Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
18th City Council

PO2011-142

67th Regular Session

ORDINANCE NO. SP-2191, S-2012

AN ORDINANCE CREATING A QUEZON CITY PROTECTION CENTER FOR WOMEN, CHILDREN AND LESBIANS, GAYS, BISEXUALS AND TRANSGENDERS (LGBTs) WHO ARE VICTIMS/ SURVIVORS OF VIOLENCE AND ABUSE, ADOPTING A COMPREHENSIVE PROGRAM THEREOF AND FOR OTHER PURPOSES.

Introduced by Councilors EDEN "CANDY" A. MEDINA, JULIENNE ALYSON RAE V. MEDALLA and JESUS MANUEL C. SUNTAY.

Co-Sponsored by Councilors Francisco A. Calalay, Jr., Dorothy A. Delarmente, Anthony Peter D. Crisologo, Ricardo T. Belmonte, Jr., Joseph P. Juico, Alexis R. Herrera, Precious Hipolito Castelo, Alfredo D. Vargas III, Roderick M. Paulate, Godofredo T. Liban II, Julian Ml. Coseteng, Allan Benedict S. Reyes, Jaime F. Borres, Jose Mario Don S. De Leon, Gian Carlo G. Sotto, Eufemio C. Lagumbay, Jessica Castelo Daza, Raquel S. Malañgen, Vincent DG. Belmonte, Marvin C. Rillo, Ivy Lim-Lagman, Ranulfo Z. Ludovica And John Ansell R. De Guzman.

WHEREAS, it is the policy of the State to promote and protect the rights of victims of gender-based violence and abuse;

WHEREAS, all forms of gender-based violence and abuse are incompatible with the dignity and worth of the human person, thus, must be eliminated;

WHEREAS, gender-based violence is a manifestation of the inequality between sexes and genders, perpetuating human rights violations, including placing one's life and health in danger;

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WHEREAS, victims of gender-based violence including children, need special safeguards and care through appropriate medical, psychological, and legal protection against all forms of abuse;

WHEREAS, Section 40 of Republic Act No. 9262 or the Anti-Violence against Women and Children Act provides temporary shelters, counseling, psycho-social services and/or, recovery, rehabilitation programs and livelihood assistance;

WHEREAS, Section 2 of Republic Act No. 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act mandates the rehabilitation of children gravely threatened or endangered by circumstances which affect or will affect their survival and normal development, and over which they have no control;

WHEREAS, Section 3 of Republic Act No. 8505 or the Rape Victim Assistance and Protection Act commands the establishment in every province and city a rape crisis center located in a government hospital, health clinic or in any other suitable place that will provide psychological counseling, medical and health services with medico-legal examination, free legal assistance, privacy and safety for victims, and other related laws;

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

WHEREAS, there is a need for a comprehensive and holistic program to address gender-based violence, discrimination and abuse that will work towards empowerment and substantive equality;

WHEREAS, Quezon City Ordinance No. SP-566, S-97 designated a portion of the Quezon City General Hospital as a "Crisis Center for Battered Women", thus designating such for women only. Hence, there is a need for a protection center, which will cater not only women but every person who suffered gender-based violence and abuse.

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NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. SHORT TITLE – This Ordinance shall be known as the "Quezon City Protection Center for Victim-Survivors of Gender-Based Violence and Abuse"

SECTION 2. DECLARATION OF POLICY – It is hereby declared that the City shall value the dignity of all persons, guarantees full respect for human rights, and ensures the substantive equality of all.

The City Government, cognizant of its mandate to promote human rights, must provide programs and infrastructures to ensure the protection of victim-survivors against gender-based violence and other forms of violence through counseling, medico-legal, legal, psychological, and after-care services.

To achieve this goal, the City Government shall adopt and pursue a comprehensive, unified and unrelenting campaign against violence and abuse through an integrated system of policy direction, implementation and enforcement of anti-gender-based violence policies, programs and activities.

SECTION 3. DEFINITION OF TERMS

For purposes of this ordinance, the following terms shall mean -

1. Child- every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier (Article 1, CRC).

2. Child Abuse - refers to the maltreatment, whether habitual or not, of the child which includes any of the following:

   (a) psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;

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(b) any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;

(c) unreasonable deprivation of his basic needs for survival, such as food and shelter; or

(d) failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or in his permanent incapacity or death (R.A. 7610, Section 3 [b]).

