An illustration of five diverse people of various ages and ethnicities holding a large, light-brown scroll. The scroll is held up by two people at the top and two at the bottom, with a fifth person in the center. The background is a solid purple color. The entire scene is framed by a yellow border.

**Barangay
to the
RESCUE**

**Handbook for Handling
Cases of Domestic Violence
in the Barangay**

A project of the
**National Barangay
Operations Office
(NBOO)**
of the
**Department of the Interior &
Local Government
(DILG)**
and the
**National Commission on the
Role of Filipino Women
(NCRFW)**
with the
**Canadian International
Development Agency
(CIDA)**

Barangay to the Rescue

**Handbook for Handling
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messages

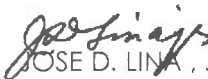
It is a sad reality that violence against women or domestic violence is one of the issues that still prevail in our communities. The 2001 State of the Women Report of the National Commission on the Role of Filipino Women (NCRFW) reported more cases of physical injuries, wife-battering and acts of lasciviousness, often committed within the neighborhood or right inside the home.

The problem persists and becomes more distressing when we look at the social and psychological implications affecting the sanctity of the home, particularly, the Filipino home.

Ours is a modest attempt to address this problem at the *barangay* level. For it is important that *barangay* officials, being at the helm of the basic unit of government, should be able to grapple first-hand with what confronts their constituents, especially women and children who are often victims of violence in the home. If at all, this should serve as a wake-up call especially to those who have been forced to look the other way simply because they were not equipped with any tool that can teach them how to tackle this problem.

The handbook starts by letting *barangay* officials define and recognize the problem, encouraging them to look at the institutions that can take the logical initiative in the *barangay* such as the *Katarungang Pambarangay*, the *barangay kagawad's* Committee on Family and Women, the family council, the local church and the people's organization.

Congratulations to those who diligently put this work together. Hopefully, the intended users of this handbook will henceforth be guided in responding to this problem of domestic violence.


JOSE D. LINA, JR.
Secretary


Department of the Interior and
Local Government

When the National Commission on the Role of Filipino Women (NCRFW) and the Department of the Interior and Local Government (DILG) embarked on the project "**Barangay to the Rescue: Handbook For Handling Cases of Domestic Violence in the Barangay,**" we were responding to an issue that has gained the public's attention over the recent years—the growing incidence of Domestic Violence (DV). Cases of DV, as records show, are often settled at the *barangay* level hence both agencies were convinced that *barangay* officials need the right perspective in handling such inhuman acts. It is our common desire to arrest these acts of violation of human rights of women through the active involvement of our *barangay* officials.

The handbook therefore is aimed not only at contributing to the further understanding of domestic violence but essentially to equip *barangay* officials with skills in preventing and responding to DV cases. It discusses the responsibilities and roles that *barangay* officials, specifically members of the *Lupong Tagamapayapa*, should fulfill to stop violence. This task of handling DV cases is made simple since the document provides a step-by-step guide in handling the cases in a gender-responsive way.

We wish to express our appreciation to DILG for developing this handbook. This document mirrors their commitment to promote a peaceful and empowering community. We are grateful to the Canadian International Development Agency (CIDA) for their funding support in completing this publication. Special acknowledgment is given to Harnessing Self-Reliant Initiatives and Knowledge, Inc. (HASIK) for extending their expertise.

We hope that this Handbook shall serve as encouragement to *barangay* officials who are relied upon to promote peace and justice in the community. By enabling them, half of our population shall experience violence no more.


AURORA JAWATE-DE DIOS
Chairperson
National Commission on the
Role of Filipino Women

foreword

The National Barangay Operations Office of the Department of the Interior and Local Government is mandated to formulate policies and implement programs and projects to strengthen the *barangay* government's capability to deliver basic services and promote people's active participation in local governance. The Bureau is thus at the front-line of the Department's GAD Mainstreaming and Institutionalization Project under the CIDA-NCFRW Institutional Support Project II with four components which was carried out through the Memorandum of Agreement between DILG and NCFRW.

One of these is "**Domestic Violence Prevention and Protection of Victims: A Community Based Approach**" which aims to provide an enabling environment to mainstream community responses to domestic violence and the need to protect the victims.

The DILG, with the assistance of the Quezon City government, conducted a pilot study in four *barangays*, namely: Batasan Hills, Sto. Cristo, Roxas District and West Kamias. The first activity was an orientation workshop participated in by eight officials per *barangay*, the Quezon City social workers, Quezon City DILG; the National Barangay Operations Office (NBOO) and DILG-

NCR personnel. They formulated their individual action plans, organized the *Barangay Family Councils* and strengthened the Committee on Women chaired by a *barangay kagawad*, but most of all utilized the *Lupon ng Tagapamayapa* in settling disputes affecting women members of the family.

A series of capability activities in the four pilot *barangays* was conducted and viable strategies to reduce domestic violence at the *barangay* level were redefined. The roles of the *barangay* officials, residents, non-government organizations, peoples organizations, government agencies and other community support groups were likewise identified. The experience from these activities has aided the office in developing this handbook.



NELDA D. LEDA
Project Director



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Acknowledgement

This handbook is the product of the collaborative effort of the following:

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**And to all those who generously contributed in
making this handbook a reality.**

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Chapter One

Introduction:

Filipino Families in Peril



Cariño Brutal

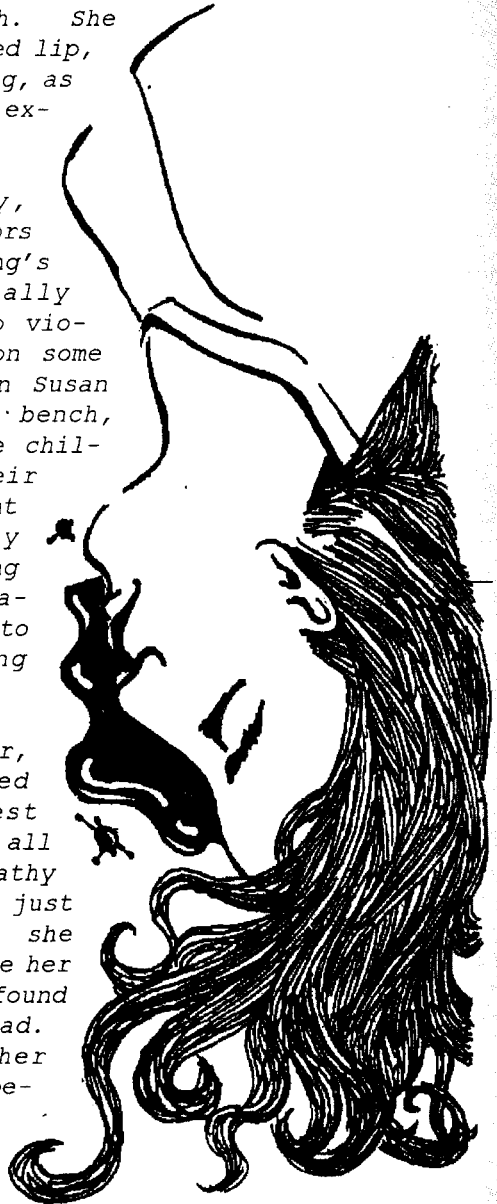
One September morning, Susan woke up coughing. She had been coughing so hard since she contracted TB. Realizing that it was already 5:00 a.m. she decided to wake her husband up who was at that time doing some short-term house-painting job. Apparently irked because it was too early a wake-up call, Manuel scolded his wife, who then silently proceeded to the nearby artesian well and started pumping for the water she was going to use for her laundry job. Manuel, now fully awake, continued to berate her, at one point throwing a cup at Susan because she had not prepared breakfast. He missed. He then dressed up and left. Afterwards, Susan prepared breakfast for her children, who were still curled up, asleep.

