



Republic of the Philippines
Tanggapan ng Sangguniang Panlungsod
City of Naga



ORDINANCE NO. 2002-082

AN ORDINANCE PENALIZING DOMESTIC VIOLENCE AS DEFINED, PROVIDING PROTECTIVE MEASURES THEREFOR AND FOR OTHER PURPOSES: -

Author: Hon. Cecilia V. De Asis

Be it ordained by the Sangguniang Panglungsod of the City of Naga, that:

SECTION 1. -TITLE. - This ordinance shall be known as the Anti- Domestic Violence Ordinance.

SECTION 2. - DEFINITION OF TERMS: FOR PURPOSES OF THIS ORDINANCE. -

A. Domestic Violence-shall refer to any act by a person which results in or likely to result in physical, psychological harm or suffering, economic or financial forms of suffering upon a family member;

AI. - Physical violence consists of any or a combination of the following:

1. Slapping pulling of hair, boxing, kicking, shoving, throwing, banging of the head on the floor, wall or any hard object our surface;
2. Hitting with an object or the use of deadly weapons;
3. Forcing the use or intake of alcohol, drugs or dangerous substances.

All. - Emotional/psychological forms of abuse include:

1. Threats and intimidation including but not limited to stalking;
2. Verbal abuse such as shouting invectives against the victim.
3. Name calling and derogatory remark.

Alll. Economic or financial forms of abuse include:

1. Withholding of personal property or money due to the victim;
2. Not contributing to the family budget;
3. Selling common or conjugal property without the consent of the other party.
4. Willful neglect or denial to provide support comprising everything indispensable for sustenance, dwelling, clothing medical attendance education and transportation in keeping with the financial capacity of the family;

5. Unreasonably preventing the victim from engaging in any profession, occupation, business or activity or solely controlling the conjugal money or properties or controlling the victim's own money or property.

A. Family members include:

1. Persons intimately related to each other such as spouses, live-in partners, adopted parent and the adopted child and other similar relations, whether living together or not, or between persons with a common child;
2. Relatives by consanguinity or affinity up to the fourth degree, including parents-in-law, step- parents and step- children.

SECTION 3. - WHO MAY BE LIABLE. - Any person who shall commit any act of domestic violence as herein defined shall be liable for the same.

SECTION 4. - WHO MAY FILE. - Any person with personal knowledge of any act comprising domestic violence may file a complaint of domestic violence with or without the consent of the victim.

SECTION 5. - WHERE TO FILE. - Domestic violence cases shall be filed in the courts of appropriate jurisdiction.

SECTION 6. - HOW TO FILE. - The filing of a domestic violence complaint shall be in accordance with the procedures provided in the Rules of Court. It shall state the application for the issuance of a protection order and claim for damages, unless separate application for protection order and claim for damages is filed.

The filing of a complaint for domestic violence under this ordinance shall be without prejudice to the filing of other criminal or civil actions whenever applicable.

SECTION 7. - INTERVENTIONS UPON COMMISSION OF DOMESTIC VIOLENCE. - In every case of domestic violence as herein defined, any person who, in good faith, intervenes without using violence or restraint necessary to ensure the safety of the victim, shall not be liable for any criminal or civil liability resulting therefrom.

SECTION 8. - MANDATORY ACTS. - Any person who commits any act of domestic violence shall be arrested immediately pursuant to the provisions on arrest in the Rules of Court. However, if the arrest is made by a person who is not a peace officer, the offender shall be turned over immediately to the authorities for investigation and detention. When the police detention center is not easily accessible, the offender may be temporarily taken in custody by the barangay officials.

If the offender is granted bail , the prohibition to contact the victim shall remain in force until the victim expressly waives the protection before the person who has custody of the offender.

SECTION 9. - PROTECTION ORDERS. - A protection order shall include any order issued for the purpose of preventing acts of abuse as defined in Section 2 of this ordinance. The protection orders that may be issued under this ordinance are the Barangay Protection Order (BPO), the Temporary Protection Order (TPO) and the Permanent Protection Order (PPO) These protection orders shall include some or any of the following relief:

- a. Prohibit the respondent, personally or through another, from committing any act of domestic violence as defined herein;
- b. Whenever applicable, order the respondent to immediately leave the domicile/residence of the petitioner;
- c. Prohibit the respondent from directly or indirectly communicating or contacting with the petitioner;
- d. Whenever applicable, grant custody of the minor children to the petitioners parent or such person or government agency to the best interest of such minors;
- e. Grant other relief/s as deemed necessary by the court for the petitioners protection and for such other persons who may be in need of such protection.

SECTION 10. - THE FOLLOWING MAY FILE THE PETITION FOR PROTECTIVE ORDERS. -

- a. The offended party;
- b. Any member of the family or household of the offended party as defined in this ordinance;
- c. Social Worker
- d. A law enforcement officer who has personal knowledge of the abuse;
- e. City Social Welfare Development Office (CSWDO) and accredited Non-Government Organizations (NGOs)

SECTION 11. - WHERE TO APPLY FOR A PROTECTION ORDER. - Application for Barangay Protection Orders (BPOs) shall follow the Rules on venue under section 109 of the Local Government Code of 1991 and its implementing rules and regulations. Application for a TPO and PPO must be made with the court of appropriate jurisdiction.

SECTION 12. - APPLICATION FOR A PROTECTION ORDER. - The application for a protection order shall be in writing, stating therein the circumstances of the case. The application shall be signed by the applicant and under oath.

SECTION 13. - THE BARANGAY PROTECTION ORDER. - The BPOI may be issued by the Punong Barangay.

A Punong Barangay who receives applications for a BPO shall issue the protection order to the applicant on the date of the filing after ex parte determination of the basis of the application.

The BPO shall cover only the relief mentioned in Section 9 (a) (b) and (c) and shall be effective for fifteen (15) days. Immediately after the issuance of an ex parte BPO, the Punong Barangay or his representative shall personally serve a copy of the same on the respondent

SECTION 14. - PENALTIES. - Any person who shall commit any act constituting domestic violence in any form shall upon conviction, be punished by a penalty of imprisonment not exceeding one (1) year or a fine not exceeding Five Thousand Pesos (P5,000.00) or both in the discretion of the court for violation of this ordinance.

SECTION 15. - PRESCRIPTION. - The provision of the Revised Penal Code on prescription of offenses shall apply to the acts defined in Section 2 hereof

SECTION 16. - SEPARABILITY CLAUSE. - The provisions of this ordinance are hereby declared to be separate and in the event one or more of such provisions are held unconstitutional the validity of the other provisions shall not be affected thereby.

SECTION 17. - EFFECTIVITY. - This ordinance shall take effect immediately upon its approval and after publication in a newspaper of local circulation.

ENACTED: December 18, 2002.

WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

JOSE C. RAÑOLA, M.D.
Acting City Vice Mayor & Presiding Officer

GIL A. DE LA TORRE
Board Secretary III &
Secretary-Designate

APPROVED:

JESSE M. ROBREDO
City Mayor