3. Violence against Women - violence that is directed against a woman because she is a woman or that affects women disproportionately; includes acts that inflict physical, mental or sexual harm and suffering, threats of such acts, coercion, and other deprivations of liberty; impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, including discrimination.

Gender-based violence shall be understood to encompass, but not limited, to the following:

(a) 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, non-spousal violence, and violence related to exploitation;

(b) 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; and

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(c) physical, sexual, and psychological violence perpetrated or condoned by the State, wherever it occurs.

4. Violence Against Children- "All forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse" (Article 19, CRC). It is also the intentional use of physical force or power, threatened or actual, against a child, by an individual or group that either results in or has a high likelihood of resulting in actual or potential harm to the child's health, survival, development or dignity (World Report on Violence and Health, 2002).

5. Violence Against Lesbians, Gays, Bisexuals & Transgenders (LGBTs) - violence that is directed against LGBTs because of sexual orientation and gender identity; includes acts that inflict physical, mental or sexual harm and suffering, threats of such acts, coercion, and other deprivations of liberty, violence, harassment, discrimination, exclusion, stigmatization and prejudice directed against persons because of sexual orientation or gender identity.

6. Post-Exposure Prophylaxis Antiretroviral Drugs (PEP ARVs) - the medical response given to prevent the transmission of blood-borne pathogens following a potential exposure to HIV. In the context of HIV, PEP ARVs refer to the set of services that is provided to manage the specific aspects of exposure to HIV and to help prevent HIV infection in a person exposed to the risk of getting infected by HIV. These services may comprise of first aid, counseling including the assessment of risk of exposure to the infection, HIV testing, and depending on the outcome of the exposure assessment, the prescription of a 28-day course of ARV drugs with appropriate support and follow-up.

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7. Sexually Transmitted Infections (STIs) - any disease that may be acquired or passed on through sexual contact.

SECTION 4. PROTECTION CENTER FOR VICTIM-SURIVORS OF GENDER-BASED VIOLENCE AND ABUSE

1. The portion of the Quezon City General Hospital identified as the Crisis Center for Battered Women shall now be named as Quezon City Protection Center for Victims of Gender-Based Violence and Abuse. The Center shall ensure that the needs of the victims are fully addressed in a gender-responsive and child-friendly manner.

2. The Center shall provide the following, as may be appropriate:

(a) complete intervention and protection services to abused victims and their families including medical and police assistance, medico-legal, legal, psychological services;
(b) ensure the safety and security of the victim-survivors;
(c) provide referral to shelters for victim-survivors;
(d) provide referral for offenders and case management for rehabilitation of perpetrators of violence, abuse and exploitation; and
(e) serves as a resource center on information about gender-based violence and abuse in Quezon City.

3. The Center shall have the following facilities:

(a) reception area;
(b) counseling/psychotherapy room;
(c) medical/examination room;
(d) interview/investigation room (with one-way mirror, audio recorder, etc.);
(e) records/database room; and
(f) play/rest area.

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SECTION 5. PERSONNEL. The Center shall be composed of the following personnel;

(1) Executive Director – with bachelor's degree preferably with medical license, at least four (4) years work experience in Gender And Development (GAD) or related programs and advocacies, Career Service Professional eligible, and with compensation not lower than Salary Grade (SG) 24;

(2) Social Welfare Officer – registered social worker with bachelor's degree, at least one (1) year work experience in GAD or related programs and advocacies Career Service Professional eligible, and with compensation not lower than Salary Grade (SG) 12; and

(3) Two (2) Administrative Officers – with bachelor's degree, at least one (1) year work experience in GAD or related programs and advocacies, Career Service Sub-Professional eligible, and with compensation not lower than Salary Grade (SG) 11.

The following professionals and consultants who will be detailed/employed in the center shall receive honoraria, allowances and such other emoluments in accordance to budgetary limitations prescribed by law:

(1) Psychologist - with bachelor's degree in psychology, at least two (2) years experience in handling victims of gender-based violence and abuse, Career Service Professional eligible;

(2) Medico-Legal Officer – Doctor of Medicine, with one (1) year experience/practice in medico-legal;

(3) Police Officer–to be detailed and recommended by the Philippine National Police/QC Police District Women's Desk Chief Officer; and

(4) Legal Officer – member of the Integrated Bar of the Philippines who specializes in gender-based violence and abuse cases.

