

EXCERPTS FROM THE MINUTES OF THE 36TH REGULAR SESSION OF THE 10TH SANGGUNIANG BAYAN OF KABACAN, COTABATO HELD ON JUNE 01, 2017 IN THE DATU BUNDAS L. MAMALUBA SESSION HALL.

The session was called to order by the Presiding Officer at 9:30 in the morning and the following were:

PRESENT: Hon. Myra Dulay-Bade, Vice-Mayor/Presiding Officer
Hon. Herlo C. Guzman, SB Member
Hon. Reyman L. Saldivar, SB Member
Hon. Manny K. Pedtamanan, SB Member
Hon. George E. Manuel, SB Member
Hon. Ayesha J. Quilban-Flores, SB Member
Hon. Datuan L. Macalipat, SB Member

ABSENT: Hon. Rhosman S. Mamaluba, SB Member
Hon. Romeo G. Mantawil, SB Member
Hon. Raymundo B. Gracia, SB Member (O.B.)

RESOLUTION NO. 2017-077

RESOLUTION ENACTING AN ORDINANCE ESTABLISHING BARANGAY VAWC DESK AND A RECORDING AND REPORTING SYSTEM IN THE DIFFERENT BARANGAYS OF THE MUNICIPALITY OF KABACAN, COTABATO.

WHEREAS, Republic Act 9262, *"An Act Defining Violence Against Women and their Children, Providing for Protective Measures For Victims, Prescribing Penalties Thereof, And For Other Purposes"*, declared that the State values the dignity of women and 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 and threats to their personal safety and security;

WHEREAS, the State shall exert efforts to address violence committed against women and children in keeping with the fundamental freedoms guaranteed under the Constitution and the Provisions of the Universal Declaration of Human Rights, the convention on the elimination of all forms of discrimination against women, convention on the rights of the child and other international human rights instruments of which the Philippine is a party;

WHEREAS, Republic Act 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 marginalized sectors. Section 12 D, Rule IV of the Rules and Regulations Implementing the Magna Carta of Women provides for the establishment of a VAWC Desk in every barangay to ensure that violence against women cases are fully addressed in a gender-responsive manner;

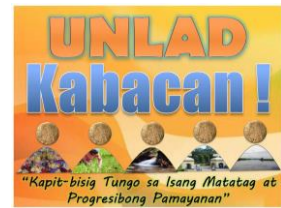
WHEREAS, the Local Government Unit must have a mechanism in handling cases on violence against women and children;

WHEREAS, premises considered, this body deemed it proper to establish a VAWC Desks in all barangay of this municipality.

WHEREFORE, on motion of Hon. Ayesha J. Quilban-Flores, duly seconded by Hon. Datuan L. Macalipat, the Sangguniang Bayan has-

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RESOLVED, as it hereby resolves, to enact, as it hereby enacts-

ORDINANCE NO. 032, S. 2017

AN ORDINANCE ESTABLISHING BARANGAY VAWC DESK AND A RECORDING AND REPORTING SYSTEM IN THE DIFFERENT BARANGAYS OF THE MUNICIPALITY OF KABACAN, COTABATO.

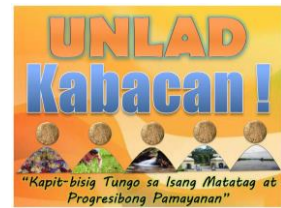
Be it enacted by the Sangguniang Bayan of Kabacan in Session, that:

SECTION 1. OBJECTIVE.-This ordinance seeks for the establishment of Barangay Violence Against Women and their Children (VAWC) Desk and a Recording and Reporting System in the Municipality of Kabacan, Cotabato.

SECTION 2. DEFINITION OF TERMS.

- a. **Violence Against Women and their Children (VAWC)**-refers to 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.
- b. **VAWC Desk**-refers to a facility that would 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 the barangay hall, the VAWC Desk, shall be established within the premises where the Punong Barangay holds office.
- c. **VAWC Desk Person-In-Charge**-refers to a person trained in gender-sensitive handling of cases, preferably a woman barangay kagawad or woman barangay tanod.
- d. **Physical Violence**-refers to acts that include bodily or physical harm
- e. **Sexual Violence**- refers to an act which is sexual in nature, committed against a woman or her child. It includes, but 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.

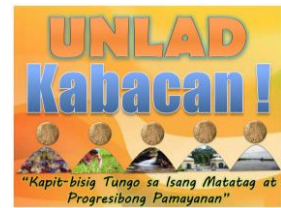
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- b. Acts causing or attempting to cause the victims to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion.
- c. Prostituting the woman or child.
- f. **Psychological Violence**-refers 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 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.
- g. **Economic Abuse**-refers to acts that make or attempt to make a woman financially dependent which includes, but is not limited to the following:
 - 1. 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.
 - 2. 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.
 - 3. Destroying household property.
 - 4. Controlling the victims' own money or properties or solely controlling the conjugal money or properties.
- h. Battery-refers to an act of inflicting physical harm upon the woman or her child resulting to the physical and psychological or emotional distress.
- i. **Battered Woman Syndrome**-refers to a scientifically defined pattern of psychological and behavioral symptoms found in women living in battering relationship as a result of cumulative abuse.
- j. **Stalking**-refers to an intentional act committed by a person who, knowingly and without lawful justification follows the woman or her child or places the woman or her child under surveillance directly or indirectly or a combination thereof.
- k. **Dating relationship**-refers to 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. A casual acquaintance or ordinary socialization between two individuals in a business or social context is not a dating relationship.
- l. **Sexual Relations**-refers to a single sexual act which may or may not result in the hearing of a common child.

