

Republic of the Philippines
Province of Cebu
CITY OF NAGA



Excerpt from the minutes of the Regular Session of the 3rd Sangguniang Panlungsod (SP) of the City of Naga, Cebu held on November 26, 2018 at the Session Hall, Legislative Building, City of Naga, Cebu.

Present:

HON. OTHELLO M. CHIONG
HON. ALEXANDER R. LARA
HON. VIRGILIO M. CHIONG
HON. AURELIO B. ALINSONORIN
HON. DELFIN R. SEÑOR
HON. AFSHIN MARK K. SEÑOR
HON. RODRIGO A. NAVARRO
HON. PABLO A. ABANGAN
HON. LUZMINDA R. LAPITAN
HON. PORFERIO V. RESABA, JR.
HON. SCOTT JUVENAL A. CHIONG

-Vice Mayor/Presiding Officer
-Sangguniang Panlungsod Member
-Sangguniang Panlungsod Member
-Sangguniang Panlungsod Member
-Sangguniang Panlungsod Member
-Sangguniang Panlungsod Member
-Sangguniang Panlungsod Member
-Sangguniang Panlungsod Member
-Sangguniang Panlungsod Member
-Sangguniang Panlungsod Member
-Sangguniang Panlungsod Member
-ABC President

On Official Business:

HON. CARMELINO N. CRUZ, JR.

- Sangguniang Panlungsod Member

On Leave:

HON. JHUN MARK T. SISMAR

-SK President



ORDINANCE NO. 2018-027

Hon. Luzminda R. Lapitan - Sponsor

SP Committee on Chairperson on Women, Gender and Family Relations

AN ORDINANCE EXPANDING THE VIOLENCE AGAINST WOMEN AND CHILDREN (VAWC) DESK TO DOMICILE DISCIPLINARY SUPPORT DESK IN EVERY BARANGAY OF THE CITY OF NAGA, CEBU AND LAUNCH PROTOCOL IN HANDLING THESE CASES AT BARANGAY LEVEL

EXPLANATORY NOTE

Section 14 Article II ection 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.

Pursuant to Republic Act 9710, otherwise known as the *Magna Carta of Women*, 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 violence against women desk in every barangay to ensure that violence against women cases are fully addressed in a gender-responsive manner.

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 the violence against women desk in every barangay.

The establishment of a 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.

BE IT ORDAINED, as it is hereby ORDAINED by the Sangguniang Panlungsod of the City of Naga, Cebu, in a session duly assembled, that:

SECTION 1. TITLE. This Ordinance shall be known as "AN ORDINANCE EXPANDING THE VIOLENCE AGAINST WOMEN AND CHILDREN (VAWC) DESK TO DOMICILE DISCIPLINARY SUPPORT DESK IN EVERY BARANGAY OF THE CITY OF NAGA, CEBU AND LAUNCH PROTOCOL IN HANDLING THESE CASES AT BARANGAY LEVEL."

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

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:

- 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, 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
- c) 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 addresses 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 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 in all barangays under the jurisdiction of the City of Naga, Cebu.

SECTION 4. ESTABLISHMENT OF VAW DESK IN EVERY BARANGAY. The VAW Desk must be established and the VAW Desk Person must be designated through a Barangay Ordinance and/or an Executive Order.

4.1. Setting up the VAW Desk. The punong barangay shall designate an area within the barangay hall for the VAW Desk. 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, privacy and safety of the victim-survivor.

The VAW Desk shall have a separate room where the intake interview can be conducted (if no separate room available, an enclosed area within the compound where the barangay hall is located).

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, the assigned VAW Desk Person must have undergone the basic gender sensitivity training and orientation on anti-VAW laws.

4.3. Supervision of VAW Desk and VAW Desk Person. City Social Welfare and Development (CSWD) with monthly reportorial requirement and monitoring which must be reported every LCAT-VAWC meeting.

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. record the number of gender-based violence handled by the barangay and submit a quarterly report on all cases of VAW to the DILG City Field Office and the City Social Welfare Development Office (CSWDO);
- 5.3. keep VAW case records confidential and secured, and ensure that only authorized personnel can access it;
- 5.4. assist victims of VAW in securing Barangay Protection Order (BPO) and access necessary services;
- 5.5. develop the barangay's gender-responsive plan in addressing gender-based violence, including support services, capacity building and referral system;
- 5.6. coordinate with and refer cases to government agencies, nongovernment organizations (NGOs), institutions, and other service providers as necessary;
- 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; and
- 5.9. perform other related functions as may be assigned.

