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CITY COUNCIL
City of Manila

REGULAR SESSION NO. 36

12TH CITY COUNCIL

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ORDINANCE NO. 8933

AN ORDINANCE ESTABLISHING A WOMEN AND CHILDREN CRISIS CENTER FOR THE VICTIMS/SURVIVORS OF VIOLENCE AND ABUSE IN THE CITY OF MANILA, ADOPTING A COMPREHENSIVE PROGRAM THEREFOR, AND FOR OTHER PURPOSES

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EXPLANATORY NOTE

Cases of violence against women and children in the country is increasing every year, based on the data from the Philippine National Police (PNP), a total of 6,383 violence against women cases were reported to the PNP Women and Children Protection Center while 9,677 cases of violence against children were tallied in the past seven months of 2022.

In Manila, 585 Anti-Violence Against Women and Children (VAWC) cases were recorded in the years 2020 and 2021 by the Manila Police District (MPD).

All forms of gender-based abuse and violence must be eradicated since they are inconsistent with people's inherent worth and dignity. Gender-based violence is a symptom of sexism that perpetuates human rights abuses, including putting people's lives and health in jeopardy. Women, children and other genders who are victims of gender-based violence require specific protection and care, including adequate medical, psychological, and legal safeguards against all forms of abuse.

Section 40 of Republic Act No. 9262 or otherwise known as the Anti-Violence Against Women and Children (VAWC) Act, the state must provide temporary shelters, counseling, psycho-social services and/or recovery, rehabilitation programs and livelihood assistance.

Section 2 of Republic Act No. 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act mandates the rehabilitation of children gravely threatened or endangered by circumstances which affect or will affect their survival and normal development, and over which they have no control. Section 3 of Republic Act No. 8505 or the Rape Victim Assistance and Protection Act commands the establishment in every province and city Rape Crisis Center located in a government hospital, health clinic or any suitable place that will provide psychological counseling, medical and health services with medico-legal examination, free legal assistance, privacy and safety for victims, and other related laws.

Section 2 of Republic Act No. 8353 or the Anti-Rape Law of 1997 cited possibility of Human Immuno-Deficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS) or any other sexually transmissible diseases and viruses may be transmitted to the victim, and a need for medical examination should be carried out in a private examination room.

Section 30 of Republic Act No. 9710 otherwise known as the Magna Carta of Women: Women in Especially Difficult Circumstances. — For purposes of this Act, "Women in Especially Difficult Circumstances" (WEDC) shall refer to victims and survivors of sexual and physical abuse, illegal recruitment, prostitution, trafficking, armed conflict, women in detention, victims and survivors of rape and incest, and such other related circumstances which have incapacitated them functionally. Local government units are therefore mandated to deliver the necessary services and interventions to WEDC under their respective jurisdictions.



Section 31 of Republic Act 9710 or the Magna Carta of Women: Services and Interventions. — WEDC shall be provided with services and interventions as necessary such as, but not limited to, the following:

- (a) Temporary and protective custody;
- (b) Medical and dental services;
- (c) Psychological evaluation;
- (d) Counseling;
- (e) Psychiatric evaluation;
- (f) Legal services; and
- (g) Productivity skills capability building.

Section 9.7 of City Ordinance 8681 or the Manila Gender and Development Code - Creation of Women and Children Crisis Center, the City government shall create Women and Children Crisis Center in the key districts of Manila under the supervision of Manila Department of Social Welfare. This center will provide services to gender-based violence victims, prostituted women and other genders victim of abuse. A 24-hr hotline for VAWC victims will be created that will be working closely with the Manila Police District Women's Desk, this will also serve as a temporary shelter for the VAWC victims in their respective districts.

It is in this view that the immediate passage of this draft ordinance is earnestly sought.


HON. KRYSLE MARIE C. BACANI
Councilor, Fourth District
Manila

Be it ordained by the City Council of Manila, in session assembled, *THAT*:

SECTION 1. Title. – This Ordinance shall be known as the “**Women and Children Crisis Center for Victims and Survivors of Violence and Abuse in the City of Manila**”.

