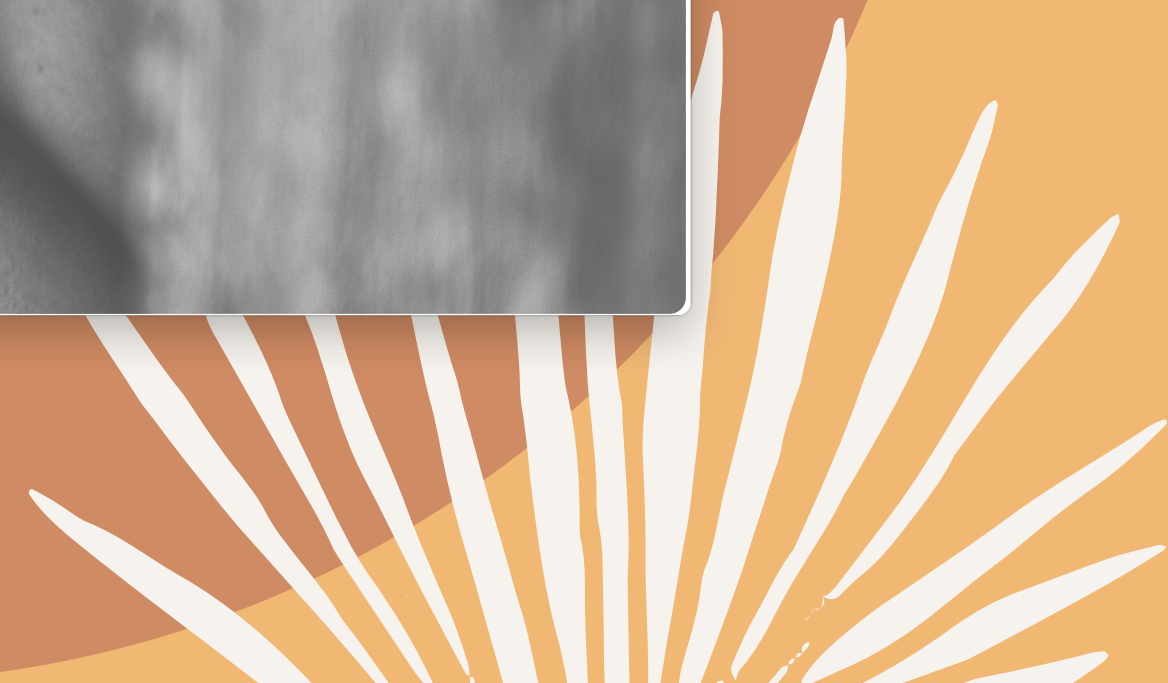
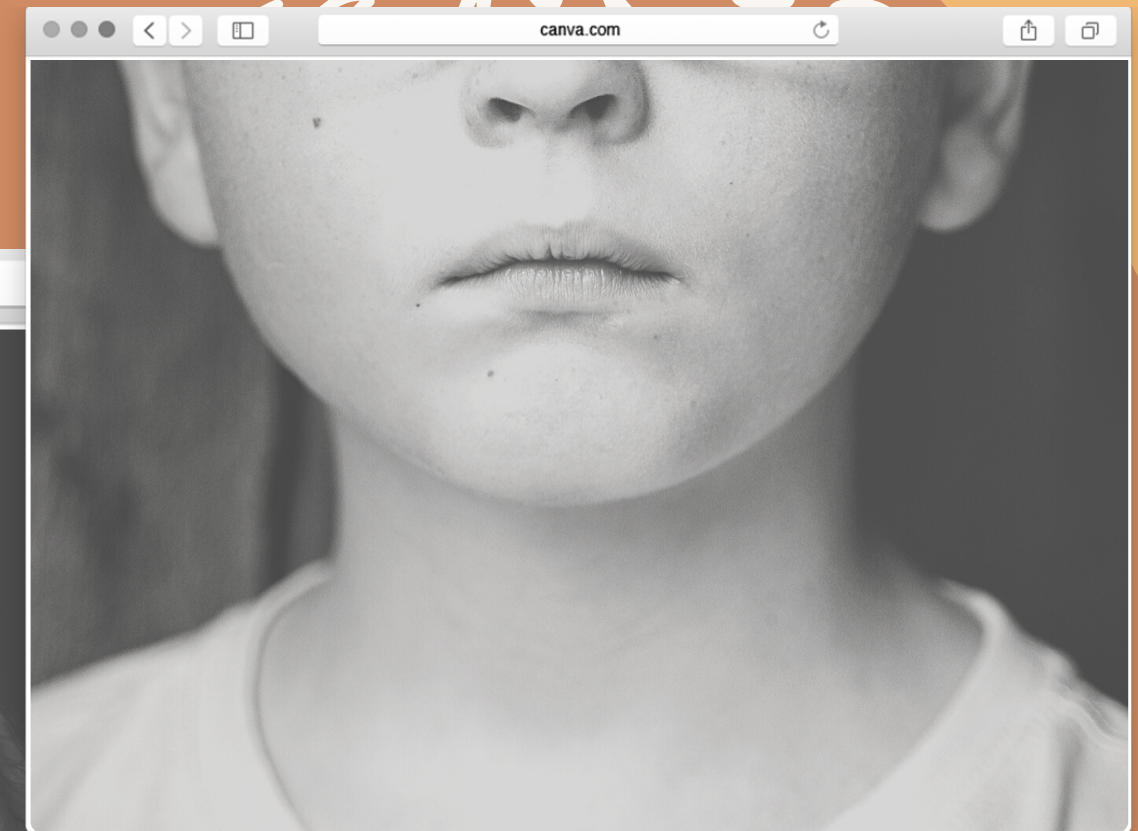