An hour and a half later, Manuel came back. He was drunk. Susan wanted to know why he was still around when he should be at work. Without saying anything, Manuel threw a punch at Susan's face. She fell to the ground. He started to yell at her. She stood up and

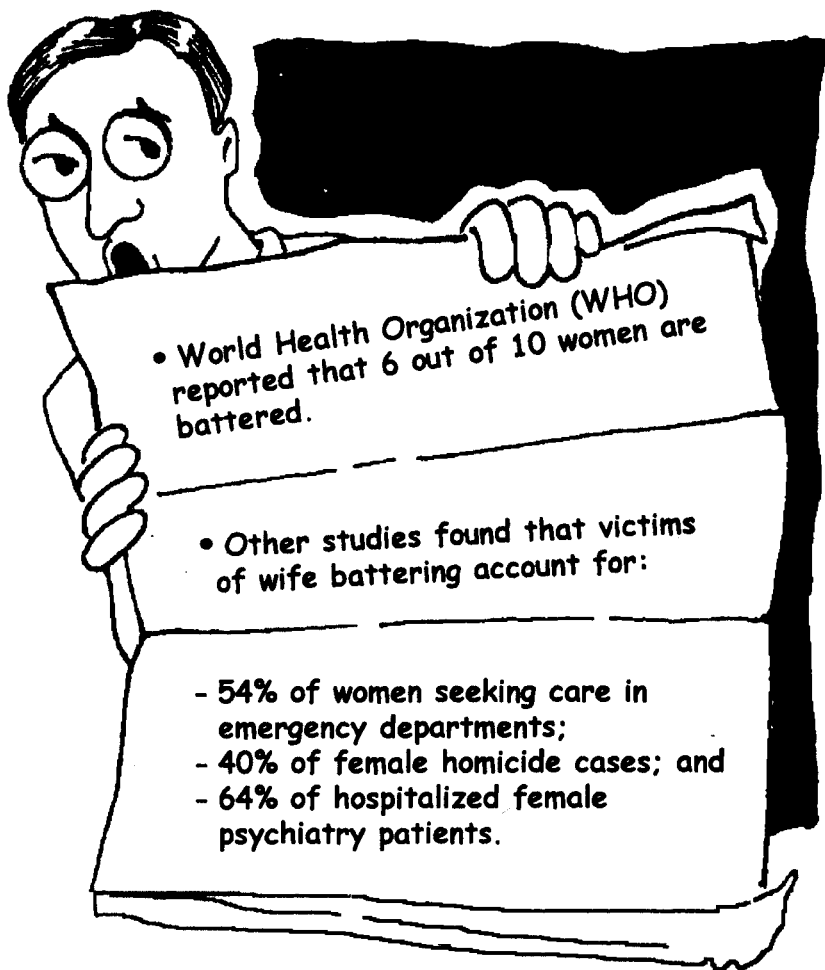
slowly limped toward the long wooden bench. She nursed her contused lip, not saying anything, as if the blow was expected.

Surprisingly, some of the neighbors said, that morning's fight was unusually short compared to violent encounters on some other days. When Susan lay down on the bench, Manuel left. The children, seeing their mother resting, went about their daily routine: finishing breakfast preparation, sitting down to eat and cleaning themselves up.

Two hours later, a neighbor asked Cathy, the eldest girl, if Susan was all right, to which Cathy replied yes. But just to make certain, she went inside to wake her mother up. She found Susan already dead. Some parts of her mother's body, especially the face, was bluish; caked blood was on her contused lip.



Susan's story is a true to life story. You probably know of a horrible story like Susan's—stories of wife beating, parents beating up their children, a brother molesting his sister, a father raping his daughter. In fact, if some of your friends and acquaintances are suffering from domestic violence, it will be of no surprise. Let us take a look at what researchers have to say.



- World Health Organization (WHO) reported that 6 out of 10 women are battered.

- Other studies found that victims of wife battering account for:

- 54% of women seeking care in emergency departments;
- 40% of female homicide cases; and
- 64% of hospitalized female psychiatry patients.



The NCRFW (National Commission on the Role of Filipino Women) in its 1998 study on the Economic Costs of VAW observed that:

"If we go by medical standards, the numbers would indicate a major public health problem of violence against women. If we go by military standards, the number of wounded and injured citizens would indicate an internal war—a war against our own Filipino women and girl children."

It is because we consider acts of domestic violence shameful, and a private matter that it is kept within the family. Filipino families usually rely on *kamag-anak* (relatives) for support. But in most cases, relatives would not want to get involved in domestic violence because it is perceived as "meddling" in internal family affairs or "*usapang mag-asawa*." It is this very attitude that discourages reporting of incidences of domestic violence to proper authorities, hesitation among authorities to take appropriate action and recognition of domestic violence as a social problem of immense medical, social and emotional cost.

Domestic violence, like termites...

- destroys the very foundation on which we build our homes—love, respect and honor;
- violates every human being's right to freedom from fear and violence; and
- Inflicts lifelong consequences over the victim's state of mind, body and character.

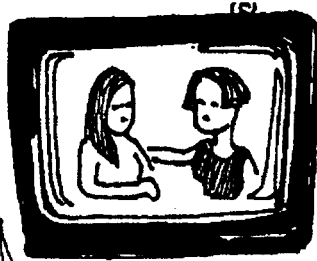
Domestic violence can no longer be viewed as a private matter. Women and children must be able to live their lives free from violence.



Common reasons battered women cite for staying:

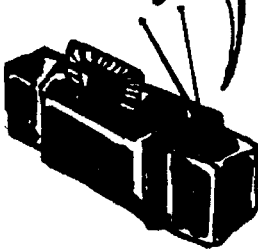
Fear...

It is always easy to underestimate the degree and effect of violence on a person but, for women who have been subjected to it, repeatedly, the anticipation of pain is enough to immobilize them.



mas kilala ko asawa ko... kaya pwede ba, pabayaan mo na ako

... saan naman kami pupunta ng aking mga anak... kung iiwanan ko ang aking asawa...



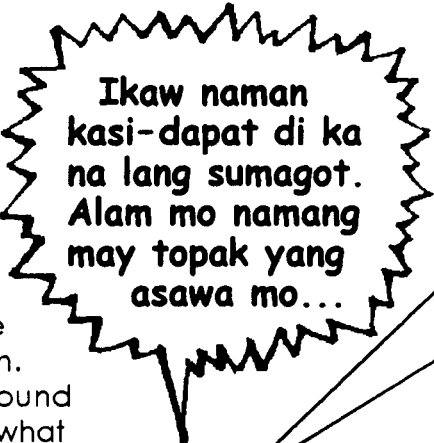
Lack of financial resources

It is difficult to run away without money: she would need money for bus/boat/plane fare to get to a safe place; she would need money to feed herself and her children; she would need money to find a new home.

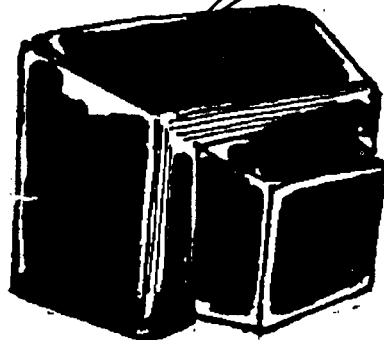
At best, relatives would offer temporary shelter until "*lumamig ang ulo ni mister.*" After some time, a typical wife batterer would calm down. He would behave in a loving, tender, apologetic, and remorseful manner. He would promise to change his behavior. The woman may genuinely believe him and decide to stay. In a moment of financial uncertainty and weakened capacity to plan for the future, the less difficult decision would be to stay.

**Shame,
humiliation
and low
self-esteem**

Feelings of failure plague the victim. Often, people around her blame her for what happened - "you did something that triggered the behavior, I told you so, stay or you will have a broken home" — making it difficult for her to get over her situation.

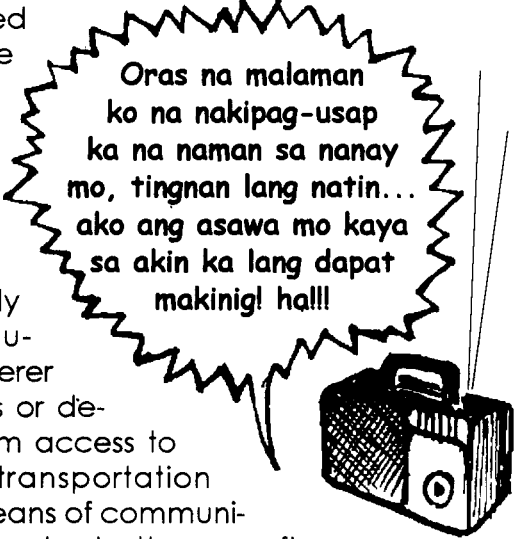


**Ikaw naman
kasi-dapat di ka
na lang sumagot.
Alam mo namang
may topak yang
asawa mo...**

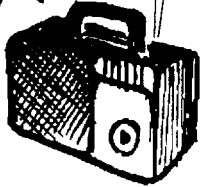


Isolation

Many battered women are systematically isolated by their husband/partner, from friends, family and community. The batterer often restricts or denies the victim access to telephone, transportation and other means of communication. Men who batter are often highly possessive and overly jealous. They also expect exclusive attention and obedience from the wife/partner. The result is a shrinking world for the woman with the husband/partner as her sole source of social and emotional support.



