



Republic of the Philippines  
CITY OF CAGAYAN DE ORO  
**OFFICE OF THE CITY COUNCIL**  
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**ORDINANCE NO. 13227 - 2017**

**AN ORDINANCE MANDATING THE ESTABLISHMENT OF VIOLENCE AGAINST WOMEN AND CHILDREN (VAWC) DESK IN ALL 80 BARANGAYS OF THE CITY OF CAGAYAN DE ORO PURSUANT TO SECTION 12 (D), RULE IV OF REPUBLIC ACT NO. 9710, OTHERWISE KNOWN AS "THE MAGNA CARTA OF WOMEN", SUBJECT TO ALL LAWS AND EXISTING LEGAL RULES AND REGULATIONS; AND FOR OTHER PURPOSES**

*Whereas*, pursuant to Republic Act No. 9262 or the Anti-Violence Against Women and Their Children Act of 2004, it is the declared policy of the City Government of Cagayan de Oro to exert efforts to address violence committed against women and their 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 Philippines is a party;

*Whereas*, the DILG, DSWD DepEd, DOH and the Philippine Commission on Women have issued Joint Memorandum Circular No. 2010, providing for the guidelines for the establishment of the Violence Against Women (VAW) Desk in the barangays;

*Whereas*, Barangay VAWC Desks are essential in providing support services, such as access to legal services, counselling, referrals and/or rehabilitation programs, to abused women and children and in relation to the implementation of Ordinance No. 8972-2003, otherwise known as the Anti-Domestic Violence Ordinance of Cagayan de Oro City;

**NOW, THEREFORE:**

**BE IT ORDAINED** by the City Council (*Sangguniang Panlungsod*) of Cagayan de Oro City in session duly assembled, that:

**SECTION 1. TITLE.** - For brevity, this ordinance shall be known and cited as the VAWC Desk Ordinance of 2017.

**SECTION 2. DEFINITION OF TERMS:**

- a) **Violence Against Women and Children (VAWC)** - refers to any act of gender-based or children-based violence that result in, or is likely to result in physical, sexual or psychological harm or suffering to women and children, 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 (1) 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, children, non-spousal violence and violence related to exploitation; (2) 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; (3) 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 used interchangeably with gender-based violence.
- b) **VAWC Desk** - a facility that would address VAW cases in the gender responsive manner, managed by the person designated by the Punong Barangay.

**SECTION 3. BARANGAY VIOLENCE AGAINST WOMEN AND THEIR CHILDREN DESKS.**- All of the 80 barangay governments of the City of Cagayan de Oro City shall establish and maintain a Barangay Violence Against Women and Their Children (VAWC) Desks, which operation should be financed by the



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barangay's Gender And Development (GAD) Fund and other fund sources as may be deemed necessary by the concerned barangay.

**SECTION 4. VAWC DESK STAFFING AND LOCATION.** - The Punong Barangay shall designate a VAWC Desk person trained in gender-sensitive handling of cases that shall be of service 24/7. The VAWC Desk shall be preferably headed by a female Barangay Kagawad and to be assisted preferably by a female Barangay Tanod. In cases where there are no trained personnel, the punong barangay shall ensure that the person assigned shall undergo basic gender sensitivity training and orientation on Anti-VAW laws.

The Punong Barangay shall designate an area within the barangay hall or proximate thereto for the VAWC Desk. In the absence of a barangay hall, the VAWC Desk may be established near or within the premises where the Punong Barangay holds office. Its location shall be situated in a place where the confidentiality, privacy and safety of the client will not be compromised. It shall have a separate room where the intake interview can be conducted.

If there is no room available for the VAWC Desk, the concerned barangay shall find an enclosed area within the compound or the building where the barangay hall is located. If there is none, it may utilize an enclosed area within the premises of another government institution, or in a private place approved by the Punong Barangay; Provided, that the safety and privacy of the domestic violence victim-survivor will be protected.

**SECTION 5. BARANGAY SUPPORT.** - It shall be the responsibility of the Punong Barangay to assign additional personnel to assist the VAWC Desk worker depending upon the volume of cases in the locality with remuneration chargeable against the Barangay Gender And Development (GAD) Fund and other sources as may be deemed necessary by the concerned barangay.

It shall also be the responsibility of the Punong Barangay to provide for the Barangay VAWC Handbook and capacitate the personnel involve.