R.A. 9262

*Anti-Violence Against Women
and Their Children*





WHAT IS R.A. 9262?

ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT

[Sec. 2]

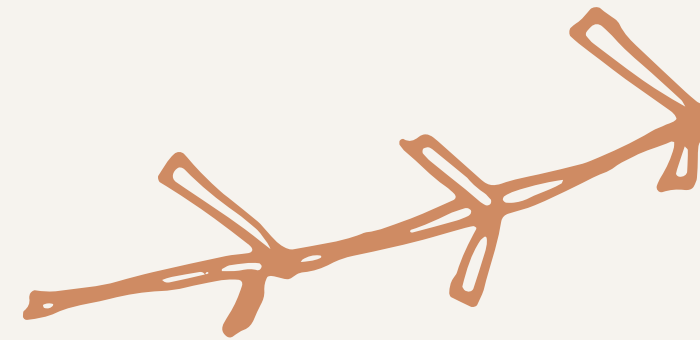
It is hereby declared that the State values the dignity of women and children and guarantees full respect for human rights.

[Sec. 3]

It refers to any act or a series of acts committed:

- (a) against woman who is his wife, former wife
- (b) against a woman with whom the person has or had sexual or dating relationship
- (c) against her child, whether legitimate or illegitimate, within or without family abode

which result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion or arbitrary deprivation of liberty.



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.



Battered Woman Syndrome

RA 9262 acknowledges that woman who have retaliated against their partner who commit violence as a form of self-defense may have suffered from Battered Woman Syndrome (BWS). Any victim who suffer of BWS should diagnosed by a Psychiatric expert or a clinical psychologist. This will alaso help the victim in obtaining a just decision in her case. the law does not allow the defender to have custody of mnor children. Their care is entrusted to the woman even if she is found to have BWS.

It is a law that seeks to address the prevalence of violence against women and their children (VAWC) by their intimate partners like:

- husband / ex-husband
- fiancée
- live-in partner / former live-in partner
- boyfriend/girlfriend
- ex-boyfriend/ex-girlfriend
- dating partner / former dating partner

It is 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

Can women also be liable under RA9262?