SECTION 6. RESOURCES. The Barangay VAW Desk shall have the basic equipment, furniture, vehicle, monitoring tools, and reference materials; subject to availability of funds.

- 6.1. **Furniture and Vehicle.** A VAW Desk shall have a separate cabinet or designated storage place where files could be safely kept and maintained. Access to its contents must be controlled by the person-in-charge. Further, a vehicle or transportation expenses must be available for the use of transporting victim survivor/s.
- 6.2. **Equipment and Supplies.** A VAW Desk shall have the necessary equipment for recording, documenting, and monitoring VAW cases received. Communication equipment and first aid kit shall be available for the referral of VAW concerns and the provision of first aid treatment to victim-survivor/s.
- 6.3. **Monitoring Tools.** A VAW Desk must have a readily available Intake Form (Annex A), Referral Form (Annex B), Feedback Form (Annex C), Application Form for Barangay Protection Order or BPO (Annex D), and Logbook.
- 6.4. **References.** A VAW Desk must have reference materials that must be readily available in the barangay, such as:
 - a) directory of all government agencies and non-government institutions, national and local that provide VAW-related services. It must contain all necessary information such as name, address, and contact details of the agency or institution, including procedures in availing the required services. This is vital in referring VAW victim-survivors to the proper agencies or institutions in cases where they need services such as legal assistance; psychological services (i.e., counseling, psychiatric examination and therapy); medical services; medico-legal services; and livelihood development and employment assistance;
 - b) VAW Desk Handbook;
 - c) VAW-related books and brochures;
 - d) flowchart on BPO issuances; and
 - e) flowchart on handling VAWC cases.

SECTION 7. PROTOCOL IN HANDLING VAW CASES AT THE BARANGAY LEVEL. The 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 BPO on the date of filing after ex parte determination of the basis of application. Please note that 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 VAW Desk Person when responding to VAW situations:

- 7.1. A VAWC (RA 9262) victim-survivor is accompanied by someone to the barangay or the victim herself goes to the barangay;
 - 7.1.1. Make the woman (and children, if applicable) comfortable in a safe and private room giving her water and other immediate needs, if any;

- 7.1.2. 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;
 - 7.1.3. 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;
 - 7.1.4. 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;
 - 7.1.5. Record the incident using the National VAW Documentation System barangay form (Annex A);
 - 7.1.6. 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 City Women Crisis Center;
 - 7.1.7. 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; and
 - 7.1.8. Report the incident within four hours to the Philippine National Police - Women and Children Protection Center (PNP-WCPC) and the CSWDO.
- 7.2. If a victim-survivor of VAWC is reported by a community member.
 - 7.2.1. Verify the information and if needed, seek assistance from the PNP;
 - 7.2.2. 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;
 - 7.2.3. 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;
 - 7.2.4. Refer victim-survivor for medical care and temporary shelter and other needs when needed based on the assessment done;
 - 7.2.5. Record the incident using the National VAW Documentation System barangay form (Annex 1); and
 - 7.2.6. If not done earlier, report the incident within four hours to the PNP and the CSWDO.
 - 7.3. 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-WCPC or the National Bureau of Investigation.

SECTION 8. PLANS AND BUDGET. The VAW Desk shall have its own budget for operation and services that is integrated in the approved Barangay Gender and Development (GAD) Plan and Budget which shall be at least five percent (5%) of their budgetary allocation.

The barangay shall have the approved Barangay GAD Plan and Budget which contains gender-responsive programs and activities to address gender-based violence. The said programs must be integrated in the Barangay Development Plan (BDP) and reflected in the Annual Investment Program (AIP) of the Barangay.

SECTION 9. 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 10. MONITORING AND REPORTING. All Punong Barangay or VAW Desk Person 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, City Local Government Operations Office (CLGOO), and CSWDO.

Furthermore, all designated VAW Desk Person 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.