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m. **Safe place or shelter**-refers to any home or institution maintained or managed by the Department of Social Welfare and Development (DSWD) or by any other agency or voluntary organization accredited by the DSWD for the purposes of this Act or any suitable place the resident of which is willing temporarily to receive the victim.

n. **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.

SECTION 3. ESTABLISHMENT OF VAWC DESK IN EVERY BARANGAY. The Punong Barangay shall designate an area within the Barangay Hall for the VAWC Desk and shall provide the necessary furniture and fixtures such as, but not limited to table, chairs, separate filing cabinet and log book for record-keeping of cases and shall ensure the confidentiality of the case and privacy and safety of the victim-survivor.

SECTION 4. DESIGNATION OF VAWC DESK PERSON/IN-CHARGE. The Punong Barangay shall designate a VAWC Desk Person-In-Charge 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-VAWC laws.

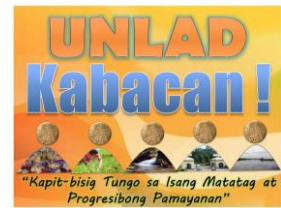
SECTION 5. FUNCTION OF THE VAWC DESK PERSON/IN-CHARGE. The VAWC Desk Person/In-Charge shall perform the following tasks:

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 VAWC to the Municipal Government Unit Operations Officer (MLGOO) and the Municipal Social Welfare and Development Officer-Gender and Development (MSWDO-GAD) Focal Persons.
3. Keep VAWC case records confidential and secured, and ensure that only authorized personnel can access it;
4. Develop the Barangay's Gender-Responsive Plan in addressing gender-based violence, including support services, capacity building and referral system.
5. Coordinate with and refer cases to government agencies, Non-Government Organizations (NGOs), institutions, and other services, and
6. Perform other related functions as may be assigned.

SECTION 6. PROTOCOL IN HANDLING VAWC CASES AT THE BARANGAY LEVEL. The following procedures shall be observed by the Barangay VAWC Desk Person/In-charge when responding to VAWC situations:

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 risk on hand and if immediate medical attention is needed. If so, facilitate referral to the nearest medical facility.

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3. After the victim-survivor has stabilized, assist the Punong Barangay/Kagawads in the conduct of investigation in a gender-sensitive and non-judgmental manner in a language understood by her.
4. Inform her of her rights and the services available and the process involved particularly in relation to the Barangay Protection Order (BPO). Assist her to the application, if she decides to have a BPO.
5. Record the incident using the National VAWC Documentation System barangay form (RA 9262 Annexes).
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 the Crisis Center/shelter/women's center or to the MSWDO.
7. Assist the victim-survivor to file a Temporary Protection Order (TPO) or Permanent Protection Order (PPO) with the nearest Regional Trial Court (RTC) of Family Court within 24 hours after issuance of the BPO, if the victim-survivor so desires or she applies directly for the TPO PPO instead of BPO.
8. 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.
9. Refer victim-survivor for medical care and temporary shelter and other services needed based on the assessment done.
10. Report the incident within Eight (8) hours to the Women and Children Protection Desk-Philippine National Police (WCPD-PNP) and to the Municipal Social Welfare Development Office (MSWDO).
11. Rape cases, trafficking in persons and other cases which do not fall under the jurisdiction of the barangay, the VAWC Desk Person-In-Charge shall assist the victim-survivor to file a complaint at the Women and Children Protection Desk (WCPD-PNP) or to the nearest National Bureau of Investigation (NBI).

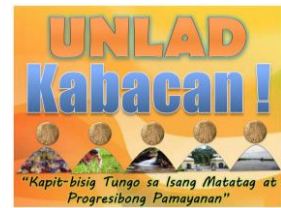
SECTION 7. RECORDING AND REPORTING SYSTEM. Proper record keeping and regular reporting by the VAWC Desk Person-In-Charge are important to keep track of VAWC incidents and to generate data. The relevance of the data will help in determining and developing needed remedies effective advocacy program and better laws and policies addressing VAWC. All records pertaining to cases of violence against women and their children shall be held confidential (confidentiality clause, Section 44, RA 9262). The VAWC Desk must use the prescribed VAWC Documents Form (RA 9262 Annexes). The Barangay VAWC Desk Person/In-Charge shall submit a quarterly report on all the cases of VAWC to MLGOO and to the Municipal Social Welfare and Development Office (MSWDO) particularly to the GAD Focal Person.

SECTION 8. FUNDING.

- a. The cost of establishment and operations of the Barangay VAWC Desk shall be charged under the respective Barangay Gender and Development (GAD) budget.

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- b. The trainings and seminars of the VAWC Desk Person/In-Charge shall be charged to the LGU-GAD budget.

SECTION 9. SEPARABILITY CLAUSE. Should any provision of this ordinance be declared unconstitutional or illegal by any court of competent jurisdiction, those parts which are not declared shall remain in effect.

SECTION 10. REPEALING CLAUSE- All ordinance, orders, rules and regulations or parts thereof, which are inconsistent with any provision of this ordinance are hereby repealed or modified accordingly.

SECTION 11. EFFECTIVITY CLAUSE. This ordinance shall take effect *Fifteen (15) days* upon approval and upon compliance with posting requirements pursuant to Section 59 of RA 7160.

ENACTED. June 01, 2017.

CERTIFIED CORRECT:

SGD. BEATRIZ S. MADERAS
Secretary to the Sanggunian

ATTESTED TO BE DULY ENACTED/ADOPTED:

SGD. MYRA DULAY-BADE
Vice-Mayor /Presiding Officer

APPROVED.

SGD. HERLO P. GUZMAN, JR.
Municipal Mayor

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