Oras na malaman
ko na nakipag-usap
ka na naman sa nanay
mo, tingnan lang natin...
ako ang asawa mo kaya
sa akin ka lang dapat
makingi! ha!!!



Domestic violence is **a product of unequal power relations between men and women, between adults and children, between the disabled and the able-bodied members of the family.**

Domestic violence is a **deeply embedded psychological and emotional relationship that affects both the abuser and the victim.**

The solution is not simply found in packing up and leaving although for outsiders, it may seem to be the best solution.

Violence against women and children in the homefront is a crime.

It is **not a private concern**. It is a public concern because...

- ... It has reached that point when it has become a social and public health issue (remember the hospital statistics on page 12);
- ... It is a violation of a person's right to life, personal dignity and security;
- ... It isolates and divides people from each other; and
- ...It limits the human potential.



Chapter Three

**Barangay
to the
Rescue**

The *Barangay* is the basic political unit in our country. On both small and big problems in our communities, the *Barangay* Council is consulted by the community members.

When the Local Government Code (LGC) was enacted in 1991, *barangays* were provided with more power and responsibilities as well as, resources. In return, they are expected to be more involved and more responsive in managing the well-being of the community members. This is the reason behind empowering *barangay* leaders to handle cases of domestic violence. In a very real sense, responding to domestic violence is a return to the *barangay's* traditional role of peacekeeper and protector of the vulnerable members of the *barangay*.

There are some government policies that are already in place to support *barangay* initiatives to STOP DV. The Philippines is a signatory to international agreements such as the:

- UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), emphasizing that women's rights are human rights;
- UN Declaration on the Elimination of Violence Against Women (DEVAW), 1993; and
- UN Convention on the Rights of the Child (CRC).

We also have...

- Republic Act 7610 or the Special Protection for Filipino Children Against Child Abuse, Exploitation and Discrimination Act.
- Bills on domestic violence and abuse of women in intimate relationships (AWIR) are also pending in Congress. These bills propose stiffer penalties for abusers and adequate protection for victims.

The *barangay* has a special role in the entire Philippine government structure. It is to serve as:

- The primary unit that plans and implements government policies and conducts programs and activities in the community in accordance with these policies;

*Hence, international covenants and declarations such as the **UN Declaration on the Elimination of Violence against Women** and the **UN Convention on the Rights of the Child** where the Philippines is signatory are part of the *barangay* mandate.*



- A forum where the views of the people are expressed and put into action;

HENCE, the barangay can initiate public consultations, community surveys and other fact-finding methods to determine the presence or extent of domestic violence in the community.

- A place where disputes may be amicably settled;

HENCE, the barangay can settle household disputes when violence is already evident.



Barangay Mechanisms/ Institutions & Procedures for Protection of Domestic Violence at the *Barangay* Level.

1. Katarungang Pambarangay

2. Committee on Women/Family

The **Local Government Code** requires the **Sangguniang Barangay** as a local legislative body to organize working committees, one of which is the committee on women and family. This committee is chaired by a **Barangay Kagawad**. This can be activated and strengthened to assist the **Punong Barangay** in the performance of its duties with regard to prevention of domestic violence.

3. Family Council

A **family council** will be organized in the *barangay* as a **non-government organization** for the purpose of assisting the **Punong Parangay** in dealing with victims of domestic violence and their abusers. Its members are residents of the *barangay* who are respected for their integrity, good family morals and backgrounds.

The **barangay family council** shall be the family counselor and will reach out to problem of residents to strengthen the family as a basic institution in the community. They can

devise indigenous strategies to deal with the problem of domestic violence and coordinate with the **Lupon** in handling cases.

Counseling essentially means —



The Power of the Katarungang Pambarangay

Through Presidential Decree 1508, the **Katarungang Pambarangay** or the Barangay Justice System was established in 1978. Residents of the *barangay* can bring their complaints, problems and disputes within the neighborhood to the **Punong Barangay**.

The **Punong Barangay** acts as peace officer by settling disputes. This system is intended to relieve the courts and prosecutor's office of "**concillable**" and "**less serious offenses**" and ensure speedy administration of justice.

The **LGC** has since expanded the coverage of disputes that can be settled at the *barangay* level. The *barangay* can now mediate in disputes and cases of "**less serious physical injuries**"

and maltreatment" that carry punishment of less than one year or a fine of less than P5,000.

The **Lupong Taga-pamapayapa** is created in each barangay with the **Punong Barangay** as chair and 10 to 20 persons as members to carry out the functions of the **Katarungang Pambarangay**.

If the mediation of the *punong barangay* fails to amicably settle the disputes, the case shall be referred to the "**Pangkat na Tagapagkasundo**". It consists of three members chosen by the parties from the list of lupon members. The **Pangkat** will then choose from among themselves, the chair and the secretary. The "**Pangkat na Tagapagkasundo**" shall continue conciliation efforts. When conciliation fails, the **Pangkat ng Tagapagkasundo** would recommend to the **Punong Barangay** to issue the **Certificate to File Action**.



Handling cases of DV

There is a need to assess existing barangay mechanisms and procedures to ensure that victims receive the protection and support they need and that the facilities are victim-friendly.

Who are the frontliners in handling cases of DV?

- **Punong Barangay**

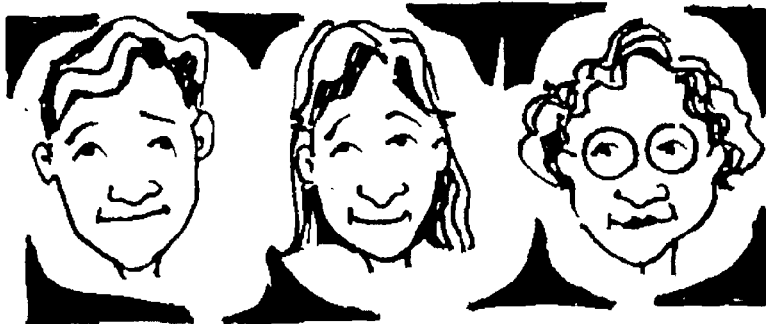
The *Punong Barangay* and other officers must know the nature, dynamics and consequences of domestic violence. It is important for *barangay* officers to be familiar with recent declarations, commitments made by the government, legislation, action plans and studies on DV.

- **Desk Officers**

Assigning women desk officers trained in the handling of DV cases is necessary since most victim-survivors are women. It would be advisable to assign gender-sensitive women desk officers to handle the reports and complaints. Where men are victims, a male officer should be called. This is already the standard procedure in police stations and government agencies such as the DSWD.

- **Lupon or Family Council**

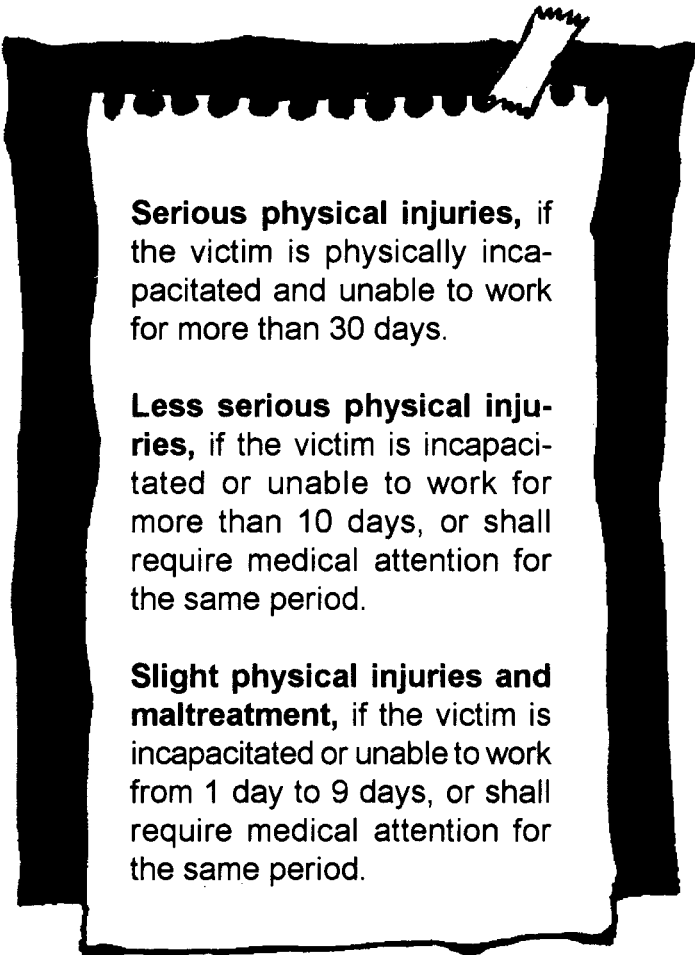
A Family Council can also be formed composed of respected members of the community to assist the *barangay* in solving problems related to DV.