Yes. These are the lesbian partners/girlfriends or former partners of the victim with whom she has or had a sexual or dating relationship.

[Sec. 35]

RIGHTS OF VICTIMS

- (a) To be treated with respect and dignity;
- (b) To avail of legal assistance from the PAO of the Department of Justice (DOJ) or any public legal assistance office;
- (c) To be entitled to support services from the DSWD and LGUs’
- (d) To be entitled to all legal remedies and support as provided for under the Family Code; and
- (e) To be informed of their rights and the services available to them including their right to apply for a protection order.





ACT OF
VIOLENCE
COVERED UNDER
R.A. 9262



➤ **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:

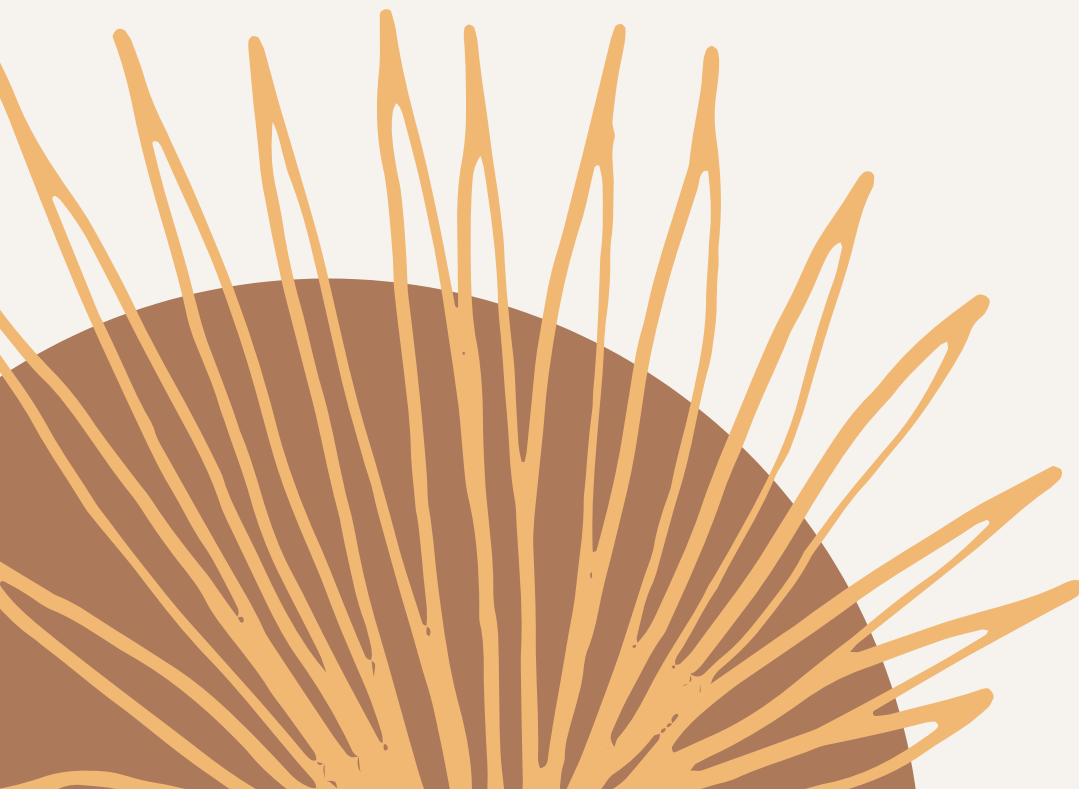
- Rape
- Sexual harassment
- Acts of lasciviousness
- Treating a woman or her child as a sex object
- Making demeaning and sexually suggestive remarks
- Physically attacking the sexual parts of the victim's body
- Forcing him or her to watch obscene publications and indecent shows
- Forcing the woman 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
- Causing or attempting to make the woman or her child to perform sexual acts by use of force, threats, intimidation directed against the woman, her child, or her immediate family
- Prostituting the woman or her child



