



Office of the President of the Philippines
COMMISSION ON FILIPINOS OVERSEAS



"Responding to the Challenges of Migration and Development"

28 July 2017

CONGRESSWOMAN SOL ARAGONES

Acting Chairperson
Committee on Women and Gender Equality
3/F Ramon V. Mitra Building, Batasan Complex
Constitution Hills, Quezon City

Dear Congresswoman Aragones:

Greetings from the Commission on Filipinos Overseas (CFO)!

We are pleased to submit the inputs of CFO to the following legislative proposals for consideration of the House Committee on Women and Gender Equality:

1. **HB No. 2592** – An Act Defining Electronic Violence Against Women And their Children providing protective measures, and prescribing penalties, amending for the purpose Republic Act No. 9262 otherwise known as the Anti-Violence Against Women And Their Children Act Of 2004, introduced by Representative Linabelle Ruth R. Villarica
2. **HB No. 5153** – An act amending Republic Act No. 9262 otherwise known as the Anti-Violence Against Women and their Children Act of 2004, defining electronic violence against women (E-VAW), providing protective measures and prescribing penalties therefore, and for other purposes, introduced by Representative Gus S. Tambunting
3. **HB No. 5584** – An Act defining domestic violence against individuals including members of the LGBT community other than women and children and providing for protective measures for victims, prescribing penalties therefore, and for other purposes, introduced by Representative Federico S. Sandoval

In March of this year, CFO also submitted its inputs and comments to the House Committee to the following House Bills:

1. **HB No. 2664** – An Act Amending RA No. 9262, Defending and Electronic Violence Against Women or E-VAW, Providing Protective Measures and Prescribing Penalties Therefore, and for other Purposes;
2. **HB. No. 3813** – An Act Penalizing All the Advertising Agencies that Exploit Women and Glorify Sexual Violence in their Advertisements;

3. **HB No. 2850** – An Act Establishing a Task Force to Recommend a Uniform Strategy to Protect Women Against Violence Crime
4. **HB No. 1471** – An Act to Establish the Address Confidentiality Program for Victims of Violence Against Women and their Children, Providing Penalties for Violations Thereof, Appropriating Funds Therefore, and for other Purposes.

It may interest you to know that in 2013, CFO advocated for the amendment of RA No. 6955, more commonly known as the Anti Mail-order Bride Law in order to reinforce existing government policies and regulations against mail-order practices due to emerging strategies and new technologies. Three years after, RA No. 6955 was amended through RA 10906 and was retitled as the Anti-Mail Order Spouse Act. It provided stronger measures against unlawful practices, businesses and schemes of matching an offering Filipinos to foreign nationals for purposes of marriage or common law partnership.

Thank you for giving us the opportunity to provide our inputs to the above legislations.

For any queries, your office may contact Mr. Rodrigo V. Garcia, Jr, of the Policy, Planning and Research Division with the following contact details: telephone number 552-4765, fax number 561-8160 and email address: rgarcia@cfo.gov.ph

Thank you and best regards.

Very truly yours,

MARIA REGINA ANGELA G. GALIAS
Interim Officer-in-Charge

**Office of the President
COMMISSION ON FILIPINOS OVERSEAS**

**POLICY INPUTS ON HOUSE BILL NO. 2592
AN ACT DEFINING ELECTRONIC VIOLENCE AGAINST WOMEN AND THEIR
CHILDREN PROVIDING PROTECTIVE MEASURES, AND PRESCRIBING
PENALTIES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9262
OTHERWISE KNOWN AS THE ANTI-VIOLENCE AGAINST WOMEN AND THEIR
CHILDREN ACT OF 2004**

1. The Commission on Filipinos Overseas (CFO) would like to extend its sincerest appreciation to the House Committee on Women and Gender Equality headed by its Acting Chairperson, Representative Sol Aragon for continuously looking after the welfare of women and children as espoused in the Committee's consideration of House Bill No. 2592, introduced by Representative Linabelle Ruth R. Villarica, in its forthcoming Mother Committee meeting on 8 August 2017.
2. The CFO supports the proposed amendatory bill to Republic Act No. 9262, or the Anti-Violence Against Women and their Children Act of 2004 as it aims to safeguard the rights of Filipino women and children, being one of the most vulnerable sectors of our society from the exploitations of today's fast-paced digital era.
3. The CFO has since been at the forefront of extending pre-departure seminars for Filipino emigrants and spouses and/or partners of foreign nationals. These seminars help make them well-informed and empowered migrants that result to reducing their vulnerabilities in their host countries. The said seminars include the Guidance and Counseling Program for marriage migrants; Peer Counseling Program for 13-19 years old emigrants; Pre-departure Orientation Seminar (PDOS) for emigrants aged 20-59 and Exchange Visitor Program participants; County Familiarization Seminar for Europe and US-bound au pairs. CFO also operates and maintains the 1343 Actionline to receive and respond to reports of human trafficking and other related cases on a 24/7 basis.
4. We are thus pleased to provide the Committee with the following inputs for House Bill No. 2532:

