

RE: RULE ON VIOLENCE AGAINST WOMEN AND THEIR CHILDREN

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RESOLUTION Acting on the report of the Committee on Revision of the Rules of Court submitting for this Court's consideration and approval the Proposed Rule on Violence Against Women and Their Children, the Court Resolved to APPROVE the same. The Rule shall take effect on November 15, 2004 following its publication in a newspaper of general circulation not later than October 30, 2004. October 19, 2004. Davide, Jr., C.J., Puno, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Morales, Callejo, Sr., Tinga, Chico-Nazario, and Garcia, JJ., concur. Azcuna, J., on leave. RULE ON VIOLENCE AGAINST WOMEN AND THEIR CHILDREN SECTION 1. Applicability.—This Rule shall apply to petitions for protection orders in cases of violence against women and their children under R.A. No. 9262, otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004." The Rules of Court shall apply suppletorily. SEC. 2. Construction.—This Rule shall be liberally construed to promote its objectives pursuant to the principles of restorative justice. SEC. 3. Objectives.—The objectives of this Rule are:

(a) To protect the rights of the family and its members particularly women and children from violence and threats to their personal safety and security; (b) To enable the courts to manage and monitor cases involving violence against women and children and the members of their family or household; (c) To prevent any disruption in the daily lives of the offended parties and assist them to regain control of their lives; (d) To ensure that treatment is provided for the offended parties and offenders; and (e) To hold the offenders accountable for their acts.

SEC. 4. Definitions.—As used in this Rule:

(a) "Violence against women and their children" refers to any act or a series of acts committed by any person against a woman who is his wife, former wife, or a woman with whom the person has or had a dating or sexual relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. (b) "Children" refers to persons below eighteen years of age or older but are unable to fully take care of themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition. It includes the biological children of the offended party and other children under her care. (c) "Members of the family" shall include husband and wife, parents and children, the ascendants or descendants, brothers and sisters, whether of the full or half blood, whether living together or not. (d) "Members of the household" shall include:

- Spouses, common-law spouses, former spouses, whether living together or not, and their children;
- Relatives by consanguinity or affinity up to the sixth civil degree, including stepparents and stepchildren living together in the same house; and
- Domestic helpers in the service of the employer, whose services are usually necessary or desirable for the maintenance and enjoyment of the home, who attend to the personal comfort and convenience of the members of the household.

(e) "Battery" refers to an act of inflicting physical harm upon the woman or her child resulting in physical and

psychological or emotional distress. (f) "Sexual violence" refers to an act which is sexual in nature committed against a woman or her child. It includes the following:

- rape, sexual harassment, acts of lasciviousness, treating a woman or her child as a sex object, making demeaning and sexually suggestive remarks, physically attacking the sexual parts of the victim's body, forcing the offended party to watch obscene publications and indecent shows or to do indecent acts or make films thereof, forcing the wife and mistress or lover to live in the conjugal home or sleep together in the same room with the abuser;
- acts causing or attempting to cause the offended party to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion; and
- prostitution of the woman or her child.

(g) "Psychological violence" refers to acts or omissions causing or likely to cause mental or emotional suffering of the offended party such as intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse and marital infidelity. It includes causing or allowing the offended party to witness the physical, sexual or psychological abuse; of a member of the family to which the offended party belongs, or to witness pornography in any form or to witness abusive injury to pets or to unlawful or unwanted deprivation of the right to custody or visitation of common children. (h) "Economic abuse" refers to acts that make or attempt to make a woman financially dependent which includes the following:

- withdrawing of financial support or preventing the offended party from engaging in any legitimate profession, occupation, business or activity, except in cases where the other spouse or partner objects on valid, serious and moral grounds as defined in Article 73 of the Family Code;
- depriving or threatening to deprive financial resources and the right to the use and enjoyment of the conjugal, community or property owned in common;
- destroying household property; and
- controlling the offended party's own money or property or solely controlling the conjugal money or property.

