PROVINCE OF LEYTE Palo, Leyte

Item No.: //
Date: AUG 2 2 2023

PROVINCIAL LEGAL OFFICE



2nd INDORSEMENT August 9, 2023



Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 40, S. 2023-2025of the Sangguniang Bayan of Villaba, Leyte, with the following comments/opinions:

- 1. That Ordinance No. 40, S. 2023-2025 intends to eradicate the commission of Violence against Women and children in the LGU concerned;
- 2. That said act necessarily provide General Welfare to the most vulnerable sectors of society, the Women and Children, a power reposed upon the SB concerned by Section 16 of the Code;
- 3. That in connection thereto, Ordinance No. 40, S.2023-2025 under Article IV thereof, provide penalties and fines from P10,000 to P200,000, and imprisonment of Arresto Mayor or Prision Correctional, depending on the offense committed;
- 4. That on the other hand, Section 447(1)(iii) of the Code, allows a penalty of fine not exceeding P2,500 or imprisonment not exceeding 6 months or both for violations of an ordinance, except when what is violated is a Tax Ordinance, in which case Section 516 of the code allows a fine of P5,000 or imprisonment of not more than 6 month;
- 5. That the Legislative power of the LGU's through their respective Sanggunian's, is one that is delegated by Congress through R.A. 7160 or

the Local Government Code of 1991, and therefore their legislative acts are limited to what is allowed under the Code;

6. That in view thereof, it is recommended that Ordinance no. 40, S.2023-2025 be reviewed by the Sanggunian concerned, to ensure that the penalties provided therein does not tantamount to an Ultra Vires act.

ATTY. JOSE RAYMUND A. ACOL

Asst. Provincial Legal Officer

Republic of the Philippines PROVINCE OF LEYTE Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1st INDORSEMENT 04 August 2023

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed MUNICIPAL ORDINANCE NO.40, S. 2023-2025 of the MUNICIPALITY OF VILLABA, LEYTE, entitled: AN ORDINANCE ESTABLISHED TO RID THE MUNICIPALITY OF VILLABA OF VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (VAWC) AND EXACT PENALTY FOR COMMITTING ANY OF THE CITED CASES THEREOF.

FLORINDA JILL S. YYVICO Secretary to the Sanggunian



THE SANGGUNIANG PANLALAWIGAN MEMBERS New Provincial Government Complex Campetic, Palo, Leyte

AUG 0 4 2023
PROVINCE OF LEYTE

Thru:

LEONARDO M. JAVIER, JR.Vice Governor/Presiding Officer

Hon. Sangguniang Panlalawigan Members:

We respectfully transmit herewith Fifteen (15) copies of:

Municipal Ordinance No. 40, S-2023-2025 "AN ORDINANCE ESTABLISHED TO RID THE MUNICIPALITY OF VILLABA OF VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (VAWC) AND EXACT PENALTY FOR COMMITTING ANY OF THE CITED CASES THEREOF,"

for your review and approval.

Best regards.

Very truly yours,

MC QUIRIE . UMPAD
Secretary to the Sanggunian

Copy furnished:

THE LOCAL CHIEF EXECUTIVE OFFICE MSWDO
MUNICIPAL TREASURY OFFICE
Local Government Unit
Villaba, Leyte



MUNICIPAL ORDINANCE NO. 40, S. 2023-2025

AN ORDINANCE ESTABLISHED TO RID THE MUNICIPALITY OF VILLABA OF VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (VAWC) AND EXACT PENALTY FOR COMMITTING ANY OF THE CITED CASES THEREOF

> Authored by: HON. ROGELIO J. BAAY Sangguniang Bayan Member



PREFATORY STATEMENT

VAWC is a crime associated with violence perpetrated by men who are disposed or inclined to do unpleasant act, or a chain of acts, against women and their children. These men are of a kind that indiscriminately take advantage over the vulnerability of the female sex and their siblings. Occurrence of these criminal actuations grew so frightening at certain times before that a law had been enacted to strongly subdue this lawlessness.

However, despite the existence of this law, there is still an indispensable necessity to provide the government of Villaba with local legislative measure that would compulsively adopt and lay down the aforesaid law.

In consideration of the above assertion, it is but right and proper to set up a statute that shall deter this brand of cruelty on the part of women and their children in the municipal level.

NOW, THEREFORE, BE IT DECREED, as the Sangguniang Bayan in regular session assembled hereby DECREED that:

ARTICLE I **GENERAL PROVISIONS**

Section 1. TITLE. - This enactment shall be known as the "ANTI-VAWC Ordinance of the Municipality of Villaba, Leyte."

