ORDINANCE NO. 15-144

AN ORDINANCE ESTABLISHING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (VAWC) DESK IN EVERY BARANGAY IN THE CITY OF MUNTINLUPA AND FOR OTHER PURPOSES.

Sponsored by:
Hon. Coun. Margarita Amythyst Labios, Md
Hon. Coun. Stephanie G. Teves
Hon. Coun. Louisito A. Arciaga
Hon. Coun. Ringo A. Teves
Hon. Coun. Luvi P. Constantino
Hon. Coun. Engr. Nepthali S. Santiago
Hon. Coun. Elmer S. Espeleta
Hon. Coun. Rafael T. Sevilla
Hon. Coun. Vergel C. Ulanday
Hon. Coun. Robert A. Abas
Hon. Coun. Robert P. Baes

WHEREAS, Section 14, Article 11 of the Philippine Constitution provides that, the "11th State recognizes the role of women in nation building, and shall ensure the fundamental equality before the law of Women and men."

WHEREAS, Section 2 of Republic Act No. 9262, otherwise known as “Anti-Violence Against Women and their Children (VAWC) Act of 2004”, states that, “it is hereby declared that the State values the dignity of women and their children and guarantees full respect for human rights. The State also recognizes the need to protect the family and its members particularly women and children, from violence against women and children, from violence and threats to their personal safety and security;

WHEREAS, Republic Act No. 9710, otherwise known as, the Magna Carta of Women (MCW), is a comprehensive women’s right law that seeks to eliminate discrimination against women by recognizing, protecting, fulfilling and promoting the rights of Filipino women, especially those in the marginalized sectors;

WHEREAS, Section 12 (d), Rule IV of the Rules and Regulations Implementing the Magna Carta of Women, provides for the establishment of a Violence Against Women (VAW) Desk in every barangay to ensure that violence against women cases are fully addressed in a gender-responsive manner;

WHEREAS, to provide guidelines and procedures for the above provision, a Joint Memorandum Circular was issued by the Department of Interior and Local Government (DILG), the Department of Social and Welfare and Development (DSWD), the Department of Health (DOH), the Department of Education (DepEd) and the Philippine Commission on Women (PCW), pursuant to Section 12 (d)(2), of the Implementing Rules and Regulations of Republic Act 9710;
WHEREAS, there is a need to establish a VAWC Desk in every barangay to carry out these guidelines and implement the provision of the said Act, the Joint Memo Circular and the Magna Carta for Women;

NOW, THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the 7th Sangguniang Panlungsod in Session duly assembled that:

SECTION 1. Title — this ordinance shall be known as, “Establishing Violence Against Women And Their Children Desk In Every Barangay In The City Of Muntinlupa And For Other Purposes”.

SECTION 2. There shall be an established Violence Against Women and their Children (VAWC) Desk in the Nine (9) barangays of the City of Muntinlupa following these guidelines, to wit:

Definition of Terms:

1. **Violence Against Women (VAW)** — refers to any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation or liberty, whether occurring in public or in private life. It shall be understood to encompass, but not limited to the following:

   a) Physical, sexual, psychological, and economic violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, and other traditional practices harmful to women, non-spousal violence, and violence related to exploitation;

   b) Physical, sexual, psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment, sexual intimidation at work, in educational institutions and elsewhere, trafficking in women, and prostitution; and

   c) Physical, sexual, psychological violence perpetrated or condoned by the State, wherever it occurs. It also includes acts of violence against women as defined in Republic Act No. 9208 and 9262. Under the Magna Carta of Women, this term is issued interchangeably with gender-based violence.

2. **Violence Against Women (VAW) Desk** — a facility that would address VAW cases in a gender-responsive manner, managed by a person designated by the Punongbarangay. It is situated within the premises of the barangay hall. In the absence of a barangay hall, the VAW desk shall be established within the premises where the Punong Barangay holds office.

I. Setting up the Violence Against Women (VAW) Desk - the Punong Barangay shall designate an area within the barangay hall for the Violence Against Women (VAW) Desk. He shall provide for the necessary furniture and fixtures such as but not limited to, table, chairs, separate filing cabinet and logbook for record-keeping of cases. Likewise, the Punong Barangay shall ensure the confidentiality of the case and privacy and safety of the victim-survivor.

II. Designation of Violence Against Women (VAW) Desk person – the Punong Barangay shall designate a Violence Against Women (VAW) Desk Person who is trained in gender-sensitive handling of cases; preferably a woman barangay kagawad or woman barangay tanod. In cases where there are no trained personnel, ensure that the person assigned shall undergo basic gender sensitivity training and orientation on anti-Violence Against Women (VAW) Desk laws.