A. Section 2 on the definition of Electronic Violence

In defining Electronic Violence, we propose that the highlighted portions below be considered:

- E. Electronic Violence AGAINST WOMEN AND THEIR CHILDREN, INCLUDING THOSE FROM MIXED/INTERRACIAL MARRIAGES or ICT-related violence refers to any act or omission involving the use or exploitation of data or any form of information and communications technology (ICT) FOR THE PURPOSE OF EITHER RECORDING, REPRODUCTION, DISTRIBUTION, SHARING OR UPLOADING TO THE

INTERNET INCLUDING SOCIAL MEDIA CHANNELS AND SITES OR ANY OTHER WIRELESS OR WIRED TRANSFER OF DATA which causes or is likely to cause mental, emotional, or psychological distress or suffering to the victim, to include the following:

- E.1. Unauthorized recording, reproduction, distribution, use, sharing or uploading of any photograph, video, or other form of electronic and/or artistic presentation showing or depicting in any form or manner ANY OF THE VICTIM'S PRIVATE PARTS, BUT NOT LIMITED TO, genitalia, pubic area, buttocks, breasts, excretory body part or function, nudity, scenes with sexual context or portrayal of sexual conduct such as sexual intercourse, masturbation, kissing, caressing, hugging, and petting;

E.6. Harassing or threatening, DEFAMING AND BLACKMAILING the victim thru text messaging or other cyber, ONLINE, electronic or other multimedia means.

E.8. ENGAGING IN ANY BUSINESS OR PROFITABLE SCHEMES THAT MATCH AND/OR OFFER FILIPINOS FOR PURPOSES OF MARRIAGE OR COMMON LAW PARTNERSHIP THROUGH MAIL ORDER BASIS, PERSONAL INTRODUCTION, ELECTRONIC MESSAGES OR WEBSITES IN THE INTERNET.

E.9. USE OF THE DATA GATHERED FROM THE ACTS MENTIONED IN 1 – 5 TO ENGAGE IN ANY BUSINESS OR SCHEME FOR MONEY, MATERIAL, ECONOMIC OR OTHER CONSIDERATION

B. Section 4 on Penalties

We are of the view that the fine to be imposed against a perpetrator should be increased, however, the proposed fine against the offenders of electronic violence against women and their children in this amendatory bill should not make any distinction to the acts mentioned in Section 5 of R.A. 9262. Hence, the suggested provision below:

- In addition to imprisonment, the perpetrator shall (A) PAY A FINE IN THE AMOUNT OF NOT LESS THAN THREE HUNDRED THOUSAND PESOS (300,000.00) BUT NOT MORE THAN FIVE HUNDRED THOUSAND PESOS (500,000.00); AND (b) undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to the court.”

C. Section 5 pertaining to Venue

Apart from our suggestion to replace some phrases with the highlighted portion in the provision below, we propose that there should be an additional provision that focuses on the jurisdiction and necessary action on offenses committed abroad, where the offenders and victims/survivors involve overseas Filipinos:

- The Regional Trial Court designated as a Family Court shall have original and exclusive jurisdiction over cases of violence against women and their children ~~under this law~~, INCLUDING ELECTRONIC VIOLENCE AS DEFINED UNDER THIS LAW. In the absence of such court in the place where the offense was committed, the case shall be filed in the Regional Trial Court where the crime or any of its elements was committed at the option of the complainant. ~~In cases of electronic violence, the case may be filed in the place where the complaint resides at the time of the commission of the offense.~~

D. Section 7 on Inter-Agency Council on Violence Against Women and their Children

For the past three decades, CFO has been implementing the Guidance and Counseling Program (GCP) which is mandatory for Filipinos leaving the country as a spouse or fiancé(e) of a foreign national. Its importance has been recognized by other Philippine government agencies especially in combating human trafficking in the guise of marriage. From 2005-2015, of the 235,695 marriage migrants who underwent the GCP of CFO from 2005-2015, 91.59% or 215,875 were women.

