

Republic of the Philippines
Province of Bulacan
Municipality of Marilao

OFFICE OF THE SECRETARY TO THE SANGGUNIANG BAYAN

**EXCERPTS FROM THE MINUTES OF THE 102ND REGULAR SESSION OF THE 8TH
SANGGUNIANG BAYAN OF MARILAO, PROVINCE OF BULACAN, HELD AT THE
SESSION HALL OF THE MUNICIPAL BUILDING ON
JULY 27, 2015**

PRESENT:

Hon. Andre Favian D. Santos - - - - - Municipal Vice Mayor
Presiding Officer

COUNCILORS

Hon. Wilfredo D. Diaz - - - - - Majority Floor Leader
Hon. Jun Bob J. Dela Cruz - - - - - Minority Floor Leader

Hon. Divina E. Reyes Hon. Allane T. Sayo
Hon. Irma G. Celones Hon. Arnold T. Papa
Hon. Marlon O. Villamar Hon. Mark Joseph L. Guillermo
Hon. Kristoffer M. Nieto (Ex-Officio, Liga)

MUNICIPAL ORDINANCE NO. 783

Introduced by Councilor Wilfredo D. Diaz and unanimously seconded by all members of the Sangguniang Bayan present.

AN ORDINANCE

REQUIRING EVERY BARANGAY IN THE MUNICIPALITY OF MARILAO, PROVINCE OF BULACAN TO ESTABLISH AND MAINTAIN VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (VAWC) DESK AND ESTABLISHING PROTOCOLS IN HANDLING VAWC CASES AT BARANGAY LEVEL, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES.

WHEREAS, Section 47 paragraph (f) of Rules and Regulations Implementing RA 9262, otherwise known as the Anti-Violence Against Women and Their Children (VAWC) Act of 2004 mandates having an anti-VAWC desk officer in the barangay who shall coordinate a one-stop help desk, which shall be, as much as possible, open for 24 hours;

WHEREAS, Section 9 (d) of RA 9710, otherwise known as Magna Carta of Women, provides that all local government units shall establish a Violence Against Women's Desk in every barangay to ensure that violence against women cases are fully addressed in a gender-responsive manner;

WHEREAS, the Department of the Interior and Local Government (DILG), Department of Social Welfare and Development (DSWD), Department of Education (DEPED), Department of Health (DOH) and the Philippine Commission on Women (PCW) issued Joint Memorandum Circular No. 2010-2 dated December 9, 2010 which provided for Guidelines in the establishment of Violence Against Women (VAW) Desk in every barangay;

NOW, THEREFORE, be it ordained by the Sangguniang Bayan, that:

Section 1.Short Title.– This Ordinance shall be known and cited as the Barangay Violence Against Women and Their Children (VAWC) Desk and Protocol Ordinance.

Section 2.Definition of Terms.– For purposes of this Ordinance, the following terms and phrases shall apply:

- a. Violence Against Women and Their Children or VAWC -- any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes, but is not limited to, the following acts:
 - 1) Physical Violence-- acts that include bodily or physical harm;
 - 2) Sexual violence -- an act which is sexual in nature, committed against a woman or her child. It includes, but is not limited to:
 - a) 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 her/him to watch obscene publications and indecent shows or 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;
 - b) acts causing or attempting to cause the victim to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion;
 - c) Prostituting the woman or child.
 - 3) Psychological violence -- 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 and mental infidelity. It includes causing or allowing the victim to witness the physical, sexual or psychological abuse of a member of the family to which the victim belongs, or to witness pornography in any form or to witness abusive injury to pets or to unlawful or unwanted deprivation of the right to custody and/or visitation of common children.
 - 4) Economic abuse -- acts that make or attempt to make a woman financially dependent which includes, but is not limited to the following:



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- a) withdrawal of financial support or preventing the victim from engaging in any legitimate profession, occupation, business or activity, except in cases wherein the other spouse/partner objects on valid, serious and moral grounds as defined in Article 73 of the Family Code;
 - b) 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;
 - c) destroying household property;
 - d) controlling the victims' own money or properties or solely controlling the conjugal money or properties.
- b. VAWC Desk – a facility that will address VAWC cases in a gender-responsive manner, managed by a person designated by the Punong Barangay. It is situated within the premises of the barangay hall. In the absence of a barangay hall, the VAWC Desk shall be established within the premises where the Punong Barangay holds office.

The definition of terms provided in RA 9262, otherwise known as the Anti-VAWC Act, as far as applicable, are hereby made part of this Ordinance.

Section 3.Scope and Coverage.– This Ordinance shall be enforced within all Barangays of the Municipality of Marilao, Province of Bulacan.

Section 4. Establishment Of VAWC Desk In Every Barangay– (a) Setting up the VAWC Desk – The Punong Barangay shall designate an area within the barangay hall for the VAWC Desk. S/he shall provide for the necessary furniture and fixtures such as, but not limited to, table, chairs, separate filing cabinet and log book for record-keeping of cases. Likewise, the Punong Barangay shall ensure the confidentiality of the case and privacy and safety of the victim-survivor.