Section 2. SCOPE. – This ordinance shall be applicable within the territorial jurisdiction

of LGU- Villaba.

DENNIS . SY Vice Mayo/Presiding Officer NIEL ALBERT B. INOPIQUEZ

Sangguniang Bayan Member
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Langguniang Bayan Member

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RINA . CON-UI

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OLETA T. SUMAPIG angguniang Bayan Member ROQUE M. COMPRA

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Federation Vice President

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LAB President

RALYN D. A LAGON

Temporary Secretary to the Sangguniang Bayan

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ENGR. CARLOS G. VELOSO Municipal Mayor

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Section 3. DECLARATION OF POLICY. - It is one of the foremost responsibilities of this local government to serve and protect its people from distress and address any eventuality or condition that needs immediate assistance.

Section 4. OBJECTIVE. - It is envisioned by this instrument to provide a safeguard for women and their children against any harm or violence, as well as, to make available a deterrent mechanism for their freedom from the danger of imminent sudden or great misfortune.

Section 5. DEFINITION OF TERMS. – As used in this ordinance, the following words or group of words shall mean, to wit:

- a) Arbitrary Deprivation of Liberty the act of taking away one's freedom without due reason
- b) Battery or Battering beating with repeated blow; unlawful beating or use of force on a person
- c) Compulsively forcefully; by force
- d) Indiscriminately exercising or showing no care in choosing
- e) Lay Down the Law to make firm and authoritative statements that demand obedience and compliance
- f) Perpetrated committed; performed or put into action
- g) Prostituting causing one to engage in sexual activities for money
- h) Vulnerability the condition of being prone to harm or injury; helplessness

ARTICLE II VIOLENCE AGAINST WOMEN AND THEIR CHILDREN

Section 6. VIOLENCE AGAINST WOMEN AND THEIR CHILDREN Explained. -Pursuant to the Implementing Rules and Regulations of R.A. 9262, an Anti-Violence Against Women and their Children Act of 2004, it is any act or series of acts committed by any person against a women who is his wife, former wife, or against a women 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 results in or is likely to result in physical, sexual, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes, but not limited to, the following acts:

A. Physical Violence – an act that involves bodily or physical harm;

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ERALIN D. ARAGON Temporary Secretary to the Sangguniang Bayan

ENGR. CALOS G. VELOSO Municipal Mayor JUL 2 0 2023

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- B. Sexual Violence any act which is sexual in nature, committed against a woman or her child which includes, but not limited to:
 - 1. Marital 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 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 or sleep together in the same room with the abuser;
 - 2. Acts causing or attempting to cause the victim to engage in any sexual activity by force, threat of force, physical or other harm or coercion; and
 - 3. Prostituting the woman or child.
- C. Psychological Violence This refers to acts or omissions causing or likely to cause mental or emotional suffering to the victim such as, but not limited to, intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse, and marital 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 unlawful or unwanted deprivation of the right to custody and/or visitation of common children.
- D. Economic Abuse pertains to acts that make or attempt to make a woman financially dependent which includes, but not limited to, the following:
 - 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; and
 - 4. Controlling the victim's own money or properties or solely controlling the conjugal money or properties.

ARTICLE III **PUNISHABLE ACTS**

Section 7. PUBLIC CRIME - Violence Against Women and their Children shall be OLETA T. SUMAPIG JULGA KATRINA L. CON-UI Sangbuning Bayan Member Vice Mayo/Presiding Officer engguniang Bayan Member NIEL ALBERT B. INOPIQUEZ ROQUE M. COMPRA MARIANO V. DE CLARO ng Bayan Member Sanganiang Bayan Member LNB Pr N. ENEVOLDSEN ERAPYN D. ARAGON Sanggunjang Bayan Member Federa Non-Vice Prohident Temporary Secretary to the Sangguniang Bayan Sanguniang Bayan Member ENGR. CANOS G. VELOSO Municipal Mayor 2 0 2023

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considered a public offense per Section 6 of the Implementing Rules and Regulations of R.A. 9262, which may be prosecuted upon the filing of a complaint by any citizen having personal knowledge of the circumstances involving the commission of the crime.