**SECTION 6. DUTIES AND FUNCTIONS.** -

a. **Duties and Functions of the Barangay VAWC Desk:**

1. Respond to gender-based violence cases brought to the barangay within the reglementary period specified in the RA 9262;
2. Record the number of gender-based violence handled by the barangay and submit a quarterly report on all cases of VAWC to the DILG City Field Office and the City Social Welfare Development Office (CSWDO);
3. Keep VAWC case records confidential and secured, and ensure that only authorized personnel can access it;
4. Assist victims of VAWC in securing Barangay Protection Order (BPO) and access necessary services;
5. Develop the barangay's gender-responsive plan in addressing gender-based violence, including support services, capacity building and referral system;
6. Coordinate with and refer cases to government agencies, non-government organizations (NGOs), institutions, and other service providers as necessary;
7. Address other forms of abuse committed against women, especially senior citizens, women with disabilities, and other marginalized groups;
8. Lead advocacies on the elimination of VAWC in the community; and
9. Perform other related functions as may be assigned.

b. **DUTIES AND FUNCTIONS OF THE BARANGAY OFFICIALS AND LAW ENFORCERS.** - As stipulated in Section 30 of RA 9262, barangay officials and law enforcers shall have the following duties:



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1. Respond immediately to a call for help or request for assistance or protection of the victim by entering the necessary dwelling whether or not a protection order has been issued and ensure the safety of the victim/s;
  2. Confiscate any deadly weapon in the possession of the perpetrator or within plain view;
  3. Transport or escort the victim/s to a safe place of their choice or to a clinic or hospital;
  4. Assist the victim in removing personal belongings from the house;
  5. Assist the barangay officials and other government officers and employees who respond to a call for help;
  6. Ensure the enforcement of the Protection Orders issued by the Punong Barangay or the courts;
  7. Arrest the suspected perpetrator without a warrant when any of the acts of violence defined under RA 9262 is occurring, or when he/she has personal knowledge that any act of abuse has just been committed, and there is imminent danger to the life or limb of the victim as defined in RA 9262; and
  8. Immediately report the call for assessment or assistance to the Department of Social Welfare and Development, Social Welfare Department of LGUs or accredited non-government organizations (NGOs).
- c. **HEALTHCARE PROVIDER RESPONSE TO ABUSE.** – Any healthcare provider, including, but not limited to, an attending physician, nurse, clinician, barangay health worker, therapist or counselor who suspects abuse or has been informed by the victim of violence shall:
1. properly document any of the victim's physical, emotional or psychological injuries;
  2. properly record any of the victim's suspicions, observations and circumstances of the examination or visit;
  3. automatically provide the victim free of charge a medical certificate concerning the examination or visit;
  4. safeguard the records and make them available to the victim upon request at actual cost; and
  5. provide the victim immediate and adequate notice of rights and remedies provided under this Act, and services available to them.

**SECTION 7. PROTOCOL IN HANDLING VAW CASES AT THE BARANGAY LEVEL-** The Punong Barangay or in his/her absence Barangay Kagawad concerned or on duty shall take immediate action upon being informed of the violent incident and shall issue a Barangay Protection Order (BPO) on the date of filing after the ex-parte determination of the basis of application.

The rules and procedures on amicable settlement under the Katarungan Pambarangay such as mediation, settlement, conciliation, arbitration shall not apply to cases of VAWC.

The following protocols shall be observed by the Barangay VAWC Desk person when responding to VAW situation:

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



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- iv) Inform him/her of his/her rights and remedies available and the processes involved particularly in relation to the BPO. Assist him/her to file application, if he/she decides to have a BPO.
  - v) Record the incident using the National VAW Documentation System form;
  - vi) If the victim-survivor desires to be in safe shelter, seek the assistance of the other Barangay officials, barangay tanod or the police in getting her belongings and refer to a shelter/women's/children's center or to the CSWDO.
  - vii) Assist the victim-survivor who desires to file for temporary protection order (TPO) or a Permanent Protection Order (PPO) with the nearest family court within 24 hours after the issuance of the BPO, if the victim-survivor so desires or she applies directly for a TPO/PPO instead of a BPO.
  - viii) Report the incident within four hours to the PNP and CSWDO.
- b) A victim-survivor of VAWC is reported by a community member.
- i) Verify the information and if needed, seek assistance from the PNP.
  - ii) 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.
  - iii) 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;
  - iv) Refer victim-survivor for a medical care and temporary shelter and other needs when needed based on the assessment done;
  - v) Record the incident using the National VAW Documentation System barangay form
  - vi) If not done earlier, report the incident within four hours to the PNP and the CSWDO.
- c) For rape, trafficking in person and other cases which do not fall under the jurisdiction of the Barangay, assist the victim-survivor to file complaints at the PNP Women and Children Protection Center or the National Bureau of Investigation (NBI).