The program does not only provide information about the country of destination, but counselors are able to address on a personal level the issues of the counselees towards empowering them in dealing with the realities of intermarriage. This approach has been envisaged to eventually address the communication gap between the Filipino spouses/partners with their respective foreign spouses/partners and would later help them integrate easily within the community.

CFO also conducts the Peer Counseling Program which is required for Filipino emigrants 13 to 19 years old. The sessions aim to provide a venue for the young migrants to discuss their concerns about leaving their country of birth. This program allows the youth to bring up and allow peers and counsellors to address their issues: from unfamiliarity with the foreign language of the host country to fear of rejection, from their separation from friends in the Philippines to the possibility of bullying in their new schools, from feelings of isolation and depression to culture shock.

While sessions are not country specific, country profiles and settlement concerns are also discussed. No other government agency provides this specialized pre-departure program for migrating Filipino youth. Based from the data of CFO, 32.67% (290,225) of the 885,152 registered emigrants from 2005-2015 were from the age group of 19 years old and below.

- With these pre-departure programs that CFO has since been implementing for overseas Filipinos, we would appreciate if the CFO can be included as one of the members of the IAC on VAWC.

E. WITH REFERENCE TO GENDER-SENSITIVITY, THIS BILL SHOULD INCLUDE ALSO MEN AND BOYS, AS THEY TOO COULD BE SUBJECT TO EXPLOITATION. FURTHERMORE, THE BILL SHOULD ALSO EXPLORE THE INCLUSION OF ISSUES ABOUT THE ABANDONMENT OF CHILDREN OF MIXED MARRIAGES.

5. The CFO appreciates the initiative and efforts of Representative Villarica in considering the detrimental impact of electronic devices as a platform in spreading exploitation against women and their children. We hope that the information and suggestions we provided could help the Committee in coming up with a good bill that will continue to enhance and promote the rights of women and children.

**Office of the President
COMMISSION ON FILIPINOS OVERSEAS**

**POLICY INPUTS ON HOUSE BILL NO. 5153
AN ACT AMENDING REPUBLIC ACT NO. 9262 OTHERWISE KNOWN AS THE
ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT OF 2004,
DEFINING ELECTRONIC VIOLENCE AGAINST WOMEN (E-VAW), PROVIDING
PROTECTIVE MEASURES AND PRESCRIBING PENALTIES THEREFORE, AND
FOR OTHER PURPOSES**

1. The Commission on Filipinos Overseas (CFO) would like to extend its sincerest appreciation to the House Committee on Women and Gender Equality headed by its Acting Chairperson, Representative Sol Aragon for continuously looking after the welfare of women and children as espoused in the Committee's consideration of House Bill No. 5153, introduced by Representative Gus S. Tambunting, in its forthcoming Mother Committee meeting on 8 August 2017.
2. The CFO supports the proposed amendatory bill to Republic Act No. 9262, or the Anti-Violence Against Women and their Children Act of 2004 as it aims to safeguard the rights of Filipino women and children, being one of the most vulnerable sectors of our society from the exploitations of today's fast-paced digital era.
3. The CFO has since been at the forefront of extending pre-departure seminars for Filipino emigrants and spouses and/or partners of foreign nationals. These seminars help make them well-informed and empowered migrants that result to reducing their vulnerabilities in their host countries. The said seminars include the Guidance and Counseling Program for marriage migrants; Peer Counseling Program for 13-19 years old emigrants; Pre-departure Orientation Seminar (PDOS) for emigrants aged 20-59 and Exchange Visitor Program participants; County Familiarization Seminar for Europe and US-bound au pairs. CFO also operates and maintains the 1343 Actionline to receive and respond to reports of human trafficking and other related cases on a 24/7 basis.
4. We are thus pleased to provide the Committee with the following inputs for House Bill No. 5153:

A. Section 2 on the definition of Electronic Violence

In defining Electronic Violence, we propose that the highlighted portions below be considered:

- E. Electronic Violence AGAINST WOMEN AND THEIR CHILDREN, INCLUDING THOSE FROM MIXED/INTERRACIAL MARRIAGES or ICT-related violence refers to any act or omission involving the use or exploitation of data or any form of information and communications technology (ICT) FOR THE PURPOSE OF EITHER RECORDING,