SECTION 4. Function of the Barangay Violence Against Women (VAW) Desk – The Violence Against Women (VAW) Desk shall perform the following tasks:

1. Respond to gender-based violence cases brought to the barangay;

2. Record the number of gender-based violence handled by the barangay and submit a quarterly report on all cases of Violence Against Women (VAW) to DILG City Field Office and the City Social Welfare Development Office (CSDWO);

3. Keep Violence Against Women (VAW) case records confidential and secured, and ensure that only authorized personnel has access to it;

4. Assess victims of Violence Against Women (VAW) in securing Barangay Protection Order (BPO) and access necessary services;

5. Develop the Barangay’s Gender-Responsive – responsive plan in addressing gender-based violence, including support services, capacity building and referral system;

6. Coordinate with and refer cases to government agencies, Non-Government Organizations (NGO’s), institutions and other service providers as necessary;
7. Address other forms of abuse committed against women, especially senior citizens; women with disabilities and other marginalized groups;

8. Lead advocacies on the elimination of VAW in the community; and

9. Perform other related functions as may be assigned.

SECTION 5. Protocol in handling Violence Against Women (VAW) Cases at the Barangay Level – Republic Act No. 9262 otherwise known as the Anti-Violence Against Women and their Children (VAWC) Act, mandates the Punong Barangay or in his absence the Barangay Kagawad concerned or on duty to take immediate action upon being informed of a violent incident and is mandated to issue a Barangay Protection Order (BPO) on the date of filing after ex-parte determination of the basis of application. All forms of amicable settlement under the Katarungang Pambayan such as mediation, settlement, conciliation, arbitration shall not apply to cases of VAWC.

SECTION 6. The following protocols shall be observed by the Barangay VAW Desk person when responding to Anti-Violence Against Women and their Children (VAWC) situations.

A. Republic Act No. 9262 otherwise known as the Anti-Violence Against Women and their Children (VAWC) victim survivor is accompanied by someone to the barangay or the victim herself goes to the barangay:

1. Make the woman and children, if applicable comfortable in a safe and private room giving her water and other immediate needs, if any;

2. Assess the situation and get other initial information to determine the risk on hand and if immediate medical attention is needed. If so, facilitate referral to the nearest facility;

3. After the victim-survivor has stabilized, assist the Punong Barangay Kagawad in the conduct of an investigation in a gender-sensitive and non-Judgmental manner in a language understood by her;

4. Inform her of her rights and the remedies available and the processes involved particularly in relation to the BPO. Assist her to file application, if she decides to have a BPO;

5. Record the incident using the national VAW documentation System Barangay Form (Annex 1);
6. If a victim-survivor desires to be in a safe shelter, seek the assistance of the other barangay officials, barangay tanod or the police in getting her belongings and refer to a shelter/women’s center or to the C/MSDWO;

7. Assist the victim-survivor to file for a Temporary Protection Order (TPO) or Permanent Protection Order (PPO) with the nearest Family Court within twenty four (24) hours after the issuance of the BPO. If the victim-survivor so desires, she may apply directly for a TPO/PPO instead of a BPO.

8. Report the incident within four (4) hours to the PNP and the City Social Welfare and Development Office (CSWDO).

B. A victim-survivor of a VAWC is reported by a community member.

1. Verify the information and if needed, seek assistance from the PNP;

2. Assess the situation and facilitate the rescue of the victim-survivor, when necessary, to ensure her safety, and, when applicable, the safety of her children;

3. Inform the victim-survivor about her rights and remedies available particularly the BPO and its processes. Assist her to apply for a BPO, if she desires;

4. Refer victim-survivor about for medical care and temporary shelter and other needs when needed based on the assessment done.

5. Record the incident using the National VAW Documentation System Barangay Form (Annex 1);

6. If not done earlier, report the incident within four (4) hours to the PNP and City Social Welfare and Development Office (CSWDO).

C. For rape, trafficking in persons and other cases which do not fall under the jurisdiction of the barangay, assists the victim-survivor to file a complaint at the PNP Women and Children Protection Center or the National Bureau of Investigation (NBI).

SECTION 7. Implementing Rules and Regulations (IRR) – an Implementing Rules and Regulations (IRR) shall formulated by the implementing department which shall be submitted to the Sangguniang Panlungsod for review.
SECTION 8. Funding - In case the use of fund is necessary for the implementation of this ordinance, the same may be requested by the Barangays from the GAD Office subject to the submission of work program and approval of the Local Chief Executive.

SECTION 9. Effectivity Clause – This ordinance shall take effect immediately upon its approval.

ENACTED, by the 7th Sangguniang Panlungsod of Muntinlupa, this 26th day of October 2015, on its 101th Regular Session.

CONCURRED:

DISTRICT I:

COUN. ATTY. PATRICIO L. BONCAYAO, JR.  
Member

COUN. STEPHANIE O. TEVES  
Member

COUN. LOUISITO A. ARCIGA  
Member

COUN. MARGARITA AMYTHYST PATDU-LABIOS, MD  
Member

COUN. RINGO A. TEVES  
Member

DISTRICT II:

COUN. MA. DHESIREE G. AREVALO  
Member

COUN. ENGR. NEPTALI S. SANTIAGO  
Member

COUN. RAFAEL T. SEVILLA  
Member

COUN. ROBERT A. ABAS  
Member

COUN. LUVI P. CONSTANTINO  
Member

COUN. ELMER S. ESPELETA  
Member

COUN. VERGEL C. ULANDAY  
Member

COUN. ROBERT P. BAES  
Member
ABSENT:

COUN. ATTY. RAUL R. CORRO
Member

COUN. BAL NIEFES
Member

COUN. ALEXANDER B. DIAZ
Member

COUN. CELSO C. DIOKO
Sectoral Representative
President
Association of Barangay Captains

I HEREBY CERTIFY, as to the correctness of the foregoing ordinance.

CECILIA C. LAZARTE
Secretary

ATTESTED:

ARTEMIO A. SIMUNDAC
City Vice-Mayor/Presiding Officer

APPROVED:

ATTY. JAIME R. FRENSNEDI
Ofly Mayor
Date: NOV 05 2015

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