



CPU-Net MEDICAL ALERT

A Bi-Monthly Bulletin Published by the Child Protection Unit Network

April 2004
Vol. 2 Issue 2

REPUBLIC ACT 9262:

Anti-Violence Against Women and Their Children Act of 2004 was approved on March 8, 2004 and eventually was published in several major dailies. The complete text is available on-line via http://www.ops.gov.ph/records/ra_no9262.htm. There are no Implementing Rules and Regulations (IRR) as of this writing. In order to have CPU-Net members get the heads up on this new and exciting law, a synopsis is provided below:

Violence against women and children defined according to RA 9262:

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:
 - ▶ Physical violence: bodily or physical harm
 - ▶ Sexual violence: includes but 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/her 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
 - 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
 - Prostituting the woman or her child
 - Psychological harm or suffering: includes but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse and marital infidelity; or
 - Economic abuse: acts to make a woman financially dependent including but not limited to:
 - ~ Withdrawal of financial support
 - ~ Preventing victim from engaging in any legitimate profession, occupation, business or activity except in cases where objection is based on valid, serious and moral grounds
 - ~ 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
 - ~ Controlling the victim's own money or properties or solely controlling the conjugal money or properties
 - ▶ Including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty.

What is dating relationship?

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. This excludes casual acquaintance or ordinary socialization between two individuals in a business or social context.



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What are the penalties provided?

The acts are punishable in accordance with the Revised Penal Code, which range from *arresto mayor* to *prison mayor*. Threats are punished by imprisonment two (2) degrees lower than the prescribed penalties for the consummated crime but no lower than *arresto mayor*. If the woman or child is pregnant or committed in the presence of her child, the maximum period of penalty is applied per section.

Apart from this, fines are also imposed from 100,000 to 300,000 pesos. And more importantly, mandatory psychological or psychiatric treatment is prescribed.

What are the other highlights of RA 9262?

Battered Women Syndrome: referred to scientifically defined pattern of psychological and behavioral symptoms found in women living in battering relationships as a result of cumulative abuse

Protection Order: an order issued to prevent further acts of violence against the woman or her child, the purpose of which is: To safeguard the victim from further harm, To minimize disruption in the victim's daily life, and To facilitate the victim to regain control over her life

Who may issue a protection order?

- Punong Barangay or if Punong Barangay is not available, Barangay Kagawad- Barangay Protection Order (BPO)- effective for 15 days
- Courts (Family Court, RTC, MTC, MCTC) - Temporary Protection Order (TPO), which is effective for 30 days and/or Permanent Protection Order (PPO), which is served only after notice and hearing by the above courts

What may be included in the protection order?

- Prohibiting the respondent from threatening to commit or committing, personally or through another, any violent act
- Prohibiting the respondent to directly or indirectly communicate with petitioner
- Removal and exclusion of the respondent from the residence of the petitioner, REGARDLESS of ownership of the residence. IF the respondent wants to take his personal belongings, the court shall direct a law enforcement agent to accompany him and escort him out. The law enforcement agent should also remain in the residence until respondent has gathered his things.
- Directing the respondent to stay a certain distance from petitioner or any household member
- Granting temporary or permanent custody of the children to petitioner
- Directing respondent to provide legal support to the woman and/or her child

This law acknowledges the Battered Woman Syndrome. Doctors should know how to recognize and elicit the features of Battered Woman Syndrome among patients to prevent these women from becoming either perpetrators or victims of violence.

This exciting law has definite and positive implications in our practice of child protection!

*June 19, 2004 RTD
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