What is the nature and extent of DV cases?

In most cases, women and children victims report to the *barangay* only when physical injuries have been inflicted upon them. Due to the lack of specific legislation against domestic violence, the victim's only solution is to file a complaint of physical injuries. Women and children who are threatened or coerced can report to the *barangay* but, punishment for these acts under the law is very minimal (1 day to 6 months in detention) and the fear of actual harm often prevents reporting of such.

The Revised Penal Code states that the acts causing physical injuries are: **wounding, beating, assaulting**. Physical injuries require one or all of the above acts, as well as the absence to kill. Included also is the use of injurious substances or beverages. Physical injuries are classified as follows:



Serious physical injuries, if the victim is physically incapacitated and unable to work for more than 30 days.

Less serious physical injuries, if the victim is incapacitated or unable to work for more than 10 days, or shall require medical attention for the same period.

Slight physical injuries and maltreatment, if the victim is incapacitated or unable to work from 1 day to 9 days, or shall require medical attention for the same period.

How to handle DV cases of less serious nature

The following procedure applies to complaints of physical injuries that render the victim disabled from doing her daily routine and work, or requires healing from 1 to 30 days.

Step 1:

If you are the Barangay Desk Officer (preferably a woman) record the formal complaint brought to the Barangay.

Record narrative responses in a log book and intake form. (see sample intake form in the appendix)

*If the victim has injuries requiring medical attention, **assist** her to go to the barangay health center or hospital or clinic.*

*To ensure the safety of the victim, **suggest** a temporary shelter and if the victim so decides arrange such a shelter preferably a friend's or a relative's house.*

Refer the victim to the family council, if any, or to the barangay kagawad for assistance and/or counseling.

It is important to preserve privacy, assure confidentiality of information, and ensure safety of the victim. Remember that it is generally difficult for a victim to share the painful experience. These are some suggestions that will help you handle cases with sensitivity.

Listen to the account and allow the victim to relate in her own words the incident. Listen and respond to her wishes and requests.

"Pwede po bang ikwento ninyo ang mga pangyayari? Handa ka na ba o gusto mo munang magpahinga o uminom ng tubig?"

Pay attention to what the victim is saying.

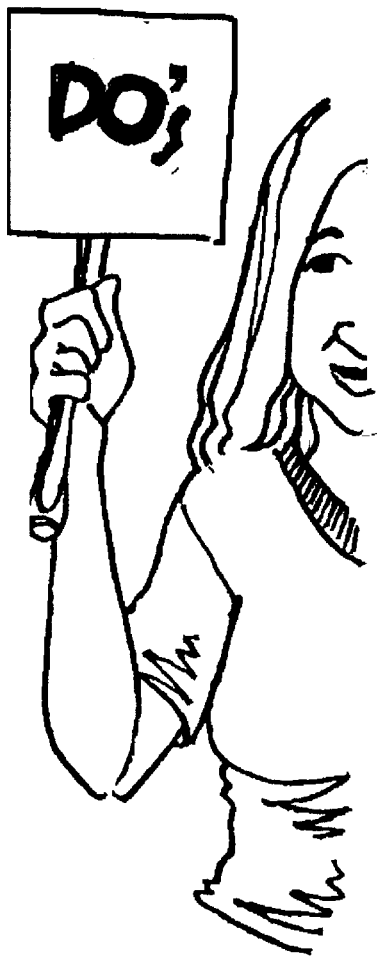
"Kanina sabi mo, ayaw mo munang umuwi sa bahay ninyo habang nandoon si Mister, saan mo ba gustong pumunta ngayon? May iba ka bang matu-tuluyan?"

Use non-threatening or non-judgmental language.

"Ang pananakit sa iyo ay hindi dapat ginagawa. Ang barangay ay maka-katulong para magka-roon ng pag-uusap sa pagitan ninyo ni Mister."

Be sensitive to the woman's feelings at all times.

"Ano ba ang pakiramdam mo? Kailangan mo ba ng panahon para pag-isipan ang mga susunod mong aksyon? Kailangan mo ba ng tulong?"



Do not interrogate the victim.

"Sino ang nagdala sa iyo dito? Ano ba ang nangyari? Anong oras nangyari? Sino ang mga nakakita? Ano? Walang nakakita? Saan ka nasaktan? E bakit ka ba sinaktan?"



Do not pressure the victim to reveal information she is not ready to share.

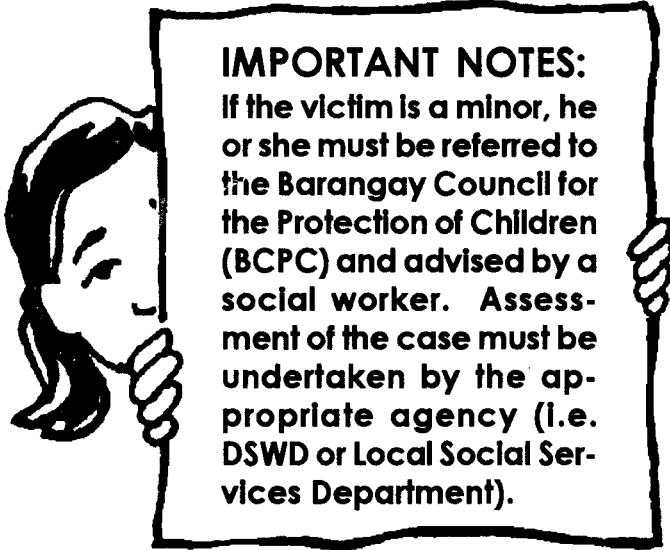
"Bukod sa pinalo ka sa ulo, ano pang ginawa sa iyo? Hindi ka ba na-rape? Sigurado ka?"

Do not make careless remarks that blame the victim for the violence inflicted upon her.

"Hindi naman sa sinisisi kita, ha, pero, baka naman nasobrahan ka ng dakdak? Alam mo naman na pag lasing and asawa mo may topak. Siguro nakipag-sabayon ka pa?"

Refrain from asking questions that could further traumatize the victim.

"O pano, handa ka bang ipaampon yang mga anak ninyo hangga't di kayo nagbabati? Handa ka bang makipaghiwalay? Baka kasi sa susunod mapatay ka na ng asawa mo."



In gathering data for forensic investigation, the following interview process for child victims is suggested¹:

1. Make the necessary planning and preparation such as interviewing the caregivers or caretakers.
2. Assist the child to relax and feel safe.
3. Introduce the topic of concern with care.
4. Allow the child to freely narrate her story in order to have his/her version of the incident. Request additional information without pressuring the child or asking leading questions.

¹ Adapted by the John Yuille Stepwise
[Guerrero-Manalo in Guerrero (ed.) 1990]

Step 2

When the victim is ready to decide or after counseling, ask her if she has decided on a course of action: to file a case with the *Katarungang Pambarangay* or not.

If the victim decides not to file a case

1. The *Punong Barangay* may refer the victim to the family council, if available, who will then provide counseling services.
2. Have the parties sign a "**Kasunduan**" or agreement in the presence of the *Punong Barangay* and the committee as witnesses.
3. The *Punong Barangay* sees to it that the *Kasunduan* is followed.
4. If the *Kasunduan* is violated you may ask the victim to file a case with the *Katarungang Pambarangay*.

We must apply *Kasunduan* carefully in the DV circumstances. The *Kasunduan*, however, should not be limited to promises of stopping the acts of violence. Each agreement must:

1. define the specific circumstances of the abuse;
2. corresponding actions that will be taken by both parties, as well as the support required from the *barangay*, government agencies and other support groups.

