



Republic of the Philippines
BATANGAS CITY

Office of the Sangguniang Panlungsod

Tel. No. 723-2175

ORDINANCE NO. 9 S. 2013

AN ORDINANCE COMPELLING EVERY BARANGAY OF THE CITY OF BATANGAS TO ESTABLISH VIOLENCE AGAINST WOMEN (VAWC) DESK AND LAUNCH PROTOCOL IN HANDLING VAW CASES AT BARANGAY LEVEL

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WHEREAS, Article II Section 14 of the 1987 Philippine Constitution provides, that the state recognizes the role of women in nation-building, and shall ensure fundamental equality before the law of women and men;

WHEREAS, pursuant to Republic Act (RA) 9710, otherwise known as the Magna Carta of Women, is a comprehensive women's human rights 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. Section 12 D, Rule IV of the Rules and Regulations Implementing the Magna Carta of Women provides for the establishment of a VAW desk in every barangay to ensure that violence against women cases are fully addressed in a gender-responsive manner;

WHEREAS, comprehensive women's rights law seeks to eliminate discrimination against women by recognizing, protecting, fulfilling and promoting the rights of Filipino women, especially those in the marginalized sectors,

WHEREAS, in compliance with the Law the Department of the Interior and Local Government, Department of Social Welfare and Development, Department of Education, Department of Health and Philippine Commission on Women, issued a Joint Memorandum-Circular No. 2010-2 requiring all local government units to establish violence against women desk in every barangay.

WHEREAS, the establishment of Violence Against Women Desk in every barangay provides for an intervention that will raise the consciousness of the public in recognizing the dignity of women, ensuring support for victims, bringing perpetrators to justice and making a long term plan to prevent violence in all forms;

NOW, THEREFORE, the Sangguniang Panlungsod of Batangas City hereby ordains and decrees:

SECTION 1. TITLE - This Ordinance shall be known and cited as "An Ordinance Compelling Every Barangay to Establish Violence Against Women (VAW) Desk and Launch Protocol in Handling VAW Cases at Barangay Level"

SECTION 2. DEFINITION OF TERMS. - For the purpose of this ordinance, the following terms and phrases shall apply:



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2.1. 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 of liberty, whether occurring in public or in private life. It shall be understood to encompass, but not limited to the following:

- (1) 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;
- (2) Physical, sexual, and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment, and intimidation at work, in educational institutions and elsewhere, trafficking in women, and prostitution; and
- (3) Physical, sexual, and 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 used interchangeably with gender-based violence.

2.2. VAW Desk – a facility that would address VAW 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 VAW Desk shall be established within the premises where the punong barangay holds office.

The definition of terms provided in Republic Act (RA) 9710, otherwise known as the Magna Carta of Women as far as applicable are hereby made part of this Ordinance.

SECTION 3. SCOPE AND COVERAGE. -This ordinance shall be enforced within all Barangay of the City of Batangas.

SECTION 4. ESTABLISHMENT OF VAW DESK IN EVERY BARANGAY

4.1. Setting up the VAW Desk – the punong barangay shall designate an area within the barangay hall for the VAW desk. She/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. The responsibility will then be transferred to Barangay Outpost that is opened for 24 hours.



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4.2. Designation of VAW Desk person – the punong barangay shall designate a 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-VAW laws.

SECTION 5. FUNCTIONS OF THE BARANGAY VAW DESK

The VAW Desk shall perform the following tasks:

