

'22 AUG -8 A11 :51

SENATE

S. No. 1078

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Introduced by Senator MANUEL "LITO" M. LAPID

AN ACT
GRANTING ADDITIONAL LEAVES FOR VICTIMS OF DOMESTIC VIOLENCE,
PROVIDING PARAMETERS THEREFOR, AND AMENDING FOR SUCH
PURPOSE REPUBLIC ACT NO. 9262, OTHERWISE KNOWN AS THE ANTI-
VIOLENCE AGAINST WOMEN AND CHILDREN ACT

EXPLANATORY NOTE

Violence against women and children (VAWC) has intensified over the years, especially during the COVID-19 pandemic. The Philippine Commission on Women received nearly triple the number of complaints and reports of VAWC cases. Accordingly, from March to November 2020, there had been 13,923 reported cases - 9,176 of which were cases against women while the remaining 4,747 were against children¹. Further, based on the preliminary results of the 2017 National Demographic and Health Survey (NDHS) conducted by the Philippine Statistics Authority, one in four married women aged 15-49 experienced physical, sexual or emotional violence by their husband or partner². But the burden that victims of domestic violence bear does not end upon emancipating themselves from their abusive partners. Victims must overcome legal, medical, social, and financial hurdles in order to be fully independent and self-sufficient. In consideration of these needs, the Anti-Violence against Women and Children (VAWC) Act provides for ten (10) days paid leave from work for victims

¹ <https://www.cnnphilippines.com/news/2020/12/12/pwc-violence-women-children-pandemic.html>

² <https://psa.gov.ph/content/one-four-women-have-ever-experienced-spousal-violence-preliminary-results-2017-national>

of abuse to afford them an opportunity to pursue legal proceedings, relocate their residence, care for their children, or attend counseling sessions.

However, in the case of legal proceedings alone, there may be a need to go to court once a month. The same can be said for counseling and therapy that needs to be regular in order to be effective. Add to this the similar needs and frequency of appointments for the minor children of women who have also suffered domestic violence. Considering these circumstances, the minimum ten (10) days of leave afforded to victims of domestic violence would be grossly insufficient.

Thus, the proposed measure increases the number of minimum leaves afforded to victims of domestic violence into twenty (20) days. While the VAWC Act allows extension of the 10 days presently provided under law, such extension would have to be upon approval and determination of the court.

This bill proposes that the minimum number of leaves needed by victims of domestic violence would be available to them immediately upon court determination that they are indeed suffering from domestic abuse - as opposed to the need to further establish and justify the need for more than 10 days leave. This bill likewise ensures that the number of leaves may be allocated throughout the entire period of the legal proceedings and/or medical treatment, counselling or therapy. In this regard, this piece of legislation hopes to empower victims of domestic abuse to recover from the trauma of their past by helping them put in order their medical, legal, and domestic needs.




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1 **AN ACT**

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3 **PROVIDING PARAMETERS THEREFOR, AND AMENDING FOR SUCH**
4 **PURPOSE REPUBLIC ACT NO. 9262, OTHERWISE KNOWN AS THE ANTI-**
5 **VIOLENCE AGAINST WOMEN AND CHILDREN ACT**

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

6 Section 1. *Short Title.* - This Act shall be known as the "Additional Leaves for
7 Victims of Domestic Violence Act."

8 Sec. 2. *Declaration of Policy.* - The State values the dignity of women and
9 children and guarantees full respect for human rights. The State further recognizes
10 the need to protect the family and its members, particularly women and children, from
11 violence and threats to their personal safety and security. Towards this end, the State
12 shall exert efforts to aid victims of domestic violence to recover from the trauma
13 thereof, be it for the purpose of putting in order medical, legal, or domestic needs.

14 Sec. 3. *Definition of Terms.* - For purposes of this Act, the term-

15 a) "*Domestic Violence*" shall refer to any act or acts of abuse as defined in Section
16 3 of Republic Act No. 9262, otherwise known as the "Anti-Violence Against
17 Women and Their Children Act of 2004";

18 b) "*Eligible Employee*" shall refer to an individual who (1) is a victim of domestic
19 violence or is the parent of a minor child who is a victim of domestic violence;

1 and (2) has been employed for at least twelve (12) months by the employer to
2 whom a request for leave under this Act is directed.

3 c) "*Employer*" shall refer to the national or local government or any of its or
4 instrumentalities, including government-owned and controlled corporations, as
5 well as private employers or entities that employ at least fifteen (15) persons
6 each work day for twenty (20) or more weeks within a given calendar year;

7 d) "*Certification from Proper Authorities*" shall refer to any of the following insofar
8 as the same can establish that the employee is a victim of domestic violence:

9 1) Certification from the court wherein legal proceedings have been
10 initiated that the employee or her minor child is involved in legal
11 proceedings related to domestic violence;

12 2) Certification from a competent medical professional that the employee
13 or her minor child need medical attention, counseling, or therapy in
14 relation to domestic violence committed against them; or

15 3) Certification from law enforcement agencies or anti-domestic violence
16 advocacy groups or help desks that the victim and/or her minor children
17 are victims of domestic violence.

18 Sec. 4. *Amendment of Republic Act No. 9262.* - Section 43 of Republic Act No.
19 9262, otherwise known as the Anti-Violence Against Women and their Children Act of
20 2004, is amended as follows:

21 "SECTION 43. Entitled to Leave. - Victims under this Act shall be
22 entitled to take a paid leave of absence up to [ten (10)] **AN**
23 **AGGREGATE OF TWENTY (20) DAYS UNTIL THE**
24 **TERMINATION OF LEGAL PROCEEDINGS, AND/OR**
25 **MEDICAL TREATMENT, COUNSELING OR THERAPY** in
26 addition to other paid leaves under the Labor Code and Civil
27 Service Rules and Regulations, extendible when the necessity
28 arises as specified in the protection order.