Warning!

Failure of any of the parties to appear when summoned is punishable by law. Likewise, failure by the *Punong Barangay* to act on a complaint is also punishable by law.



Note on "Kasunduan"

It is agreed that a simple dialogue between parties can resolve certain DV cases. But, abuses aggravated by factors such as substance abuse of the offender will need more drastic action to ensure safety and security such as rehabilitation of the offender and/or physical separation of wife and children from the offender. In situations like these, the traditional concept of *pagkakasundo* or amicable settlement may not apply.

The welfare and security of victims are the most important concern of the *barangay* and should not, in any way, be underestimated by the objective to reconcile the parties involved.

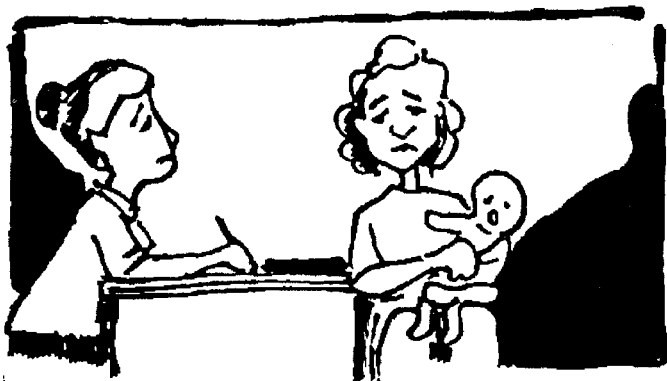
If the victim decides to file a case

The *Punong Barangay* receives the formal complaint as **Lupon** Chair. This may be verbal or written. The **Lupon** Chair immediately summons the respondents, complainants and witnesses for mediation proceedings.

If mediation efforts fail within 15 days, refer the case to a **Pangkat ng Tagapagkasundo**.

The **Pangkat** shall convene within three days to hear both parties and their witnesses and explore possibilities for amicable settlement.

A settlement must be reached within 15 days. This may be extended to another 15 days. If the case is not settled, the **Pangkat** must refer the case to the *Punong Barangay* for issuance of "**Certificate to File Action.**"



Step 3

Both parties resort to settlement of the case.

- The **Lupon** can enforce the settlement within six months from the date of filing thereof.
- If terms and conditions are not complied with, the victim may file a motion with the **Punong Barangay** for execution of settlement or award.
- A hearing shall be set not later than five days from date of filing.
- After ascertaining noncompliance, the **Punong Barangay** shall urge the respondent to comply. Both parties shall be referred to the Family Council for counseling.

How to handle serious offenders of Domestic Violence

Serious offenders of Domestic Violence cover offenses that render the victim incapacitated or unable to perform daily routine work for **more than 30 days**. Settlement or hearing of cases of this sort is **already beyond the jurisdiction of the barangay**.

However, the *barangay* can extend assis-

tance to the victim especially because immediate medical attention may have to be secured or safety of the victim need to be ensured to prevent further injuries or even death.

Step 1. The Desk Officer or Barangay Secretary, preferably a woman, receives the formal complaint and records it in a logbook.

*Interview the victim and record narrative in a logbook or intake form. The guidelines in receiving, recording and interviewing the victim is the same as those enumerated in Step 1 of **Handling VAWC of Less Serious Nature.***

Call the *Punong Barangay* after this is completed.

Step 2. Bring the victim

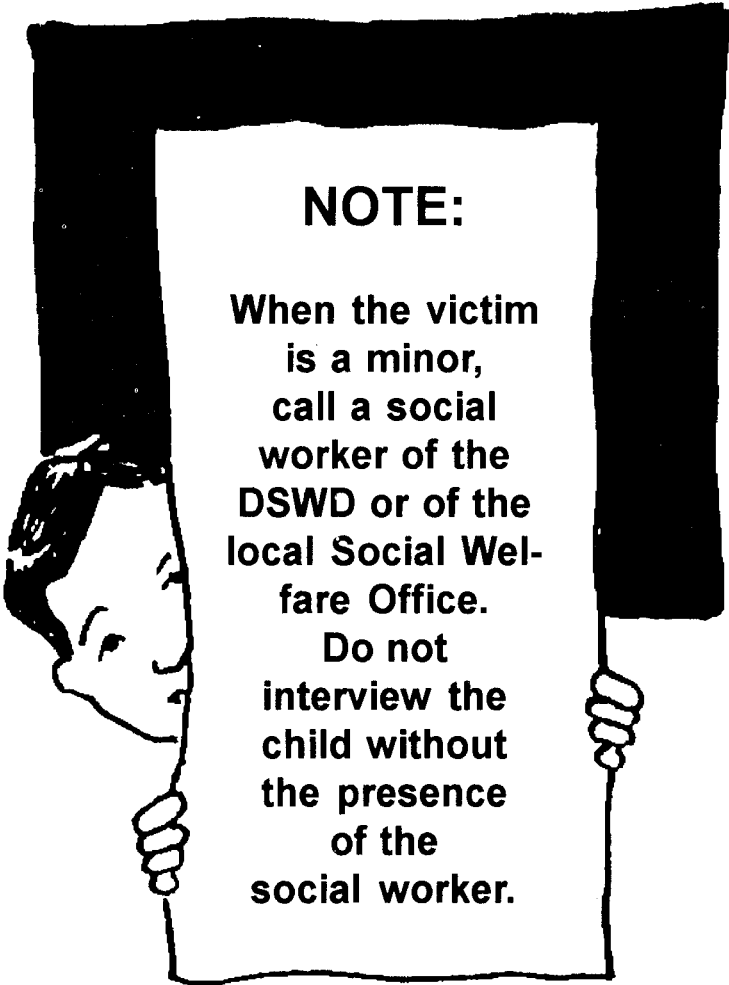
- to the nearest hospital/clinic for medical treatment and medical records, and then
- to the PNP Crime Laboratory or NBI for medico-legal services.

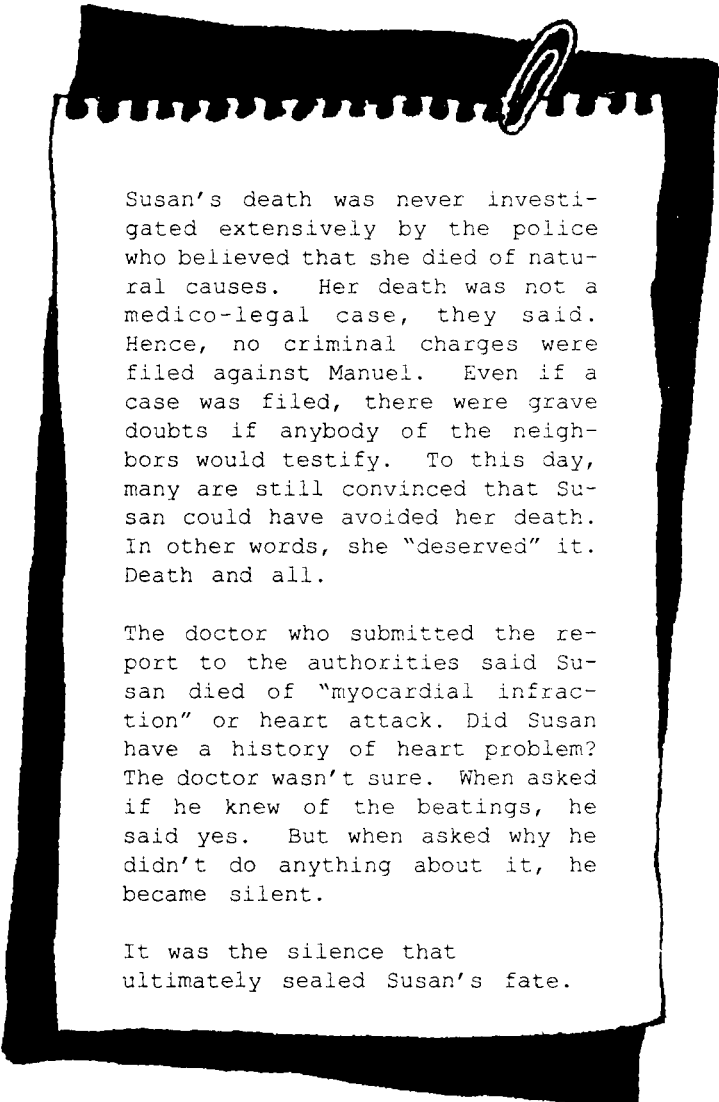
Step 3. Bring the victim to a temporary shelter away from the abuser. It will be better if the victim decides where to go for temporary shelter either to a friend or relatives.