- 5.1. Respond to gender-based violence cases brought to the barangay;**
- 5.2. Keep VAW case records confidential and secured, and ensure that only authorized personnel can access it;**
- 5.3. Assist victims of VAW in securing Barangay Protection Order (BPO) and access necessary services;**
- 5.4. Develop the barangay's gender-responsive plan in addressing gender based violence, including support services, capacity building and referral system;**
- 5.5. Coordinate with and refer cases to government agencies, non-government organizations (NGOs), institutions, and other service providers as necessary such as KALIPI;**
- 5.6. Disseminate Awareness Campaign on VAW and if possible conduct seminar and orientation on VAW and other laws of Barangay leaders, neighborhood associations and Womens Group;**
- 5.7. Address other forms of abuse committed against women, especially senior citizens, women with disabilities, and other marginalized groups;**
- 5.8. Lead advocacies on the elimination of VAW in the community;**
- 5.9. Seek technical assistance/support from CSWDO for the effective implementation of Anti VAW Laws;**
- 5.10. Perform other related functions as may be assigned.**

SECTION 6. PROTOCOL IN HANDLING VAW CASES AT BARANGAY LEVEL

The following protocol shall be observed by the Barangay VAW Desk person when responding to VAW situations:



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- 6.1 A VAWC (RA 9262) victim-survivor is accompanied by someone to the barangay or the victim herself goes to the barangay;**
- 6.1.1 Arrest the perpetrators even without warrant when the acts of violence is occurring or when said barangay official has personal knowledge that any act of abuse has just been committed and in the presence of eminent danger to the life of the victim-survivor.**
 - 6.1.2 Make the woman (and children, if applicable) comfortable in a safe and private room giving her water and other immediate needs if any; must also feel safe in a secure place where they have privacy and separate from the perpetrator;**
 - 6.1.3 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;**
 - 6.1.4 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;**
 - 6.1.5 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;**
 - 6.1.6 Record the incident using the National VAW Documentation System barangay form;**
 - 6.1.7 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 CSWDO;**
 - 6.1.8 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;**
 - 6.1.9 Report the incident within four hours to the PNP and the CSWDO.**
- 6.2 A victim-survivor of VAW is reported by a community member;**
- 6.2.1 Verify the information and if needed, seek assistance from the PNP;**
 - 6.2.2 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;**



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- 6.2.3 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;
 - 6.2.4. Refer victim-survivor for medical care and temporary shelter and other needs when needed based on the assessment done;
 - 6.2.5 Record the incident using the National VAW Documentation System barangay form;
 - 6.2.6 If not done earlier, report the incident within four hours to the PNP and the CSWDO;
- 6.3 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 CITY MAYOR

The Honorable City Mayor shall ensure the establishment of a VAW Desk in every Barangay within their jurisdiction, and provide technical and financial assistance subject to availability of funds based on the GAD appropriation or allocation of 5% of the Annual Barangay Budget for its operations.

SECTION 8. MONITORING AND REPORTING

All Barangay Captains or VAW Desk Person in Charge within one month after the passage of the ordinance shall submit a report on the establishment of Barangay VAW Desk in their respective Barangay to the Office of the Sangguniang Panlungsod under the Committee on Family and Women and City Social Welfare and Development Office.

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

SECTION 9. REPEALING CLAUSE. - All provisions of local ordinances, orders, resolutions inconsistent herewith are hereby repealed and/or modified accordingly.

SECTION 10. 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.



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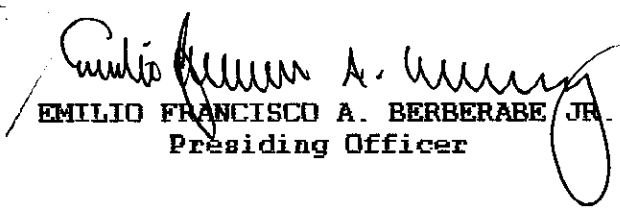
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SECTION 11. EFFECTIVITY. - This ordinance shall take effect upon approval of the City Mayor and publication in a newspaper of general circulation in the province of Batangas.


ENACTED by the Sangguniang Panlungsod this 16th day of September, 2013.


ATTY. OLIVA D. TELEGATOS
Secretary
Sangguniang Panlungsod

ATTESTED:


EMILIO FRANCISCO A. BERBERABE JR.
Presiding Officer

APPROVED:


EDUARDO B. DIMACUHA
City Mayor

Date Approved: Sept. 30, 2013