Section 8. ACTS OF VIOLENCE AGAINST WOMEN AND THEIR CHILDREN. - the crime of violence against women and their children is committed through any of the following acts:

- a) Causing physical harm to the woman or her child;
- b) Threatening to cause the woman or her child physical harm;
- c) Attempting to cause the woman or her child physical harm;
- d) Placing the woman or her child in fear of imminent physical harm:
- e) Attempting to compel or compelling the woman or her child to engage in conduct which the woman or her child has the right to desist from or to desist from conduct which the woman or her child has the right to engage in or attempting to restrict or restricting the woman's or her child's freedom of movement or conduct by force or threat of force, physical or other harm or threat of physical or other harm, or intimidation directed against the woman or her child. This shall include, but not limited to, the following acts committed with the purpose or effect of controlling or restricting the woman's or her child's movement or conduct:
 - 1. Threatening to deprive or actually depriving the woman or her child of custody or access to her/his family;
 - 2. Depriving or threatening to deprive the woman or her children of financial support legally due her or her family, or deliberately providing the woman's children insufficient financial support;
 - 3. Depriving or threatening to deprive the woman or her child of legal right;
 - 4. Preventing the woman in engaging in any legitimate profession, occupation, business or activity, or controlling the victim's own money or properties, or solely controlling the conjugal or common money, or properties;
- f) Inflicting or threatening to inflect physical harm on oneself for the purpose of controlling her actions or decisions;
- g) Causing or attempting to cause the woman and her child to engage in any sexual activity which does not constitute rape, by force or threat of force, physical harm, or through intimidation directed against the woman or her child or her/his immediate family;

DENNIS Vice Mayo/Presiding Officer HEL ALBERT B. INOPIQUEZ AN ENEVOLDSEN

ng Bayan Member

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gguniang Bayan Member

ERALYN D. ARAGON

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Temporary Secretary to the Sangguniang Bayan

ng Bayan Member

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Municipal Mayor JUL 2 0 2023

ENGR. CARIO G. VELOSO

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- h) Engaging in purposeful, knowing, or reckless conduct, personally or through another, that alarms or causes substantial, emotional or psychological distress to the woman or her child. This shall include, but not limited to, the following acts:
 - 1. Stalking or following the woman or her child in public or private places;
 - 2. Peering in the window or lingering outside the residence of the woman or her child:
 - 3. Entering or remaining in the dwelling or on the property of the woman or her child against her/his will;
 - 4. Destroying the property and personal belongings or inflicting harm to animals or pets of the woman or her child
 - 5. Engaging in any form of harassment or violence; and
- i) Causing mental or emotional anguish, public ridicule or humiliation to the woman or her child, including but not limited to, repeated verbal and emotional abuse, and denial of financial support or custody of minor children or denial of access to the woman's child/children.

ARTICLE IV PENAL PROVISIONS

Section 9. PENALTIES IN RELATION TO SECTION 8. - the succeeding periods of penalty are prescribed in this ordinance for acts of violence against women and their children according to the category or relative intensity of the committed offense, to wit:

- 1. Arresto Mayor 1 month and 1 day to 6 months:
- 2. Prision Correccional 6 months and 1 day to 6 years;
- 3. Prision Mayor 6 years and 1 day to 12 years.

The acts complained of which are punishable under the provisions set forth in this Section are hereby detailed:

a) Acts falling under Section 8 (a) constituting attempted frustrated or consummated parricide or murder or homicide shall be punished in accordance with the provisions of the Revised Penal Code. If these acts result in mutilation, it shall be punishable in accordance with the Revised Penal Code: those constituting serious physical injuries shall have the penalty of prision mayor with a fine of:

First Offense

- ₱50,000.00 plus imprisonment

Second Offense

- ₱60,000.00 plus imprisonment

Third Offense

- ₱70,000.00 plus imprisonment

Those constituting less serious physical injuries shall be punished by prision correccional with a fine of:

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ngguniang Bayan Member

ngguniang Bayan Member

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nggunjang Bayan Memiler ROQUE M. COMPRA

Federation Vice President

ngguniang Bayan Member

OLETA T. SUMAPIG

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ERALYN . ARAGON

Temporary Secretary to the Sangguniang Bayan

ng Bayan Member

V. DE CLARO

ENGR CAPOS G. VELOSO 2 0 2023

Page 5 8

First Offense Second Offense Third Offense

- ₱30,000.00 plus imprisonment - ₱35,000.00 plus imprisonment

- ₱40,000.00 plus imprisonment

Those constituting slight physical injuries shall be punished by arresto mayor with a fine of:

First Offense Second Offense - ₱10,000.00 plus imprisonment -₱15,000.00 plus imprisonment

Third Offense

- ₱20,000.00 plus imprisonment

Acts falling under Section 8 (b) shall be punished by imprisonment of two (2) degrees lower than the prescribed penalty for consummated crime as specified in the preceding paragraph but shall in no case be lower than arresto mayor with a fine of:

First Offense

-₱10,000.00 plus imprisonment

Second Offense

- ₱15,000.00 plus imprisonment

Third Offense

- ₱20,000.00 plus imprisonment

b) Acts falling under Section 8 (c) and 8 (d) shall be punished by arresto mayor with a fine of:

First Offense

- ₱10,000.00 plus imprisonment

Second Offense

- ₱15,000.00 plus imprisonment

Third Offense

- ₱20,000.00 plus imprisonment

c) Acts falling under Section 8 (e) shall be punished by prision correccional with a fine of:

First Offense

- ₱30,000.00 plus imprisonment

Second Offense

- ₱35,000.00 plus imprisonment

Third Offense

- \$\frac{1}{2}40,000.00 plus imprisonment

d) Acts falling under Section 8 (f) shall be punished by arresto mayor with a fine of:

First Offense

-₱10,000.00 plus imprisonment

Second Offense

- ₱15,000.00 plus imprisonment

Third Offense

- ₱20,000.00 plus imprisonment

e) Acts falling under Section 8 (g) shall be punished by **prision mayor** with a fine of:

First Offense

- ₱50,000.00 plus imprisonment

Second Offense

- ₱60,000.00 plus imprisonment

Third Offense

- ₱70,000.00 plus imprisonment

DENNIST Vice Mayo/Presiding Officer

Bayan Member

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emporary Secretary to the Sangguniang Bayan

ENGR. CARLOSO VELOSO

f) Acts falling under Section 8 (h) and Section 8 (i) shall be punished by prision mayor with a fine of:

First Offense Second Offense - ₱50,000.00 plus imprisonment - ₱60,000.00 plus imprisonment

Third Offense

- ₱70,000.00 plus imprisonment

If the acts are committed while the woman or child is pregnant or committed in the presence of her child, the penalty to be applied shall be the maximum period of penalty (prision mayor) prescribed in this Section.

In addition to imprisonment, the perpetrator shall pay a fine of not less than ninety thousand pesos (\$\mathbb{P}90,000.00) but not more than two hundred thousand pesos (₱200,000.00).

First Offense

- ₱90,000.00 plus Prision Mayor

Second Offense

- ₱150,000.00 plus Prision Mayor

Third Offense

- ₱200,000.00 plus Prision Mayor and undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to

the court.

NOTE: For imprisonment, refer to first page of Section 9 of this ordinance.

ARTICLE V FINAL PROVISIONS

Section 10. SEPARABILITY CLAUSE. - If for any reason, any part or provision of this ordinance shall be held unconstitutional or invalid, other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 11. REPEALING CLAUSE. - All laws, decrees, executive orders, rules and regulations or part thereof, inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

Section 12. EFFECTIVITY. - This ordinance shall take effect upon approval and after this shall have been posted in three (3) conspicuous places in accordance with the posting requirement of the Local Government Code.

On motion for approval of this ordinance by the Hon. Rogelio J. Baay, Chairman, SB Committee on Laws and Rules, duly seconded en masse, it was approved on June 26 2023.

Presiding Officer WEL ALBERT B. INOPIGUEZ Sangguniang Bayan Member ELEMARIAN. ENEVOLDSEN

ngguniang Bayan Member

FELIPES BANY

OLETA T. SUNIAPIG ROQUE M. COMPRA Sanguniang Bayan Member

FEDER O ENSOY n Vice Preddent

ENGR. CARLO VELOSO Municipal Myor

etary to the Sangguniang Bayan

ERALYN DL ARAGON Temporary Secretary to the Sanggunian Bayan

ATTESTED:	
DENNIS L. SY	
Vice Mayor/Presiding Officer	
JULICA KATRINA L. CON-UI Sangguniang Bayan Member	NIEL ALBERT B. INOPIQUEZ Sangguniang Bayan Member
VIOLETA T. SUMAPIG Sangguniang Bayan Member	ROQUE M. COMPRA Sangguniang Bayan Member
MPImpad- MERIAM P. UMPAD Sangguniang Bayan Member	ELLY MARIAN. ENEVOLDSEN Sanggunian Bayan Member
ROGELOJ. BAAY	MARIANO , DE CLARO
Sangguniang Bayan Member	LNB President
FELIPE S CASAS, SR.	FEDERIÇO ENSOY
Sangguniang Bayan Member	SK Federation President
Sanggan ing Bayan Monibol	/ lesident

APPROVED:

Date: _

ENGR. CARLOS G. VELOSO

Municipal Mayor

JUL 2 0 2023

COMMITTEE REPORT NO. 2, S-2023-2025

(Committee on Human Resource)

Pertaining to the Public Hearing of the Ordinance on Anti-Violence Against Women and Their Children in the Municipality of Villaba

May 26, 2023 SB Session Hall 9:00 A.M.