REPRODUCTION, DISTRIBUTION, SHARING OR UPLOADING TO THE INTERNET INCLUDING SOCIAL MEDIA CHANNELS AND SITES OR ANY OTHER WIRELESS OR WIRED TRANSFER OF DATA which causes or is likely to cause mental, emotional, or psychological distress or suffering to the victim, to include the following:

- E.1. Unauthorized recording, reproduction, distribution, use, sharing or uploading of any photograph, video, or other form of electronic and/or artistic presentation showing or depicting in any form or manner ANY OF THE VICTIM'S PRIVATE PARTS, BUT NOT LIMITED TO, genitalia, pubic area, buttocks, breasts, excretory body part or function, nudity, scenes with sexual context or portrayal of sexual conduct such as sexual intercourse, masturbation, kissing, caressing, hugging, and petting;
- E.4. Harassing or threatening, DEFAMING AND BLACKMAILING the victim thru text messaging or other cyber, ONLINE, electronic or other multimedia means.
- E.6. ENGAGING IN ANY BUSINESS OR PROFITABLE SCHEMES THAT MATCH AND/OR OFFER FILIPINOS FOR PURPOSES OF MARRIAGE OR COMMON LAW PARTNERSHIP THROUGH MAIL ORDER BASIS, PERSONAL INTRODUCTION, ELECTRONIC MESSAGES OR WEBSITES IN THE INTERNET.
- E.7. USE OF THE DATA GATHERED FROM THE ACTS MENTIONED IN 1 – 5 TO ENGAGE IN ANY BUSINESS OR SCHEME FOR MONEY, MATERIAL, ECONOMIC OR OTHER CONSIDERATION

B. Section 4 on Penalties

We are of the view that the fine to be imposed against a perpetrator should be increased, however, the proposed fine against the offenders of electronic violence against women and their children in this amendatory bill should not make any distinction to the acts mentioned in Section 5 of R.A. 9262. Hence, the suggested provision below:

- In addition to imprisonment, the perpetrator shall (A) PAY A FINE IN THE AMOUNT OF NOT LESS THAN THREE HUNDRED THOUSAND PESOS (300,000.00) BUT NOT MORE THAN FIVE HUNDRED THOUSAND PESOS (500,000.00); AND (b) undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to the court.”

C. Section 7 on Inter-Agency Council on Violence Against Women and their Children

For the past three decades, CFO has been implementing the Guidance and Counseling Program (GCP) which is mandatory for Filipinos leaving the country as a spouse or fiancé(e) of a foreign national. Its importance has been recognized by other Philippine government agencies especially in combating human trafficking in the guise of marriage. From 2005-2015, of the 235,695 marriage migrants who underwent the GCP of CFO from 2005-2015, 91.59% or 215,875 were women.

The program does not only provide information about the country of destination, but counselors are able to address on a personal level the issues of the counselees towards empowering them in dealing with the realities of intermarriage. This approach has been envisaged to eventually lessen the communication gap between the Filipino spouses/partners with their respective foreign spouses/partners and would later help them integrate easily within the community.

CFO also conducts the Peer Counseling Program which is required for Filipino emigrants 13 to 19 years old. The sessions aim to provide a venue for the young migrants to discuss their concerns about leaving their country of birth. This program allows the youth to bring up and allow peers and counselors to address their issues: from unfamiliarity with the foreign language of the host country to fear of rejection, from their separation from friends in the Philippines to the possibility of bullying in their new schools, from feelings of isolation and depression to culture shock.

While sessions are not country specific, country profiles and settlement concerns are also discussed. No other government agency provides this specialized pre-departure program for migrating Filipino youth. Based from the data of CFO, 32.67% (290,225) of the 885,152 registered emigrants from 2005-2015 were from the age group of 19 years old and below.

- With these pre-departure programs that CFO has since been implementing for overseas Filipinos, we would appreciate if the CFO can be included as one of the members of the IAC on VAWC.

D. WITH REFERENCE TO GENDER-SENSITIVITY, THIS BILL SHOULD INCLUDE ALSO MEN AND BOYS, AS THEY TOO COULD BE SUBJECT TO EXPLOITATION. FURTHERMORE, THE BILL SHOULD ALSO EXPLORE THE INCLUSION OF ISSUES ABOUT THE ABANDONMENT OF CHILDREN OF MIXED MARRIAGES.

5. The CFO appreciates the initiative and efforts of Representative Tambunting in considering the detrimental impact of electronic devices as a platform in spreading exploitation against women and their children. We hope that the information and suggestions we provided could help the Committee in coming up with a good bill that will continue to enhance and promote the rights of women and children.