(i) "Stalking" refers to an intentional act of knowingly and without lawful justification, following the woman or her child or placing the woman or her child under surveillance directly or indirectly or through a combination thereof. (j) "Sexual relationship" refers to a single sexual act which may or may not result in the bearing of a common child; (k) "Program of intervention for offended parties" refers to a specialized program that provides advocacy, shelter, crisis intervention, social services, treatment, counseling, education, or training. (l) "Program of intervention for offenders" refers to court-ordered treatment of offenders given by agencies or persons who have demonstrated expertise and experience in anger control, management of alcohol, substance abuse; and other forms of intervention to stop violence, (m) "Safe Place or Shelter" refers to any home or institution managed by the Department of Social Welfare and Development (DSWD) or by any agency or voluntary organization accredited by the DSWD or any other suitable place the resident of which is willing to receive the offended party temporarily. (n) "Safety plan" refers to a written plan of action prepared by a social worker and approved by the court to secure the protection of the offended party. (o) "Protection order" is an order issued by the court to prevent further acts of violence against women and their children, their family or household members, and to grant other necessary relief. Its purpose is to safeguard the offended parties from further harm, minimize any disruption in their daily life and facilitate the opportunity and ability to regain control of their life. (p) "Barangay protection order" (BPO) refers to the protection order issued by the Punong Barangay, or in his absence the Barangay Kagawad, ordering the perpetrator to desist from committing acts of violence against the family or household members particularly women and their children under Sections 5a and 5b of R.A. No. 9262. (q) "Temporary protection order" (TPO) refers to the protection order issued by the court on the filing of the application and after ex parte determination of its need. It may also be issued in the course

of a hearing, *motu proprio* or upon motion. (r) "Permanent protection order" (PPO) refers to the protection order issued by the court after notice and hearing. (s) "Live-link television testimony" refers to the testimony of a child, who is an eyewitness or offended party in violence against women and their children, taken in a room outside the courtroom and televised to the courtroom by live-link television, as provided for in Section 25 of the Rule on Examination of a Child Witness. It may also refer to the live-link testimony of an adult female victim of violence, which may be allowed at the discretion of the court.

SEC. 5. Acts of violence against women and their children under R.A. No. 9262. —Violence against women and their children is committed through any of the following acts:

(a) Causing, threatening or attempting to cause physical harm to the woman or her child; (b) Placing the woman or her child in fear of imminent physical harm; (c) Attempting to compel or compelling the woman or her child to engage in conduct which the woman or her child has the right to desist from or to desist from conduct which the woman or her child has the right to engage in, or attempting to restrict or restricting the woman's or her child's freedom of movement or conduct by force or threat of force, physical or other harm or threat of physical or other harm, or intimidation directed against the woman or her child.

This shall include, but is not limited to, the following acts committed with the purpose or effect of controlling or restricting the movement or conduct of the woman or her child:

- Threatening to deprive or actually depriving the woman or her child of custody or access to her/his family;
- Depriving or threatening to deprive the woman or her children of financial support legally due her or her family, or deliberately providing the woman's children insufficient financial support;
- Depriving or threatening to deprive the woman or her child of a legal right; and
- Preventing the woman from engaging in any legitimate profession, occupation, business or activity except in cases where the spouse or partner on valid, serious and moral grounds, or controlling the victim's own money or property, or solely controlling the conjugal or common money or property;

(d) Inflicting or threatening to inflict physical harm on oneself for the purpose of controlling her actions or decisions; (e) Causing or attempting to cause the woman or her child to engage in any sexual activity which does not constitute rape, by force or threat of force, physical harm, or through intimidation directed against the woman or her child or her/his immediate family; (f) Engaging in purposeful, knowing, or reckless conduct, personally or through another, that alarms or causes substantial emotional or psychological distress to the woman or her child.

This shall include, but is not limited to, the following acts:

- Stalking or following the woman or her child in public or private places;
- Peering in the window or lingering outside the residence of the woman or her child;
- Entering or remaining in the dwelling or on the property of the woman or her child against her/his will;
- Destroying the property and personal belongings or inflicting harm to animals or pets of the woman or child; and
- Engaging in any form of harassment or violence; or

g) Causing mental or emotional anguish, public ridicule or humiliation to the woman or her child, including, but not limited to, repeated verbal and emotional abuse, and denial of financial support or custody of a minor child or denial of access to the woman's child.