➤ 3. 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:

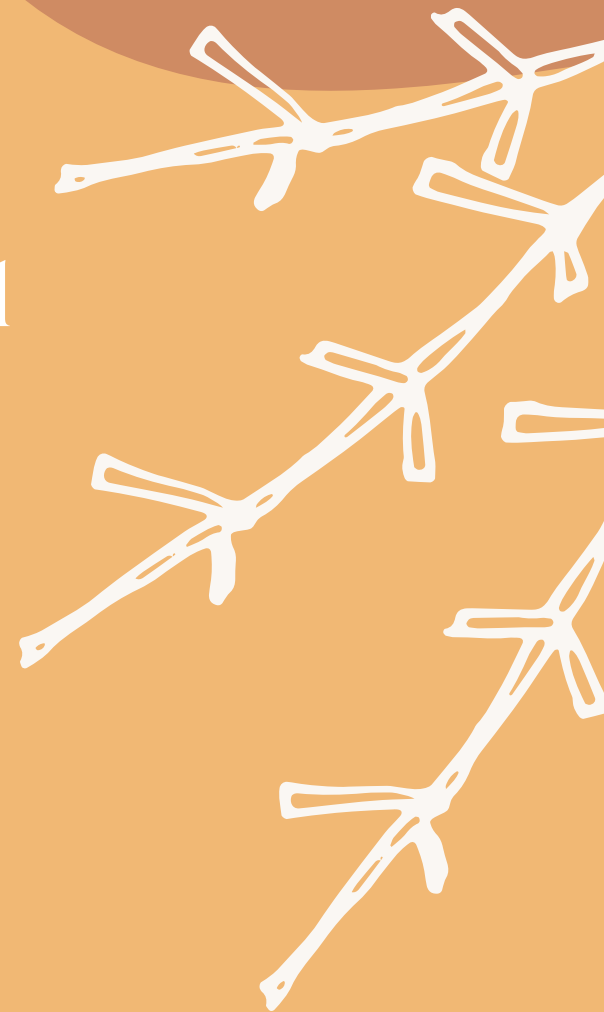
- Intimidation
- Harassment
- Stalking
- Damage to property
- Public ridicule or humiliation
- Repeated verbal abuse
- Marital infidelity
- Causing or allowing the victim to witness the physical, sexual or psychological abuse of a member of the family to which the victim belongs
- Witness pornography in any form
- Witness abusive injury to pets
- Witness to unlawful or unwanted deprivation of the right to custody and/or visitation of common children



➤ 4. ECONOMIC ABUSE

refers to an act that makes the wife/woman dependent to the abuser.

- Withdrawal of financial support
- Preventing her from engaging in a legitimate profession, business or activity
- 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;
- Destroying household property
- Controlling the victims' own money or properties or solely controlling the conjugal money or properties.





Protection Orders

[Sec. 8] is an order issued to prevent further violence against a woman or her child and granting other necessary relief for the purpose of safeguarding the victim. It shall be enforced by law enforcement agencies.

BARANGAY PROTECTION ORDER

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- Issued by Punong Barangay.
- 15 day effectivity.
- Ordering the perpetrator to desist from committing acts under Section 5 (a) and (b) of R.A. 9262.
- May be filed in the barangay where the petitioner resides.
- [Sec. 21] Violation of a BPO shall be punishable by imprisonment of thirty (30) days without prejudice to any other criminal or civil action that the offended party may file for any of the acts committed.

TEMPORARY PROTECTION ORDER

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- Issued by the court on the day of filing.
- Effective for 30 days.
- May be filed at Regional Trial Court/Family Court or Municipal Court where the petitioner reside.

PERMANENT PROTECTION ORDER

.....

- Issued by the court after notice and hearing.
- Shall be effective until revoked by the court upon application of the person in whose favor it was issued.
- May be filed at Regional Trial Court/Family Court or Municipal Court where the petitioner reside.