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**POLICY INPUTS ON HOUSE BILL NO. 5584
AN ACT DEFINING DOMESTIC VIOLENCE AGAINST INDIVIDUALS INCLUDING
MEMBERS OF THE LGBT COMMUNITY OTHER THAN WOMEN AND CHILDREN
AND PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESIBING
PENALTIES THEREFORE, AND FOR OTHER PURPOSE**

1. The Commission on Filipinos Overseas (CFO) would like to express its appreciation for HB No. 5584 in its recognition of the vulnerabilities of the LGBT community and individuals other than women and children to acts of violence and its intention to be inclusive in the coverage of legislation that protects and values the dignity of all individuals – women, men, children, and members of the LGBT community, especially those who are vulnerable to acts of violence directed at their person.
2. The proposed legislation is also a recognition of the existence of relationships that go beyond the heteronormative models of relationships in Philippine society. These include the recognition of non-heteronormative relationships among overseas Filipinos.
3. According to data from the CFO covering the period 1997 – 2015, a total of 5,032 individuals have been registered in CFO's foreign spouse and partners of foreign nationals database either as same-sex emigrant along with same-sex petitioner. CFO has long recognized de facto, registered partnerships, or same-sex marriages or relationships entered into by Filipino nationals with their foreign partners or spouses through the provision of gender sensitive services through the Guidance and Counseling Program (including the one-on-one sessions with Filipino partners/spouses).
4. We are thus pleased to provide the Committee with the following inputs for House Bill No. 5584:
 - **In the Declaration of Policy, the bill should extend recognition to all individuals regardless of gender and sexuality (including identification and expression)**

May we propose the following provisions (highlighted).

Declaration of Policy. – It is hereby declared that the State values the dignity of all individuals regardless of age, gender and sexuality (INCLUDING IDENTIFICATION AND EXPRESSION), social standing and disabilities and limitations and guarantees full respect for human rights.

- **Economic abuse should be part of the acts of domestic violence**

Section 5. *Acts of Domestic Violence Against Individuals Other Than Women and Their Children.* – The crime of violence against said individuals shall INCLUDE Physical, Sexual, Psychological, DIGITAL/ELECTRONIC AND ECONOMIC abuses as herein defined.

C. DIGITAL/ELECTRONIC ABUSE OR ANY ICT-RELATED VIOLENCE REFERS TO ANY ACT OR OMISSION INVOLVING THE USE OR EXPLOITATION OF DATA OR ANY FORM OF INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT) FOR THE PURPOSE OF EITHER RECORDING, REPRODUCTION, DISTRIBUTION, SHARING OR UPLOADING TO THE INTERNET INCLUDING SOCIAL MEDIA CHANNELS AND SITES OR ANY OTHER WIRELESS OR WIRED TRANSFER OF DATA WHICH CAUSES OR IS LIKELY TO CAUSE MENTAL, EMOTIONAL, OR PSYCHOLOGICAL DISTRESS OR SUFFERING TO THE VICTIM.

D. "ECONOMIC ABUSE" REFERS TO ACTS THAT MAKE ANY INDIVIDUAL, INCLUDING MEMBERS OF THE LGBT COMMUNITY, 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 PARTNER OBJECTS ON VALID, SERIOUS, AND MORAL GROUNDS;
2. DEPRIVATION OR THREAT OF DEPRIVATION OF FINANCIAL RESOURCES AND THE RIGHT TO THE USE AND ENJOYMENT OF THE CONJUGAL, COMMUNIT OR PROPERTY OWNED IN COMMON;
3. DESTROYING HOUSEHOLD PROPERTY;
4. CONTROLLING THE VICTIMS' OWN MONEY OR PROPERTIES OR SOLELY CONTROLLING MONEY OR PROPERTIES OWNED IN COMMON.

- **Protection orders issued by authorities overseas should be recognized by Philippine and local authorities**

Section 8. *Protection Orders.* – include as last sentence of the section, PROTECTION ORDERS LEGALLY AUTHORIZED BY AUTHORITIES OVERSEAS SHALL BE RECOGNIZED AND ENFORCED BY PHILIPPINE LOCAL AUTHORITIES.

- **Recognition of domestic violence against individuals and the LGBT community other than women and children as a public crime.**

Section 24. *PUBLIC CRIME.* – VIOLENCE AGAINST INDIVIDUALS AND THE LGBT COMMUNITY SHALL BE CONSIDERED A PUBLIC OFFENSE 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.