SEC. 6. Remedies of offended party.—The offended party may file a separate petition for protection order without

claiming damages. The offended party may also pursue other remedies in accordance with Part II of this Rule by the filing of any of the following:

- (a) Criminal action; (b) Criminal action with reservation of a separate civil action; or (c) Civil action for damages.

Part I PETITION FOR PROTECTION ORDER SEC. 7. Form of petition.—A petition for protection order shall be in writing, signed and verified by the petitioner. It shall be accompanied by a certificate of non-forum shopping which the petitioner must sign personally. **SEC. 8. Who may file petition.**—A petition for protection order may be filed by any of the following:

- (a) The offended party; (b) Parents or guardians of the offended party; (c) Ascendants, descendants or collateral relatives of the offended party within the fourth civil degree of consanguinity or affinity; (d) Officers or social workers of the Department of Social Welfare and Development (DSWD) or social workers of local government units (LGUs); (e) Police officers, preferably those in charge of women and children's desks; (f) Punong Barangay or Barangay Kagawad; (g) Lawyer, counselor, therapist or healthcare provider of the petitioner; or (h) At least two concerned, responsible citizens of the place where the violence against women and their children occurred and who have personal knowledge of the offense committed.

The filing of a petition for protection order by the offended party suspends the right of all other authorized parties to file similar petitions. A petition filed by the offended party after the filing of a similar petition by an authorized party shall not be dismissed but shall be consolidated with the petition filed earlier. **SEC. 9. Where to file the petition.** – The verified petition for protection order may be filed with the Family Court of the place where the offended party resides. If there is no existing Family Court, it may be filed with the regional trial court, metropolitan trial court, municipal trial court in cities, municipal trial court or municipal circuit trial court with territorial jurisdiction over the place of residence of the offended party. **SEC. 10. Contents of the petition.**—The petition filed by the offended party shall contain the following:

- (a) The name, age and residence of the offended party; (b) The name, age and residence of the respondent; (c) A description of the relationship between the offended party and the respondent; (d) A complete description of the alleged act constituting violence including the date, time and place of occurrence; (e) A request for counsel and the reasons for such; (f) A request for waiver of application fees; (g) The relief from violence prayed for, including protection orders to cover any designated family or household member who consents to such relief.

If the petitioner is not the offended party, the petition shall be accompanied by an affidavit of the petitioner attesting to the following:

- (a) facts showing the authority of the petitioner to file the petition; (b) circumstances of the abuse suffered by the offended party; and (c) circumstances of consent given by or refusal to consent of the offended party to file the petition.

When disclosure of the address will pose danger to the life of the offended party, it shall be so stated in the petition. In such a case, the petitioner shall attest that the offended party is; residing in the municipality or city over which the court has territorial jurisdiction, and shall provide a mailing address for purposes of service processing. **SEC. 11. Reliefs available to the offended party.**—The protection order shall include any, some or all of the following reliefs:

- (a) Prohibiting the respondent from threatening to commit or committing, personally or through another, acts of violence against the offended party; (b) Prohibiting the respondent from harassing, annoying, telephoning, contacting or otherwise communicating in any form with the offended party, either directly or indirectly; (c) Removing and excluding the respondent from the residence of the offended party, regardless of ownership of the residence, either temporally for the purpose of protecting the offended party, or permanently where no