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SECTION 6. The Center shall be a Special unit under the Office of the Vice Mayor which shall also act as the lead agency in its operations, until such time that the budget for the protection center shall be included in the appropriation of the Quezon City General Hospital and Medical Center:

SECTION 7. COUNSELING

(1) Counselors should be trained in recognizing the common mental health issues that arise in survivors of violence.

(2) Counselors must maintain a compassionate attitude and non-judgmental demeanor when caring for individuals recovering from an incident of rape or sexual abuse.

(3) Conduct of a pre-test and post-test counseling for medical tests for RTIs, STIs, unwanted pregnancy, and HIV/AIDs. If an HIV test is administered, counseling should be given post-test regardless of the result. If the patient tests positive, counselors must refer them to medical and psychological health services.

SECTION 8. DUTY OF THE POLICE OFFICER – There shall be a full time police officer who is trained to handle sensitive cases, assigned to the Center who will conduct investigation of complaints

Upon receipt by the police of the complaint, it shall be the duty of the police officer to:

(1) immediately refer the case to the prosecutor for inquest/investigation if the accused is detained otherwise, the rules of court shall apply;
(2) arrange for counseling and medical services for the offended party; and
(3) immediately make a report on the action taken.

It shall be the duty of the police officer to ensure that only persons expressly authorized by the offended party shall be allowed inside the room where the investigation is being conducted.

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SECTION 9. PROTOCOL ON MEDICAL PROVISION AND STANDARD MEDICO-LEGAL EXAMINATION AND REPORT – There shall be a protocol developed on the medical provision of treatment of injuries, counseling, prevention and management of RTIs, STIs, unwanted pregnancy, HIV/AIDS transmission including mother-to-child transmission for victims of rape.

SECTION 10. FORENSIC MEDICO-LEGAL KITS – There shall be forensic medico-legal kits available at the Center where, if the patient consents, blood, urine, nail scraping, and pubic hair samples will be collected, labeled accordingly, and referred for proper DNA analysis.

SECTION 11. LEGAL ASSISTANCE – There shall be support and development of legal network specializing in gender-based violence and abuse cases.

SECTION 12. CENTRALIZED DATABASE ON GENDER-BASED VIOLENCE CASES – The Center shall ensure that all forms of gender-based violence and abuse cases in Quezon City barangays are properly recorded/documented including cases filed in the Center for monitoring and reporting purposes only.

SECTION 13. CONFIDENTIALITY – All records, including those in the barangay, shall be confidential, and all public officers and employees and public or private clinics or hospitals shall respect the right to privacy of the victim. Whoever publishes or causes to be published in any format the name, address, telephone number, school, business address, employer, or other identifying information of a victim or an immediate family member without the latter's consent shall be liable to the contempt power of the court.

SECTION 14. COUNCIL SECRETARIAT – Personnel from the Center shall serve as the Secretariat, to be appointed by the Chairperson/Co-Chairperson with the concurrence of a majority of the members of the Council.

SECTION 15. FUNDING – Budgetary requirements of the center such as personnel services (PS), maintenance and other operating expenses (MOOE), and property, plant and equipment (PPE) shall be included in the appropriations of the Office of the Vice Mayor.

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SECTION 16. SEPARABILITY CLAUSE – If, for any reason, any part or provision of this ordinance shall be held unconstitutional or invalid, other parts or provisions thereof not affected thereby shall remain in full force and effect.

SECTION 17. REPEALING CLAUSE – All other ordinances, executive orders, rules and regulations or parts thereof which are inconsistent with this ordinance are hereby repealed or modified accordingly.

SECTION 18. EFFECTIVITY CLAUSE – This ordinance shall take effect immediately upon its approval.

ENACTED: October 1, 2012.

MA. JOSEFINA G. BELMONTE
Vice Mayor
Presiding Officer

ATTESTED:

Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept Head III

APPROVED: 21 DEC 2012

HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on October 1, 2012 and was PASSED on Third/Final Reading on October 15. 2012.

Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept Head III

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