SEC. 2. Declaration of Policy. – The city is hereby required to protect everyone’s dignity, uphold all human rights, and ensure that everyone is treated equally in all material respects. In order to protect victims and survivors of gender-based violence and other types of violence, the Local Government must establish programs and infrastructures. These services must include counseling, medico-legal, legal, psychological, and after-care supports, such as livelihood assistance and they must take a holistic and all-encompassing family approach to case management.

Through community/school advocacy and networking, the Local Government must also lessen and prevent the occurrence of violence against women, children, lesbians, gays, bisexuals, transgender people, intersex people, and queers. The Local Government shall adopt and pursue an integrated system of policy direction, implementation, and enforcement of anti-gender-based violence policies, programs, and activities in order to achieve this purpose.

SEC. 3. Definition of Terms. – As used in this Ordinance, the following terms shall be constructed to mean as follows:

- a. **Child** – refers to a person below eighteen (18) years of age or over but is unable to fully take care of himself/herself or protect himself/herself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.
- b. **Child Abuse** – refers to a child’s abuse, whether it is routine or not, which includes any of the following:
 1. Abuse of any kind, whether mental or physical, occurring neglect, sexual abuse, and emotional maltreatment;
 2. Any behavior - words or deeds - that diminishes a child’s inherent value and dignity as a human being;
 3. He/she was being deprived of his/her fundamental needs, such as food and shelter, in an unreasonable manner; and
 4. Failure to immediately give medical treatment to an injured child resulting in serious impairment of his/her growth and development or in his/her permanent incapacity or death (Section 3, Republic Act No. 7610).
- c. **Violence Against Women** – refers to violence that targets a woman because she is a woman or that disproportionately affects women includes acts that cause physical, mental, or sexual harm and suffering, threats of such acts, coercion, and other deprivations of liberty, as well as discrimination and other violations of women’s fundamental rights and freedoms protected by general international law or human rights conventions.
- d. **Prostitution** – refers to any act, transactions, scheme, or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.

- e. **Trafficking in Women** – refers to a covert or covert recruitment of women into the sex trade industry. It includes new forms of sexual exploitation such as sex tourism, the illegal recruitment for domestic labor to work in developed countries, and organize marriages between women from third world countries and foreign nationals, promoting or initiating a system in which women become movable properties and objects of exchange.
- f. **Domestic Violence** – also called intimate partner violence — occurs between people in an intimate relationship. Domestic violence can take many forms, including emotional, sexual and physical abuse and threats of abuse. Abuse by a partner can happen to anyone, but domestic violence is most often directed toward women.
- g. **Physical Abuse and Battering** – this includes any form of inflicting wounds, pains, etc. on any part of the woman’s body or the threat of physical violence.
- h. **Economic Abuse** – this includes deprivation of women on economic resources, their generation and mobilization so as to create dependency and submissiveness to men and to any establish structures of domination such as controlling over women’s hard-earned money and use them for his vices, etc.
- i. **Psychological Abuse** – this includes threats of suicide, violence against women of her family, punching, breaking or defacing or otherwise destroying the house or any part thereof; or of personal belongings of a woman, threatening to take the children away, threatening deportation of wives with foreign citizenship, threatening to kidnap children or to take them to foreign country and forcing the victim to do degrading things; controlling the victim’s lawful or usual activities, the use of foul and insulting words or statements and threats of abandonment and expulsion such as forcing the wives to leave the conjugal dwelling. This provision shall apply to any form of intimate relations such as common-law relations, those between and among members of the same household; and include men’s control over women’s resources (eg. income, property, etc.).
- j. **Gender** – refers to a socially constructed difference between men and women for all sexual orientation and gender identities, created artificially, partly through socialization and partly through positive and negative discrimination in the various institutions and structures of society.
- k. **Gender-Based Violence** – shall be understood to encompass, but not limited to the following:
 - 1. **Family violence** includes physical, sexual, psychological, and financial abuse of women and girls, including dowry-related violence, marital rape, and other detrimental customs. It also includes non-spousal violence associated to exploitation; and
 - 2. **Violence against people in the broad public**, including rape, sexual assault, harassment, and intimidation at work, in educational settings, and elsewhere, as well as prostitution and human trafficking.
- l. **Violence Against Children** – all sorts of sexual abuse, as well as physical or mental abuse, neglect, as well as mistreatment or negligence. Intentional use of physical force or authority, whether threatened or used, against a child by an individual or group that has a significant likelihood of harming the child’s health, welfare, development, or dignity is also included in this definition.