property rights are violated. If the respondent must remove personal effects from the residence, the court shall direct a law enforcement agent to accompany the respondent to the residence, remain there until the respondent has gathered his things and escort him from the residence; (d) Requiring the respondent to stay away from the offended party and any designated family or household member at a distance specified by the court; (e) Requiring the respondent to stay away from the residence, school, place of employment or any specified place frequented regularly by the offended party and any designated family or household member; (f) Directing lawful possession and use by the offended party of an automobile and other essential personal effects, regardless of ownership, and directing the appropriate law enforcement officer to accompany the offended party to the residence of the parties to ensure that the offended party is safely restored to the possession of the automobile and other essential personal effects; (g) Ordering temporary or permanent custody of the child/children with the offended party, taking into consideration the best interests of the child. An offended party who is suffering from Battered Woman Syndrome shall not be disqualified from having custody of her children. In no case shall custody of minor children be given to the batterer of a woman who is suffering from Battered Woman Syndrome; (h) Directing the respondent to provide support to the woman and/or her child, if entitled to legal support. Notwithstanding other laws to the contrary, the court shall order an appropriate percentage of the income or salary of the respondent to be withheld regularly by his employer and to automatically remit it directly to the offended party. Failure to withhold, remit or any delay in the remittance of support to the offended party without justifiable cause shall render the respondent or his employer liable for indirect contempt of court; (i) Prohibiting the respondent from carrying or possessing any firearm or deadly weapon and ordering him to surrender the same to the court for appropriate disposition, including revocation of license and disqualification to apply for any license to carry or possess a firearm. If the respondent is a law enforcement agent, the court shall order him to surrender his firearm and shall direct the appropriate authority to investigate him and take appropriate action thereon; (j) Directing the DSWD or any appropriate agency to prepare a program of intervention for the offended party that provides advocacy, temporary shelter, crisis intervention, treatment, therapy, counseling, education, training and other social services that the offended party may need; (k) Requiring the respondent to receive professional counseling from agencies or persons who have demonstrated expertise and experience in anger control, management of alcohol, substance abuse and other forms of intervention to stop violence. The program of intervention for offenders must be approved by the court. The agency or person is required to provide the court with regular reports of the progress and result of professional counseling, for which the respondent may be ordered to pay; and (l) Awarding the offended party actual damages caused by the violence inflicted, including, but not limited to, property damage, medical expenses, childcare expenses and loss of income; and compensatory, moral, and exemplary damages, subject to Sections 26a and 35 of this Rule.

The court may grant such other forms of relief to protect the offended party and any designated family or household member who consents to such relief. SEC. 12. Duties of the clerk of court.—The clerk of court shall assist the petitioner or the offended party by:

(a) Communicating in a language understood by the petitioner; (b) Providing the petitioner with a standard petition form written in English with translation into the major local dialects, including the instructions for its accomplishment; (c) Ensuring the privacy of the offended party to the extent practicable while the form is being accomplished; (d) Advising the petitioner on the availability of legal assistance from the Public Attorney's Office of the Department of Justice or any public legal assistance office; (e) Advising the petitioner on entitlement of support services from the DSWD and LGUs; (f) Advising the petitioner on the availability of an affidavit of indigency in lieu of payment of the filing fee; (g) Providing the offended party with a certified copy of the protection order as well as giving the necessary information regarding the process for its service and enforcement; (h) Making available informative materials on violence against women and their children, including their rights as victims; and (i) Informing the offended party that compensation is available from the Department of Justice Board of Claims in accordance with the provisions of R.A. No. 7309 (1992), otherwise known as "An Act Creating a Board of Claims Under the Department of Justice for Victims of Unjust

Imprisonment or Detention and Victims of Violent Crime and For Other Purposes."