But it is most important that the *barangay* should instead persuade the husband to leave the house temporarily since, oftentimes, he can leave alone. The wife would usually not leave the house without the children.

Step 4. The victim files case in court through the Prosecutor's Office.

In municipalities where there is no fiscal, the police files the case with the Municipal Trial Court or the MCTC judge who will then conduct the preliminary investigation.





Susan's death was never investigated extensively by the police who believed that she died of natural causes. Her death was not a medico-legal case, they said. Hence, no criminal charges were filed against Manuel. Even if a case was filed, there were grave doubts if anybody of the neighbors would testify. To this day, many are still convinced that Susan could have avoided her death. In other words, she "deserved" it. Death and all.

The doctor who submitted the report to the authorities said Susan died of "myocardial infraction" or heart attack. Did Susan have a history of heart problem? The doctor wasn't sure. When asked if he knew of the beatings, he said yes. But when asked why he didn't do anything about it, he became silent.

It was the silence that ultimately sealed Susan's fate.

(Excerpt from a story entitled *Cariño Brutal* by Carlos H. Conde featured in *MARHIA*, July to September 1991 issue, published by the Institute for Social Studies and Action [ISSA]).

Breaking the Culture of Silence



The Emerging Role of the Barangay on the Issue of DV

Remember that DV is still perceived by many people to be a personal and private problem best left to the couples involved. This is because —

- existing laws are inadequate to protect women's rights;

- these laws are poorly implemented;
- support systems from the government and the communities are lacking; and
- women's awareness about their rights is very low.

Because of these, the usual way of handling disputes may not always be helpful to women and children who are victims of violence in the home. Women and children who suffer violence from their own husband/partner or father may not be able to go home for fear of further violence.

In instances of domestic violence, there is practically no "home."

So, handle DV with utmost care. The *barangay* may have to apply the *barangay* justice system in a different way when dealing with DV. The next chapter will help us understand DV and hopefully guide us in handling cases like Susan's.

There is nothing we can do now for Susan for she is already dead. But, we can still do something for those who have the courage to break the silence and come to us for help.

We must take the first step towards violence-free homes by recognizing that DV exists in many Filipino homes; that it is not a private matter anymore but a pressing public concern.

Breaking the culture of silence on domestic violence is a big step towards putting a stop to violence in Filipino homes.

How can *barangay* officials help prevent domestic violence?



You can do any of the following:

- **Conduct public awareness campaigns to break the silence on DV and change the prevailing misconceptions about the issue.**

This could be in the form of posters, film showing, community forum, designating a *barangay* day against family violence, etc. Information materials may be solicited from UN agencies concerned such as UNICEF, UNIFEM, and UNFPA. The National Commission on the Role of the Filipino Women (NCRFW) and the Department of Health (DOH) have also produced information materials on domestic violence. These materials are usually free and the agencies are more than willing to distribute these especially to *barangays*.

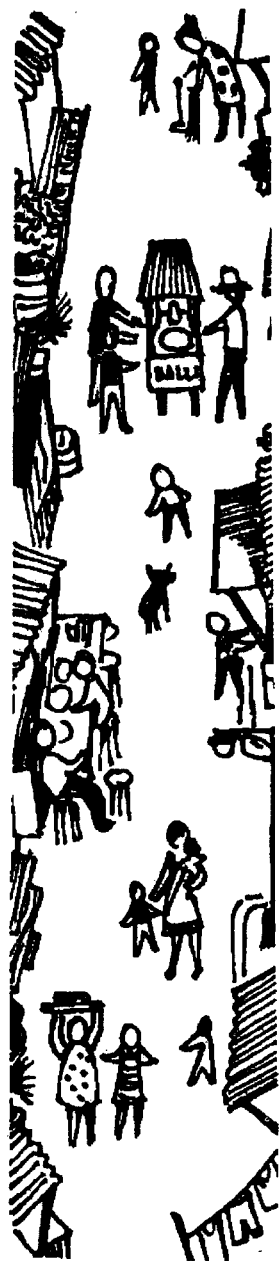
- **Organize communities to put up mechanisms for prevention, immediate response and reporting of incidents of DV.**

In some areas of the country, a collaboration among NGOs, people's organizations and *barangay* personnel has been formed to STOP DV.

In Cebu, we find the ***Bantay Banay*** movement (organized by ***Lihok Pilipina***). In Quezon City we find COMBAT VAW (organized by ***HASIK***). These are community-based approaches that have been found to be effective and workable.

In these pilot *barangays*, community seminars and awareness campaigns are conducted to make community members become more sensitive about the issue of domestic violence, intervene in creative ways, report its occurrence and help victims access assistance and protection from available institutions within and around their community. ***Bantay Bata*** of the ABS-CBN Foundation has also succeeded in raising awareness about child protection.





Filipinos have high regard for the family. We all believe that it must be cherished, preserved and protected. This is because the family is supposed to be a haven where husband and wife or partners and children expect to get protection and security—a safe place for nurturing and growth. It is certainly the last place where one should get physically, sexually, economically and emotionally abused.

Domestic violence violates the haven that is the family. Many *barangay* officials cite extreme poverty and stress as primary factors for the breakout of violence among poor families. In urban depressed communities *barangay* officials also complain of the endless requests to respond to cases of domestic violence, so much so that they cannot attend to other *barangay* duties anymore. These cases weigh heavily on them because of their basic belief that no harm should have been committed to anybody within the home in the first place.

Barangay officials are truly at the forefront of preventing and battling domestic violence. But you are NOT ALONE in this. Institutions within the community can be tapped to help out such as:

- the police
- the Local Social Welfare Office
- Women and child Protection Unit in some hospitals
- the local church
- people's organizations
- non-government organizations
- other government agencies

In many communities, collaboration among these institutions has substantially decreased incidence of domestic violence. Outside the community, there are hospitals, legal institutions and Social Welfare offices that have been designated to support and attend to victims of domestic violence. Non-government organizations (NGOs) can also be tapped to help out.



Many women and children victims of violence can access basic legal information assistance. The *barangay* can keep a list of phone numbers and addresses of both public and free legal assistance groups.

People from the *barangay* who have attended paralegal and counseling training on VAW can also be very helpful in providing immediate assistance to victims of violence against women and children.

The Local Government Code (LGC) puts greater responsibilities on the *barangay* and other local government units. This is supported by provisions for *barangay*-based local development plans and bigger share of resources from internal revenues. The mandatory 5% budget allocation for gender and development activities can make a big difference in combating the issue of domestic violence.

The will to act is perhaps the missing link.

Domestic violence can and should be prevented. The *barangay* plays a strategic role in the prevention of DV. It is the government office nearest and most accessible to the community members.

Going public against DV can go a long way in preventing more women and children from getting the battering and abuse that they do not deserve. Only then can ALL the members of the community enjoy a genuine and more lasting "peace and order."



After all that has been said, there are still a few reminders for the *barangay* government:

- **Give primary importance to the well-being of victims of domestic violence at all times.**

The intent to maintain harmony within the family or preserve the marriage should be secondary to the objective of ensuring the security, health and growth of victims of DV.

- **Establish efficient, effective and gender sensitive mechanisms and processes that will address and prevent cases of DV.**

It is important for *barangay* officials to have sensitivity to DV that would help them examine and refine *barangay* processes in addressing the issue.

- **Facilitate the filing of cases of serious offenses in the proper courts.**

Despite the legal prohibition for *barangay* governments to resolve or address more serious offenses, it still has a critical role in ensuring that these referred cases are filed or elevated to proper authorities. Thus, the *barangay* must also define a separate process in seeking justice for serious offenses.

- **Provide support to victims.**

This may cover the *barangay* government's provision of legal support and/or referral system, financial or livelihood support, as well as counseling and reintegration of victims to the community. To be able to perform this responsibility, however, *barangays* should have ample resources.

- **Monitor the progress of families with reported cases of DV.**

This should prevent the recurrence of abuse.



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Appendix

Sample Intake forms used by D2KA (*District 2 Kababaihan* -- a community based women's organization in District 2, Quezon City). These forms will facilitate the gathering of the basic information necessary to handle cases of domestic violence. These forms are only an example, you may revise or enhance it to suit your requirements should it be necessary.