**SECTION 8. FUNDING.** - The cost of the establishment and operation of the VAWC Desk shall be charged to the barangay's Gender And Development (GAD) budget, which shall be at least five percent (5%) of their annual budgetary allocation. As such, it shall be included in the annual GAD Plans and Programs of the barangays in accordance with Section 37(A) of the MCW IRR (Planning, Budgeting, Monitoring and Evaluation of GAD).

**SECTION 9. REPEALING CLAUSE.** - All resolutions, ordinances and executive issuances, or provisions thereof, which are inconsistent with any of the provisions of this Ordinance are hereby accordingly repealed, amended and/or modified.

**SECTION 10. SEPARABILITY CLAUSE.** - Should any provision of this ordinance be subsequently declared unconstitutional or *ultra vires*, the rest of the provisions not so declared shall remain to be in full force and effect.

**SECTION 11. EFFECTIVITY CLAUSE.** - This ordinance shall take effect upon its approval.

**UNANIMOUSLY APPROVED.**

*Author: Councilor Edna M. Dahino*

Present:

<i>1<sup>st</sup> District:</i>	- Councilor Lordan G. Suan	- Councilor Jay R. Pascual
	- Councilor Edna M. Dahino	- Councilor Reuben R. Daba
	- Councilor George S. Goking	- Councilor Romeo V. Calizo
<i>2<sup>nd</sup> District:</i>	- Councilor Maria Lourdes S. Gaane	- Councilor Dometilo C. Acenas, Jr.
	- Councilor Ian Mark Q. Nacaya	- Councilor Teodulfo E. Lao, Jr.
	- Councilor Leon D. M. Gan Jr.	



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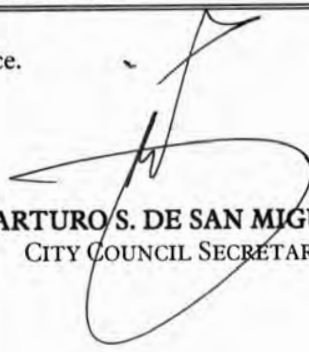


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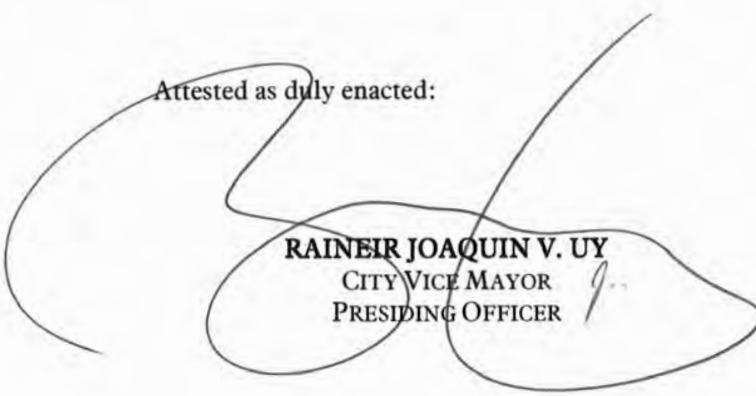
- Ex-Officio:** - Councilor Yan Lam S. Lim, *Liga ng mga Barangay President*
- On Leave:** - Councilor Annie Y. Daba - Councilor Suzette G. Magtajas-Daba
- On Official Business** - Councilor Enrico D. Salcedo
- Absent:** - Coun. Zaldy O. Ocon (*Indisposed*) - Councilor Nadya Emano-Elipe

**ENACTED** this 24<sup>th</sup> day of April 2017 in the City of Cagayan de Oro.

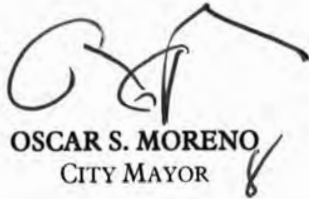
I hereby certify to the correctness of the foregoing Ordinance.

  
**ARTURO S. DE SAN MIGUEL**  
 CITY COUNCIL SECRETARY


Attested as duly enacted:

  
**RAINEIR JOAQUIN V. UY**  
 CITY VICE MAYOR  
 PRESIDING OFFICER

Approved:

  
**OSCAR S. MORENO**  
 CITY MAYOR

Attested:

  
**DIONNIE P. GERSANA**  
 ASSISTANT CITY ADMINISTRATOR