The public hearing started after waiting for about an hour for the invited persons to arrive. This was attended by the representatives from the PNP, MSWD and the Women Sector Organization. They were furnished copies of the ordinance for them to peruse beforehand.

The persons involved in this activity participated in the disquisition of the provisions of the ordinance which the chair presented in detail. In the course of the market of ideas, the representatives of PNP and MSWD were of the same opinion that the crime of rape is covered by a specific law which is separated from VAWC. They suggested that rape shall be excluded from this ordinance.

The women sector proposed that the fine and penalty for every violation of the ordinance should be high so as to create intense fear among those who cannot help commuting an offense for being enslaved by unbridled sexual desire.

Having no other questions raised from the group, the public hearing adjourned at 11:40 in the morning.

Prepared by:

HON. ROGELIO). BAAY

Chairman

Committee on Human Resource Development

PUBLIC HEARING ON THE PROPOSED ORDINANCE, ENTITLED: "AN ORDINANCE ESTABLISHED TO RID THE MUNICIPALITY OF VILLABA OF VIOLENCE AGAINST WOMEN AND CHILDREN (VAWC) AND EXACT PENALTY FOR COMMITTING ANY OF THE CITED CASES THEREOF.

May 26, 2023 SB Session Hall

ATTENDANCE SHEET

NAME	ADDRESS	SIGNATURE
i. Sydney S. Nocales.	VILLOFA - Pob. Del Gu	Custos
2. Patrilo V Diwevos	100 001 201	100
3. M. FLOP N. PACTIC	Lau	wast
4. AMAI FOWIN TOLIBAS	VILLAGA MIPS	Mesca
5. POSEMO J. BARY	SB member	Typung
G. ARANTE ,JACQUELO	THEHUB VILLABAT	1
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NOTICE OF PUBLIC HEARING

[May 23, 2023]

SUBJECT: PUBLIC HEARING ON THE PROPOSED ORDINANCE, ENTITLED "ANTI-VAWC ORDINANCE OF THE MUNICIPALITY OF VILLABA, LEYTE"

The Sangguniang Bayan Committee on Human Resource Development is inviting all concerned citizens affected by the proposed ordinance to attend the Public Hearing on May 26, 2023 (9:00 AM) at the Sangguniang Bayan Session Hall.

MC QUIRIE P. UMPAD
Secretary to the Sanggunian



Hermosilia Drive, District 28, Ormoc City Contact Nos. (053) 561-0809 & 09285549820 e-mail: easternvisayasmail@gmail.com

Republic of the Philippines)
City of Ormoc)S.S.

AFFIDAVIT OF PUBLICATION

I, JIMA ZANDRA VERGARA, being first duly sworn, deposes and says: that I am the Managing Editor of the EASTERN VISAYAS MAIL, a newspaper edited and published in the City of Ormoc and circulated in the cities of Ormoc, Tacloban Maasin and Calbayog, and in the islands of Leyte, Samar and Biliran, the rest of the Visayas islands, Mindanao, Manila and Luzon;

That the publication captioned:

Republic of the Philippines
Province of Leyte
Municipality of Villaba
OFFICE OF THE SANGGUNIANG BAYAN

MUNICIPAL ORDINANCE NO. 40, S. 2023-2025

AN ORDINANCE ESTABLISHED TO RID THE MUNICIPALITY OF VILLABA OF VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (VAWC) AND EXACT PENALTY FOR COMMITTING ANY OF THE CITED CASES THEREOF

APPROVED: (SGD)ENGR. CARLOS G. VELOSO Municipal Mayor

was published in said newspaper for ([) m consecutive	eutive weeks in its EV Mail
That I am executing this affidavit to attest to the sayeth naught.	fact of the foregoing statements. Affiant further
IN WITNESS WHEREOF, I have hereunto affix n	ny signature this day of 20 in
	JIMA ZANDRA J. VERGARA

VERIFICATION

SWORN AND SUBSCRIBED before me this _____ day of _____ with affiant exhibiting his Tax Identification Number 932-314-846-000 issued on July 9, 2016 at Ormoc City, Leyte, Philippines.

Doc No.: 13 Page No.: 43 Book No.: (AVM) Series of 2003 ATTY. ADELITO M. SOLIBAGA JR.

Notary Public for the City of Ormox.

Municipalities of Rindings. Mary Job.

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NC No. ORM 22-12-28-1. Security OFFER 2523

Place of Organ and December 14-2-2-2-3. Security Offer 25-2-3. Securi