH AND ADMINISTER AN
13 IDENTITY AND LOCATION CONFIDENTIALITY PROGRAM TO
14 BE REFERRED TO AS THE ‘PROGRAM’, WHICH SHALL
15 ENSURE THE PROTECTION AND SAFETY OF WOMEN AND
16 THEIR CHILDREN BY PROVIDING THEM WITH A
17 SUBSTITUTE ADDRESS TO BE USED WHEN INTERACTING
18 WITH GOVERNMENT AGENCIES AND A NEW MAILING
19 ADDRESS TO KEEP THEIR ACTUAL WHEREABOUTS
20 CONFIDENTIAL AND FREE FROM THE RISK OF DISCOVERY
21 BY THIRD PARTIES. THE PROGRAM SHALL CATER TO
22 WOMEN AND THEIR CHILDREN WHO INTEND TO ESTABLISH
23 A NEW RESIDENCE OR THOSE WHO HAVE ALREADY
24 RELOCATED TO ANOTHER PLACE UNKNOWN TO THEIR
25 ASSAILANTS OR ABUSERS WHO MAY USE PUBLIC RECORDS
26 TO FIND THEM.

27 “IN THIS REGARD, THE APPLICATION FOR
28 INCLUSION IN THE PROGRAM AS WELL AS OTHER
29 SUPPORTING DOCUMENTS SUBMITTED BY WOMEN AND
30 THEIR CHILDREN SHALL NOT BE CONSIDERED AS PUBLIC
31 RECORD AND SHALL BE KEPT CONFIDENTIAL BY THE DOJ

1 AND SHALL ONLY BE RELEASED UPON THE ORDER OF THE
2 COURT.

3 "ANY OFFICIAL OR EMPLOYEE WHO WILLFULLY
4 BREACHES THE CONFIDENTIALITY OF THESE RECORDS OR
5 WILLFULLY DISCLOSES THE NAME, RESIDENTIAL OR
6 MAILING ADDRESS OF A WOMAN AND HER CHILDREN IN
7 VIOLATION OF THIS PROVISION, SHALL SUFFER THE
8 PENALTY OF ONE (1) YEAR IMPRISONMENT AND A FINE OF
9 NOT LESS THAN THREE HUNDRED THOUSAND PESOS
10 (P300,000.00) BUT NOT MORE THAN FIVE HUNDRED
11 THOUSAND PESOS (P500,000.00)."

12 SEC. 10. Section 43 of Republic Act No. 9262 is hereby
13 amended to read as follows:

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

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

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

1 "THE AVAILMENT OF THE TEN (10)-DAY LEAVE OF
2 ABSENCE SHALL BE AT THE OPTION OF THE WOMAN
3 EMPLOYEE, AND IT SHALL COVER THE DAYS THAT SHE HAS
4 TO ATTEND TO MEDICAL, LEGAL, AND OTHER VALID
5 CONCERNS RELATED TO THE PENDING CASE. LEAVES
6 NOT AVAILED OF ARE NONCUMULATIVE AND NOT
7 CONVERTIBLE TO CASH.

8 "THE IMMEDIATE SUPERIOR OF THE PERSON
9 APPLYING FOR A TEN (10)-DAY PAID LEAVE MUST
10 APPROVE THE APPLICATION ON THE SAME DAY OF
11 APPLICATION. IF THE IMMEDIATE SUPERIOR IS
12 UNAVAILABLE TO ACT ON THE APPLICATION FOR A LEAVE,
13 THE APPLICATION SHALL BE ACTED UPON BY ANY
14 AVAILABLE SENIOR OFFICIAL OF THE PRIVATE COMPANY
15 OR GOVERNMENT AGENCY.

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

23 "FAILURE TO ACT ON AN APPLICATION FOR A
24 TEN (10)-DAY PAID LEAVE OF ABSENCE WITHIN THE GIVEN
25 PERIOD WITHOUT JUSTIFIABLE CAUSE SHALL RENDER
26 THE IMMEDIATE SUPERIOR OR SENIOR OFFICIAL
27 ADMINISTRATIVELY LIABLE, AND THE PENALTY OF
28 SUSPENSION FOR FIFTEEN (15) DAYS SHALL BE IMPOSED
29 UPON THE OFFICIAL. AN ADMINISTRATIVE COMPLAINT

1 AGAINST THE IMMEDIATE SUPERIOR OR SENIOR OFFICIAL
2 FOR FAILURE TO PERFORM ONE'S DUTIES CAN BE FILED
3 BY A VICTIM-SURVIVOR WITH THE REGIONAL DIRECTOR
4 OF THE DOLE FOR EMPLOYEES OF THE PRIVATE SECTOR,
5 AND THE CSC, FOR GOVERNMENT EMPLOYEES, FOR
6 GROSS NEGLIGENCE OF DUTY OR MALFEASANCE.

7 "THE IMMEDIATE SUPERIOR OR SENIOR OFFICIAL
8 WHO DENIES THE APPLICATION FOR LEAVE, AND WHO
9 SHALL PREJUDICE THE VICTIM-SURVIVOR OR ANY
10 PERSON FOR ASSISTING A CO-EMPLOYEE WHO IS A
11 VICTIM-SURVIVOR UNDER THIS ACT SHALL BE LIABLE
12 FOR A FINE NOT EXCEEDING TEN THOUSAND PESOS
13 (P10,000.00) AND SUSPENSION FOR THIRTY (30) DAYS
14 FOR DISCRIMINATION AND VIOLATION OF THIS ACT.

15 "ANY SENIOR OFFICIAL, INCLUDING THE HEAD OF
16 THE AGENCY, WHO HAS KNOWLEDGE OF, BUT FAILS TO
17 ACT ON, OR HAS IN ANY WAY INFLUENCED THE DENIAL
18 OF THE IMMEDIATE SUPERIOR TO GRANT LEAVE TO A
19 VICTIM-SURVIVOR SHALL BE HELD ADMINISTRATIVELY
20 LIABLE AND SHALL BE SUSPENDED FOR FIFTEEN (15)
21 DAYS."

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

25 SEC. 12. *Repealing Clause.* – All laws, decrees, executive
26 orders and rules and regulations, or parts thereof, inconsistent with
27 the provisions of this Act are hereby repealed or modified
28 accordingly.

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

Approved,

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