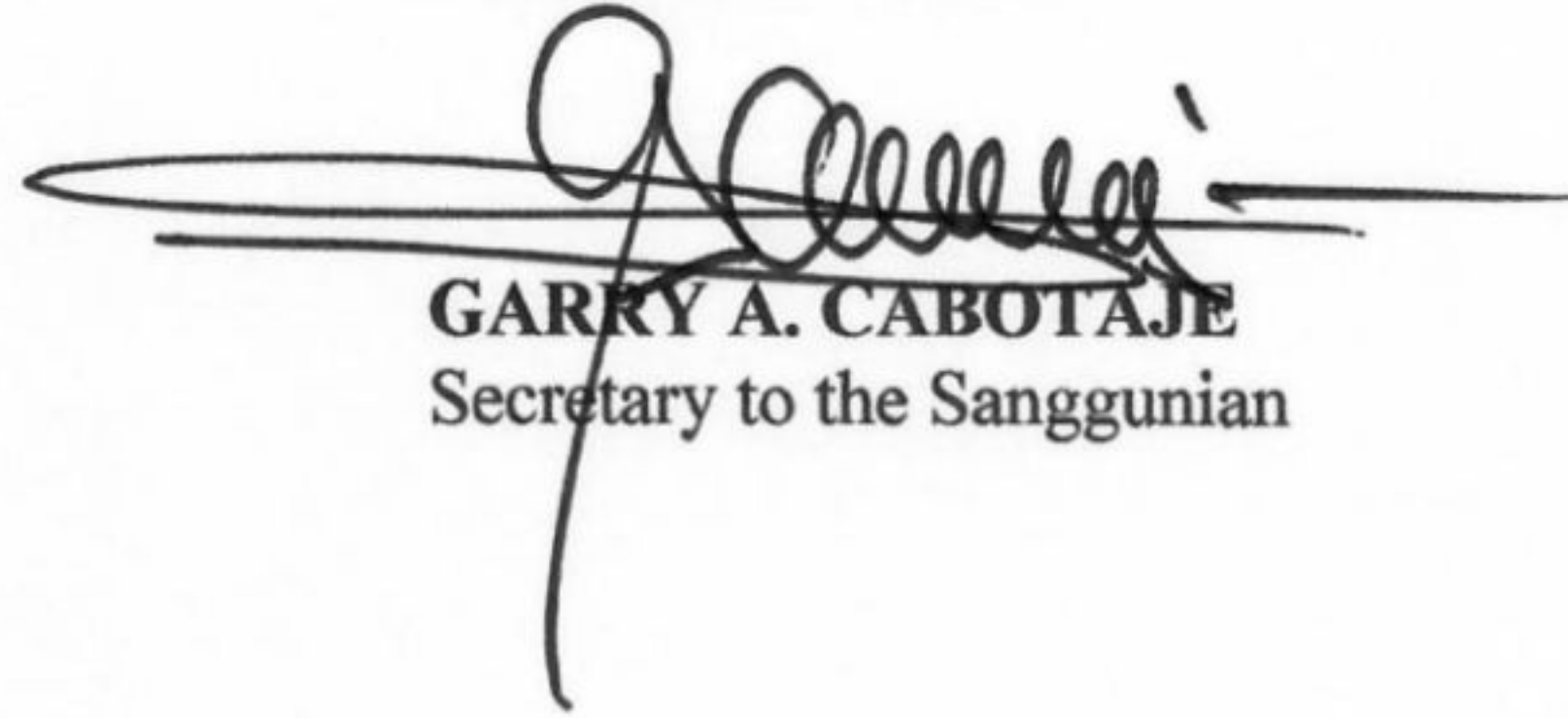
SECTION 11. REPEALING CLAUSE. All provisions of local ordinances, orders, rules and regulations, or parts thereof, whose provisions are in conflict with or contrary to the provisions of this Ordinance are hereby repealed, amended and modified accordingly.

SECTION 12. 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 13. EFFECTIVITY CLAUSE. This ordinance shall take effect upon approval in accordance with law.

UNANIMOUSLY APPROVED this 26th day of November 2018 on motion of Hon. Luzminda R. Lapitan, seconded by Hon. Pablo Abangan.

CERTIFIED CORRECT:




GARRY A. CABOTAJE
Secretary to the Sanggunian

ATTESTED BY



OTHELLO M. CHIONG
Vice Mayor/Presiding Officer

APPROVED BY:



KRISTINE VANESSA T. CHIONG
City Mayor