How can I apply for a protection order?

The application of the Protection Order must be in writing, signed and verified under oath by the applicant. A standard protection order application form, written in English with translation to the major languages, which is readily available, shall contain the following information:

- a) Names and addresses of the petitioner and the respondent;
- b) Description of relationships between the petitioner and respondent;
- c) Statement of the circumstances of abuse;
- d) Description of the reliefs requested by the petitioner;
- e) Request for counsel and reasons for such;
- f) Request for waiver of application fees until hearing;
- g) An attestation that there is no pending application for a protection order in another court.

Who may file a complaint?

VAWC IS CLASSIFIED AS A PUBLIC CRIME. ANY CITIZEN HAVING PERSONAL KNOWLEDGE ON THE CIRCUMSTANCES OF THE OFFENSE MAY FILE A CASE.

- The offended party.
- The parents or guardians of the offended party.
- The ascendants, descendants or collateral relatives within the fourth civil degree of consanguinity or affinity.
- Officers or social workers of the DSWD or social workers of local government units (LGUs).
- Police officers, preferably those in charge of women and children's desks
- Punong Barangay or Barangay Kagawad.
- Lawyer, counselor, therapist or healthcare provider of the petitioner.
- At least two (2) concerned responsible citizens of the city or municipality where the violence against women and their children occurred and who has personal knowledge of the offense committed.



[Sec. 11] If the applicant is not the victim, the application must be accompanied by an affidavit of the applicant attesting to

- (a) the circumstances of the abuse suffered by the victim and
- (b) the circumstances of consent given by the victim for the filing of the application.

PENALTIES

[Sec. 5] The crime of violence against women and their children is committed through any of the following acts:

- (a) Causing physical harm to the woman or her child;

[Sec. 6]

- Acts resulted in mutilation - punishable in accordance with the Revised Penal Code;
- physical injuries - prison mayor;
- less serious physical injuries - prison correccional;
- slight physical injuries - arresto mayor;

- (b) Threatening to cause the woman or her child physical harm;

[Sec. 6] Shall be punished by imprisonment of two degrees lower than the prescribed penalty for the consummated crime as specified in the preceding paragraph but shall in no case be lower than arresto mayor;



(c) Attempting to cause the woman or her child physical harm;
[Sec. 6] shall be punished by Arresto Mayor

(d) Placing the woman or her child in fear of imminent physical harm;
[Sec. 6] shall be punished by Arresto Mayor

(e) Attempting to compel or compelling the woman or her child to engage in conduct which the woman or her child has the right to desist from or desist from conduct which the woman or her child has the right to engage.
[Sec. 6] shall be punished by Prision correccional;

(d) Inflicting or threatening to inflict physical harm on oneself for the purpose of controlling her actions or decisions;
[Sec. 6] shall be punished by Arresto Mayor

(e) Causing or attempting to cause the woman or her child to engage in any sexual activity which does not constitute rape
[Sec. 6] shall be punished by Prision mayor

(f) Engaging in purposeful, knowing, or reckless conduct, personally or through another, that alarms or causes substantial emotional or psychological distress to the woman or her child.

[Sec.6] shall be punished by Prison mayor

(g) Causing or attempting to cause the woman or her child to engage in any sexual activity which does not constitute rape.

- [Sec. 6] shall be punished by Prison mayor

(h) Engaging in purposeful, knowing, or reckless conduct, personally or through another, that alarms or causes substantial emotional or psychological distress to the woman or her child.

[Sec.6] shall be punished by Prison mayor

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.



G/F Lemanz Bldg., Km. 21 Aguinaldo Highway,
Bayan Luma VII Imus City

JUREOFFICIUM@ZSORIANOLAW.COM

LANDLINE: 46 515 6846

MOBILE NO: 0917 582 3021

FB: JURE OFFICIUM SORIANOLAW

BY:

Marianne Belardo