**Domestic Violence
intake form**

**Sexual Violence
intake form**

Table of Laws



Kababaihan Laban sa Karahasan (D2KA)

Intake Form 1: Domestic Violence

Lugar/ community:
Interviewer:
Petsa ng Interview:

- Ano ang sadya?

- Counseling (para sa kanya)
 - Iba pang tulong pinansyal
 - Counseling o pakikipag-usap sa pamilya
 - Pansamantalang matutuluyan para sa pamilya
 - Pagkain
 - Iba pa _____
 - Pamasaha
- Mayroon bang sugat o injuries na natamo ang biktima?
 - Mayroon
 - Wala

(Kung may malalang sugat, pagdurugo; panghihina o nahihirapang huminga, dalhin kaagad sa doktor/klinika matapos kuhanin ang datos hinggil sa babae. Huwag kalimutang kunin ang mediko-legal report)

Datos tungkol sa babae

Pangalan
Tinapos na pag-aaral
Bilang ng anak
Edad ng panganay
Edad ng bunso

Edad
Hanapbuhay
Tirahan
Contact no.
Ilang taon na silang kasal/nagsasama

Datos tungkol sa lalaki

Pangalan
Tinapos na pag-aaral
Relasyon sa babae:
<input type="checkbox"/> Asawa (kasal) <input type="checkbox"/> Asawa (hindi kasal) <input type="checkbox"/> Iba pa:
Nagsasama ba sila sa iisang bubong?
May anak ba sa iba
Edad
Hanapbuhay
Tirahan
Contact no.
Ilang taon na silang kasal/nagsasama?
Ilan ang anak sa iba

Uri ng Pang-aabuso na karaniwang nangyayari

Pisikal	Berbal / sikolohikal	Sekswal	Iba pa
<input type="checkbox"/> Pananampal	<input type="checkbox"/> Paninigaw	<input type="checkbox"/> Pamumwersang makipagtalik	
<input type="checkbox"/> Paninipa	<input type="checkbox"/> Pang-iinsulto/pamamahiya	<input type="checkbox"/> Nanghihipo	
<input type="checkbox"/> Pananakal	<input type="checkbox"/> Kinukuha ang kita	<input type="checkbox"/> Naglalabas ng ari	
<input type="checkbox"/> Pananabunot	<input type="checkbox"/> Pagkukulang	<input type="checkbox"/> Pinipilit manood ng rated X na pelikula	
<input type="checkbox"/> Panununtok	<input type="checkbox"/> Pagtatangkang patayin		
	<input type="checkbox"/> Pambabato ng mga bagay		

- Kailan unang nangyari ang insidente?

- Kailan ang pinakamatinding pangyayari?

- Kailan huling nangyari?

- Saan karaniwang nangyayari ang insidente ng pambubugbog?
 Sa loob ng bahay Sa ibang lugar

- Sino o sinu-sino ang nakasaksi sa pangyayari?
Pangalan _____
Tirahan _____
Relasyon sa babae _____

- Ano ang karaniwang pinagsisimulan ng away o pambubugbog?

May kinalaman sa pera/hanapbuhay:

- Hindi nag-eentrega ng pera
- Hindi mapagkasya ang budget
- Iba pa _____

May kinalaman sa bisyo:

- Sino ang may bisyo? Lalaki Babae
Ano ang bisyo? _____

May kinalaman sa pagtataksil:

- Sino ang nagtaksil? Lalaki Babae

May kinalaman sa pamilya:

- Pagpapalaki/ pag-aalaga sa mga anak
- Problema sa mga biyenan
- Iba pa: _____

- Kanino unang lumalapit?
 Kamag-anak Kaibigan
 Barangay Kapitbahay
 Lokal na samahan Pulis
NGO _____
Gov't. Agency _____
Iba pa _____

- Ano ang naging aksyon ng hiningan ng tulong?

Mga maaaring lapitan:

Relasyon	Pangalan	Edad	Hanap buhay	Address tel.no.

Kilos na isinagawa ng legal advocate

Planong isasagawa

Mahahalagang tagubilin ☞ Kung mayroon pa kayong gustong ibahagi tungkol sa kaso na hindi itinanong sa itaas pakisulat na lamang sa ibaba o sa hiwalay na papel.

Lagda ng Interviewer at Petsa:



Kababaihan Laban sa Karahasan (D2KA)

Intake Form 2: Sexual Violence

Lugar/ community:
Interviewer:
Petsa ng Interview:

- Ano ang sadya?

Uri ng karahasang naranasan:

- Rape
- Pambabastos
- Nanghihipo
- Naglalabas ng Ari
- Pinipilit na manood ng **rated X** na pelikula
o pinapanood na
- Ibinubugaw
- Iba pa: _____

May sugat ba o injuries na natamo ang biktima?

- Mayroon
- Wala

(Kung may malalang sugat, pagdurugo, matinding panghihina o nahihirapang huminga, dalhin kaagad sa doktor/klinika matapos makuha ang datos tungkol sa babae, at kuhanin ang mediko-legal report).

Datos tungkol sa babae

Pangalan	Edad	Civil Status
Tinapos na pag-aaral Tel. No.	Hanapbuhay <input type="checkbox"/> Self-employed <input type="checkbox"/> Homemaker <input type="checkbox"/> Employed	
Tirahan	Mayroon bang mga anak? <input type="checkbox"/> Oo: Ilan? <input type="checkbox"/> Wala	Edad ng panganay: ____ Edad ng bunso: _____

Datos tungkol sa lalaki

Pangalan	Edad	Civil Status
Tinapos na pag-aaral	Hanapbuhay <input type="checkbox"/> Self-employed _____ <input type="checkbox"/> Employed _____	
Tirahan / Tel. No.	relasyon sa babae: <input type="checkbox"/> Kung kakilala: <input type="checkbox"/> live-in partner <input type="checkbox"/> superior sa trabaho <input type="checkbox"/> opisyales <input type="checkbox"/> iba pa	<input type="checkbox"/> Kakilala <input type="checkbox"/> Di -kilala <input type="checkbox"/> Asawa <input type="checkbox"/> Nobyo <input type="checkbox"/> Kaibigan <input type="checkbox"/> Kapitbahay <input type="checkbox"/> Anak

- Kailan unang nangyari (petsa)? _____ Anong oras? _____
- Kailan ang pinakamatinding pangyayari ? _____
Anong oras? _____
- Kailan huling nangyari? _____ Anong oras? _____
- Salaysay ng mga pangyayari (Ilarawan ang mga pangyayari na nakapalibot sa insidente.)

1.	_____
2.	_____
3.	_____
4.	_____
5.	_____
6.	_____
7.	_____
8.	_____
9.	_____
10.	_____

- Kanino unang lumapit? _____
Ano ang naging aksyon?

- Sinu-sino ang nakasaksi sa pangyayari?

- Mga maaaring lapitan

relasyon	pangalan	edad	trabaho	tirahan / telepono

- Anong tulong ang hinihingi sa Legal Advocate (LA):
 - Counseling (para sa kanya)
 - Counseling o pakikipag-usap sa kamag-anak
 - Pagkain
 - Pamasaha
 - Iba pang tulong pinansyal (pambili ng gamot, etc.)
 - Pansamantalang matutuluyan para sa pamilya
 - Tulong panlegal
 - Pagpapasama sa mediko-legal, pulis, atbp.
 - Referral: saan? _____
 - Iba pang tulong _____
- Anong kilos/ aksyon ang isinagawa ng Legal Advocate (LA): _____
- Planong isasagawa: _____
- Mahahalagang tagubilin: _____

➤ Kung mayroon pa kayong gustong ibahagi tungkol sa kaso na hindi tinanong sa itaas, pakisulat na lamang sa ibaba o sa hiwalay na papel.

Lagda ng Interviewer at Petsa:

Table of Laws

In the Philippines, there are no laws yet which are specific to Domestic Violence unlike Rape, Sexual Harassment and other forms of violence against women. But, there are provisions in the law that women who opt to use legal means can use. If a woman decides to legally separate from her husband or change her civil status, she can file a civil case. In case she wants to punish her husband with imprisonment and penalty, she can file a criminal case.