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- m. Violence Against Lesbians, Gays, Bisexuals, Transgenders, Intersexuals, and Queers (LGBTQ) – Violence against LGBTQ people includes acts that cause them physical, mental, or sexual harm and suffering, threats of such acts, coercion, and other restrictions on their freedom. It also includes harassment, exclusion, stigmatization, and violence against them due to their sexual orientation or gender identity.

SEC. 4. Manila Women and Children Crisis Center: Providing Emergency Response and Temporary Shelter for VAWC Victims and Other Gender Victims of Gender-Based Violence. – The center aims to rebuild the lives of women, girls and children and other genders in crisis. And its mission is to provide temporary shelter and rehabilitation assistance to women and girls in the hope of nurturing and developing them into self-sufficient and self-fulfilled individuals.

- I. The Center shall provide the following, as may be appropriate:
 - a. A temporary halfway house for victims of gender-based violence to women, girls and children and other genders;
 - b. An emergency response action unit to immediately rescue and assist victims of gender-based violence;
 - c. Comprehensive intervention and protection services, including medical and police support, medico-legal, legal, and psychological services to abused victims and their families;
 - d. Safeguard the victim's and survivor's security and safety;
 - e. Help victims and survivors with referrals to shelters;
 - f. Providing case management for offenders' rehabilitation and referral services for those who commit acts of violence, abuse, and exploitation;
 - g. Act as a clearing house for data on gender-based abuse and violence in the City of Manila;
 - h. Psychological interventions are also provided through regular counseling, music therapy and sessions on anger management. If necessary, recommendation are given to seek professional help from psychologists/psychiatrists;
 - i. Health services are provided such as regular medical and dental check-up and laboratory test, as well as special dietary care when necessary;
 - j. Training on daily living skills, personality development/self-enhancement skills. Life skills lessons in cooking, washing, and in maintaining the up-keep and cleanliness of the center will be provided; and
 - k. Livelihood and job training services are also available for them to be productive. Simple food preparation, baking, soap, candles, chocolate/candy making and rosary making are some of the livelihood training services.

- II. The Center shall have the following facilities:
 - a. Reception area;
 - b. Counseling/psychotherapy room;
 - c. Medical/examination room;
 - d. Interview/investigation room (with one-way mirror, audio recorder, etc.);
 - e. Record/database room;
 - f. Nursery/Infirmary room;
 - g. Kitchen and Dining room;
 - h. Sleeping quarters;
 - i. Case Management Conference Room; and
 - j. Activity Corner.



SEC. 5. The Manila Department of Social Welfare. – The center shall be under the management and supervision of the Manila Department of Social Welfare.

SEC. 6. Manila City VAWC and the Gender Based Violence Referral Pathway. – It is a flexible mechanism that safely links survivors to supportive and competent services in a timely way and include any or all of the following: Health, Psychosocial, Security and Protection, Legal/Justice, and/or Economic Reintegration support.

GBV/VAWC Victim

Step 1: Report to Barangay VAWC Desk Officer/Police Women's Desk
Officer/Manila Women and Children Crisis Center:

- a. Rescue Operation.
- b. Interview, incident report, sworn statement.