(b) Designation of VAWC Desk Person – The Punong Barangay shall designate a VAWC 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, the Punong Barangay must ensure that the person assigned shall undergo basic gender sensitivity training and orientation on anti-VAWC laws.

Section 5.Functions of the Barangay VAWC Desk. -- The VAWC Desk shall perform the following tasks:

- a. Respond to VAWC cases brought to the barangay;
- b. Record the number of VAWC cases handled by the barangay and submit a quarterly report on all such cases to DILG Marilao Field Office and the Municipal Social Welfare and Development Office (MSWDO);
- c. Keep VAWC case records confidential and secure, and ensure that only authorized personnel can access the same;



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- d. Assist victims of VAWC in securing Barangay Protection Order (BPO) and access necessary services;
- e. Develop the barangay's gender-responsive plan in addressing gender-based violence, including support services, capacity building and referral system;
- f. Coordinate with and refer cases to government agencies, non-government organizations (NGOs), institutions, and other service providers as necessary;
- g. Address other forms of abuse committed against women and their children;
- h. Lead advocacies on the elimination of VAWC in the community;
- i. Perform other related functions as may be assigned.

Section 6. Protocols in Handling VAWC Cases at Barangay Level.— The Anti-VAWC Act (RA 9262) mandates the Punong Barangay or in his/her 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 Pambarangay such as mediation, settlement, conciliation, arbitration shall not apply to cases of VAWC. The following protocols shall be observed by the Barangay VAWC Desk Person when responding to VAWC situations:

- a. A VAWC (RA 9262) 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 initial information to determine the risks on hand and if immediate medical attention is needed. If so, facilitate referral to the nearest medical 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;
 - 6) If 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 MSWDO;



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- 7) Assist the victim-survivor to file for a temporary protection order (TPO) or permanent protection order (PPO) with the nearest Family Court within 24 hours after issuance of the BPO, if the victim-survivor so desires or she applies directly for a TPO/PPO instead of a BPO;
 - 8) Report the incident within four (4) hours to the Philippine National Police (PNP) and the Municipal Social Welfare and Development Office (MSWDO).
- b. A victim-survivor of 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 so desires;
 - 4) Refer victim-survivor 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;
 - 6) If not done earlier, report the incident within four hours to the PNP and the MSWDO.
 - 7) For rape, trafficking in persons and other cases which do not fall under the jurisdiction of the barangay, assist the victim-survivor to file a complaint at the PNP Women and Children Protection Center or the National Bureau of Investigation (NBI).

Section 7. Role of the Municipal Mayor.—The Municipal Mayor shall ensure the establishment of a VAWC Desk in every Barangay within its jurisdiction, and provide technical and financial assistance.

Section 8. Monitoring and Reporting. —All Punong Barangays or VAWC Desk Persons within one month after the approval of this Ordinance shall submit a report on the establishment of Barangay VAWC Desks in their respective Barangays to the Office of the Sangguniang Bayan under the Committee on Family and Women and to the Municipal Social Welfare and Development Office.

Furthermore, all designated VAWC Desk Persons shall record and file all VAWC Cases in their respective Barangays and a Quarterly Report be likewise submitted to the above mentioned office including the Action Taken and Status for each case. VAWC case records should be treated with utmost confidentiality and security, and ensure that only authorized personnel can have an access to the same.



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Section 9.Funding.– The cost of the establishment and operations of the Barangay VAWC Desk shall be charged under the respective barangay's gender and development (GAD) budget, which shall be at least five percent (5%) of its budgetary allocation. As such, it shall be included in the annual GAD Plans and Programs of the barangay, in accordance with Section 37.A (Planning, Budgeting, Monitoring and Evaluation for GAD) of the Rules Implementing RA 9710 or the Magna Carta of Women.

Section 10.Repealing Clause.– All provisions of local ordinances and resolutions inconsistent herewith are hereby repealed and/or modified accordingly.

Section 11.Separability Clause. – If for any reason any part of this Ordinance shall be held unconstitutional or invalid, other parts hereof which are not affected thereby shall continue to be in full force and effect.

Section 12.Effectivity Clause. – This Ordinance shall take effect the day following posting of copies hereof for ten (10) days in a bulletin board of the municipal hall and two (2) other conspicuous places in the Municipality of Marilao.

ENACTED, July 27, 2015.

PRESIDED:



ANDRE FAVIAN D. SANTOS
Municipal Vice Mayor
Presiding Officer

ATTESTED:



EDGAR P. RAMIREZ
Secretary to the Sangguniang Bayan

APPROVED: JUL 31, 2015

Date



JUANITO H. SANTIAGO
Municipal Mayor



CERTIFICATION

This is to certify that this municipal ordinance was approved on third and final reading on July 27, 2015.



EDGAR P. RAMIREZ
Secretary to the Sangguniang Bayan