The reference for laws on criminal cases is the Revised Penal Code (RPC) and other special laws (ex. Anti-Sexual Harassment Act or R.A. 7877 and the Anti-Rape Law or R.A. 8353) where elements of each crime and corresponding punishments imposed by the courts are stated. There are many types of criminal cases that a victim-survivor of domestic violence can use.

Criminal Laws

SAMPLE SITUATIONS	CRIMES	ELEMENTS
When the woman is threatened...		
Ben says to his wife Ana: "If you leave the house, I am going to beat you or kill you."	Grave threats (Art. 282) RPC	-- Threatening to commit a crime upon the person, honor, or property of the victim or her family.
Ben tells Ana: "" If you do not give me P1,000.00, you cannot visit your family.""	Light Threats (Art. 283) RPC	-- Threatening to commit a wrong, which is not a crime, when the demand or condition imposed is not followed
During a fight, Ben takes out his sharp knife.	Other Light Threats (Art. 285) RPC	--Threatening another with a weapon or drawing a weapon during a quarrel
During a fight, Ben angrily says "" I will kill you"" to Ana. But later, he tells Ana that he did not mean what he said and he just said it in anger.	Other Light Threats (Art. 285) RPC	-- Threatening another in the heat of anger with some harm not constituting a crime but not persisting in acting it out

**SAMPLE
SITUATIONS**

CRIMES

ELEMENTS

When the woman is threatened...

<p>Ben tells Ana: "I won't stop you."</p>	<p>Other Light Threats (Art. 285)</p>	<p>--- Orally threatening to do another any harm not constituting a felony</p>
<p>While gripping Ana's arms, Ben says "Do not step out from this house." Ben pushes Ana towards the cabinets and says: "Give me your money!"</p>	<p>Grave Coercion (Art. 286)</p>	<p>--- Preventing another by means of violence, force or intimidation from doing something not prohibited by law. ---Compelling another by means of violence force or intimidation to do something against her will, whether right or wrong</p>

When the woman is harmed...

<p>Fe's teeth were knocked off from the force of the beatings she got from her husband Joe.</p>	<p>Serious Physical Injuries (Art. 263)</p>	<p>---Becomes insane, blind or impotent ---Becomes ill or incapacitated for labor for more than thirty (30) days but must be more than ninety (90) days ---Looses the use of speech or the power to hear or smell, or loses an eye, a hand, a foot, an arm, or a leg, or the use of any such member or becomes incapacitated for the work which she was habitually engaged in.</p>
---	---	--

SAMPLE SITUATIONS	CRIMES	ELEMENTS
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When the woman is harmed...

		<p>---Becomes deformed or looses any other part of her body or its use, or becomes ill or incapacitated to work for a period of more than ninety (90) days</p>
<p>Fe obtained other wounds that are not included in serious physical injuries</p>	<p>Less Serious Physical Injuries (Art. 266)</p>	<p>--- Becomes incapacitated for ten days (10) or more (but not more than 30 days) or requires medical attendance for the same period</p>
<p>Fe was slapped by Joe which resulted in bruises on her face.</p>	<p>Slight Physical Injuries (Art. 266)</p>	<p>---Becomes incapacitated for labor for one to nine (1-9) days, or requires medical attendance for the same period</p> <p>--- Injuries do not prevent her from working nor do they require medical attendance.</p> <p>--- Ill treatment by a deed</p>
<p>Joe cut off Fe's leg.</p>	<p>Mutilation (Art. 262)</p>	<p>--- Intentional deprivation, total or partial, of some essential reproductive organ</p> <p>--- Intentional deprivation of any other part of her body</p>

**SAMPLE
SITUATIONS**

CRIMES

ELEMENTS

When the woman dies...

<p>Due to recurrent beatings, Lorna died.</p>	<p>Parricide (Art. 248)</p>	<p>--- The offender kills his father, mother or child, whether legitimate or illegitimate or legitimate ascendants or descendant or legitimate spouse</p>
<p>Roy hires somebody to kill his live-in partner Aida.</p>	<p>Murder (Art. 248)</p>	<p>---The killing is not parricide and is attended by any other following circumstances:</p> <ol style="list-style-type: none"> 1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense, or use of means or persons to insure or afford impunity; 2. In consideration of a price, reward or promise; 3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a street car or locomotive, fall of an airship, by means of motor vehicles, or with the use of any other means involving great waste and ruin;

SAMPLE SITUATIONS	CRIMES	ELEMENTS
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When the woman dies...

		<p>4. On occasion of any of the calamities enumerated in #3, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic or other public calamity;</p> <p>5. With evident premeditation and,</p> <p>6. With cruelty, by deliberately and inhumanly augmenting the suffering of the victim or outraging or scoffing at her person or corpse.</p>
<p>During a fight, Roy pushes his live-in partner, Aida, down the stairs which caused her death</p>	<p>Homicide (Art. 249)</p>	<p>The killing is neither parricide nor murder.</p>

When infidelity occurs ...

<p>Sam lets his concubine live in the same house where his legitimate wife lives.</p>	<p>Concubinage (Art. 334)</p>	<p>There is sexual intercourse:</p> <p>-- the man had sexual intercourse with a woman other than his wife</p> <p>--- the man committed any of the ff:</p> <p>1. Kept a mistress in the conjugal dwelling; or,</p> <p>2. Had sexual intercourse with another woman under scandalous circumstances; or,</p>
---	-------------------------------	---

SAMPLE SITUATIONS	CRIMES	ELEMENTS
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When infidelity occurs ...

		3. Cohabited with another woman in any other place.
Len was caught having sexual intercourse with a man other than her husband (even if this happens only once).	Adultery (Art. 333)	There is sexual intercourse: --- The woman is married; and, --- The woman has sexual intercourse with a man other than her husband.
Sam marries another while still married to his wife.	Bigamy (Art. 349)	1. The accused is a married person. 2. He got married again to another person while his first marriage is still subsisting.

Sexual Crimes ...

Kisses to annoy	Unjust Vexation (Art. 287)	--- There was an act committed by the perpetrator. --- The act unjustly annoyed or irritated the innocent person
Touches private parts in front of other people	Slander by Deed (Art. 359)	--- There was an act committed. --- Act caused dishonor, discredit or contempt upon the offended party (since it was witnessed by other persons)

SAMPLE SITUATIONS	CRIMES	ELEMENTS
-------------------	--------	----------

Sexual Crimes ...

Sexually Offensive: touching of private parts or mashing of breasts	Acts of Lasciviousness (Art. 336)	--- No sexual intercourse but there is a lascivious act --- The act is done under any of the following circumstances: 1. using force or intimidation 2. offended party is deprived of reason 3. offended party is under 12 years of age
Touches private parts or mashes breasts but, with the consent of a minor	Acts of Lasciviousness with the Consent of the Offended Party (Art. 339)	--- There is a lascivious act --- There is a relationship of trust and authority between the perpetrator and the victim --- The offended party is either a: 1. virgin between 12 and 18 years of age or 2. widow of good reputation
Asking of sexual favors in exchange of promotion or raise of salary	Sexual Harassment (RA 7877)	--- Any unwanted sexual favor or any act that is sexual in nature --- It can be a verbal, physical, direct or indirect act --- The said act is used as a condition whether directly or indirectly, to decide on work-related matters, granting of scholarships or trainings --- It occurs in the workplace or the school

SAMPLE SITUATIONS	CRIMES	ELEMENTS
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Sexual Crimes ...

Sexual Intercourse with the Barangay Captain	Qualified Seduction (Art. 337)	There is a sexual intercourse between the perpetrator and the victim --- the victim is a virgin between 12 and 18 years of age --- a widow of decent reputation --- there is a relationship of trust between the perpetrator and the victim
Sexual intercourse happening after a promise of marriage was given yet, the promise was breached	Simple Seduction (Art. 338)	--- there is sexual intercourse between the offender and the victim; --- the sexual intercourse was committed by means of deceit (usually, a promise to marry)
After being promised with marriage, a 15 year old girl leaves her home and goes off with the man	Consented Abduction (Art. 343)	--- the offended party is a virgin over 12 and under 18 years of age; --- the offended party was taken away with her consent; --- the perpetrator had lewd designs
Abducted with indecent intentions	Forcible Abduction (Art. 342)	--- the person abducted is any woman regardless of age, civil status or reputation; --- the abduction is against her will; --- the perpetrator had lewd designs; --- if the victim is below 12 years of age, there is no need for absence of consent

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