Step 2: Undergo medical check- up for medico-legal case.

Step 3: Psychosocial Assessment.

Step 4: File legal action against the perpetrator.

Step 5: Counseling/Continue psychosocial therapy/Rehabilitation.

SEC. 7. COUNSELING. –

1. Counseling should receive training in identifying the typical mental health problems that victims of violence experience;
2. When providing care for someone healing from an incident of rape or sexual abuse, counselors, must have a compassionate attitude and a non-judgmental manner; and
3. Pre and post-test counselings are provided for medical tests for RTIs, STIs, unintended pregnancy, and HIV/AIDS. Regardless of the outcome, counseling should be provided after an HIV test if one is conducted. Counselors must recommend patients to medical and psychological services if their test results are positive.

SEC. 8. Duty of the Police Officer. – A full-time police officer who is qualified to handle delicate situations will be assigned to the center and will investigate complaints.

When the police receive the complaints, the role of the police officer is to:

1. If the defendant is being held, the matter should be sent to the prosecutor right away for an investigation; otherwise, the court's regulations will be in effect;
2. Make plans for the offended party to receive counseling and medical care; and
3. Report on the action right away.

The police officer's responsibility is to make sure that nobody else enters the room where the investigation is taking place unless they have received the offended party's express permission.

SEC. 9. Protocol on Medical Provision and Standard Medico-Legal Examination and Report. – A plan for medical care, counseling, the prevention and management of RTIs, STIs, unintended pregnancies, HIV/AIDS transmission, including mother-to-child-transmission for rape victims will be advised.

SEC. 10. Forensic Medico-Legal Kits. – If the patient agrees, forensic medico-legal kits with the appropriate labels will be made available at the center where blood, urine, nail scraping, and pubic hair samples will be gathered and sent for the correct DNA analysis.

SEC. 11. Legal Assistance. – The growth and support of a legal network that focuses on cases of gender-based abuse and violence is required.

SEC. 12. Centralized Database on Gender-Based Violence Cases. – The center is responsible for making sure that all cases of gender-based abuse and violence, even those reported to the center solely for monitoring and reporting reasons, are correctly registered and documented in the barangays of the City of Manila.

SEC. 13. Confidentiality. – All documents, including those kept in the barangays, must be kept private, and all public officials, employees, and medical facilities, whether public or private, are required to respect the victim's rights to privacy. Without the victim's or member's consent, anybody who publishes or causes to be published in any format the victim's name, address, phone number, schools, business address, employer, or any other identifying information is subject to the court's contempt powers.

SEC. 14. Funding. – Budget allocations must cover the center's expenses for Personal Services (PS), Maintenance and Other Operating Expenses (MOOE), and Property, Plant and Equipment (PPE) and shall be charged against the existing accounts under the Manila Department of Social Welfare.

SEC. 15. Separability Clause. – If any part or provision of this Ordinance is held or declared invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

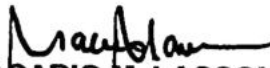
SEC. 16. Repealing Clause. – All other local ways, decrees, orders, issuances, rules and regulations which are inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SEC. 17. Effectivity Clause. – This Ordinance shall take effect fifteen (15) days after its publication in at least 2 newspapers of local circulation.

This Ordinance was finally enacted by the City Council of Manila on March 7, 2023.

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PRESIDED BY:


MACARIO M. LACSON
President Pro-Tempore and
Acting Presiding Officer
City Council, Manila

ATTESTED:



LUCH R. GEMPIS, JR.
City Government Department Head III
(Secretary to the City Council)

APPROVED BY HIS HONOR, THE MAYOR, ON _____

APR 14 2023


MARIA SHEILAH "Honey" H. LACUNA-PANGAN, MD, FPDS
Mayor
City of Manila

ATTESTED:


MARLON M. LACSON
City Government Department Head III
(Secretary to the Mayor)

RNF: jhb/rmd/agv/kjm/eyes

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