SEC. 13. Exemption from payment of docket fee and other expenses.—If the offended party is an indigent or there is an immediate necessity due to imminent danger or threat of danger to act on a petition for a protection order, the court shall accept the petition without payment of the filing fee and other fees and of transcripts of stenographic notes. SEC. 14. Raffle in multi-sala courts.—The petition filed in a multi-sala court shall be raffled without delay. If an action contains an application for a protection order, it shall be the subject of a special raffle. SEC. 15. Ex parte issuance of temporary protection order.—(a) If the court is satisfied from the verified allegations of the petition that there is reasonable ground to believe that an imminent danger of violence against women and their children exists or is about to recur, the court may issue ex parte a temporary protection order which shall be effective for thirty days from service on the party or person sought to be enjoined. (b) The temporary protection order shall include notice of the date of the preliminary conference and hearing on the merits. The following statements must be printed in bold-faced type or in capital letters on the protection order issued by the court: "VIOLATION OF THIS ORDER IS PUNISHABLE BY LAW. "IF THE RESPONDENT APPEARS WITHOUT COUNSEL ON THE DATE OF THE PRELIMINARY CONFERENCE AND HEARING ON THE MERITS ON THE ISSUANCE OF A PERMANENT PROTECTION ORDER, THE COURT SHALL NOT RESCHEDULE OR POSTPONE THE PRELIMINARY CONFERENCE AND HEARING BUT SHALL APPOINT A LAWYER FOR THE RESPONDENT AND IMMEDIATELY PROCEED WITH SAID HEARING. "IF THE RESPONDENT FAILS TO APPEAR ON THE DATE OF THE PRELIMINARY CONFERENCE AND HEARING ON THE MERITS DESPITE PROPER NOTICE, THE COURT SHALL ALLOW EX PARTE PRESENTATION OF EVIDENCE BY THE PETITIONER AND RENDER JUDGMENT ON THE BASIS OF THE PLEADINGS AND EVIDENCE ON RECORD. NO DELEGATION OF THE RECEPTION OF EVIDENCE SHALL BE ALLOWED." (c) The court shall likewise order the immediate issuance of a notice requiring the respondent to file an opposition within five days from service. It shall further order service of (1) the notices to file opposition and of dates of the preliminary conference and hearing, (2) the protection order, and (3) copy of the petition, upon the respondent by the court sheriff, or any person authorized by the court, who may obtain the assistance of law enforcement officers. SEC. 16. Notice where no temporary protection order is issued ex parte.— Where no temporary protection order is issued ex parte, the clerk of court shall forthwith issue the corresponding notice to the respondent requiring him to file an opposition within five days. The date of the preliminary conference and hearing on the merits shall be indicated on the notice. Where the notice could not be served personally or by substituted service despite diligent efforts, Rule 14 of the Rules of Court shall apply as far as practicable. SEC. 17. Enforceability of protection order.—The protection order issued by the court shall be enforceable anywhere in the Philippines. Violation of the protection order shall be punishable by a fine ranging from Five Thousand (P5,000.00) Pesos to Fifty Thousand (P50,000.00) Pesos or imprisonment of six months or both. SEC. 18. Duties of the law enforcement officer.— Upon the receipt of the protection order, the law enforcement officer shall use all reasonable means to enforce the order and prevent further violence, such as by:

- (a) Taking any action necessary to provide for the safety of the offended party; (b) Taking custody of the weapon used in the violence against women and their children; (c) Transporting or obtaining transportation for the offended party to a safe place; (d) Assisting the offended party in obtaining medical treatment, including transportation to a medical clinic or hospital; and (e) Assisting the offended party in removing essential personal effects from the residence.

The law enforcement officer shall submit a written report to the court within twenty-four hours from receipt setting forth compliance with such order. SEC. 19. Duties of social worker.—The social worker assigned by the court shall assist the petitioner seeking a protection order by:

- (a) Preparing a case study and a program of intervention for the offended party, including her children, and

referring them to DSWD havens, crisis intervention centers and private entities rendering appropriate social services; (b) Formulating a safety plan which shall be approved by the court; and (c) Monitoring the measures indicated in the protection order.

Sec. 20. Opposition to petition.—(a) The respondent may file an opposition to the petition which he himself shall verify. It must be accompanied by the affidavits of witnesses and shall show cause why a temporary or permanent protection order should not be issued. (b) Respondent shall not include in the opposition any counterclaim, cross-claim or third-party complaint, but any cause of action which could be the subject thereof may be litigated in a separate civil action. SEC. 21. Effect of failure to file an opposition.—If the respondent fails to file an opposition to the petition within the period above provided, the court, motu proprio or on motion of the petitioner, shall issue the corresponding order as may be warranted by the facts alleged in the petition. SEC. 22. Prohibited pleadings and motions.—The following pleadings, motions or petitions shall not be allowed:

(a) Motion to dismiss the petition except on the ground of lack of jurisdiction over the subject matter or over the parties; (b) Motion for extension of time to file opposition, affidavit, position paper and other pleadings; (c) Dilatory motion for postponement; (d) Motion for a bill of particulars; (e) Third-party complaint; (f) Reply; (g) Motion to declare the respondent in default; (h) Intervention; (i) Memorandum; (j) Petition for certiorari, mandamus or prohibition against any interlocutory order issued by the court; (k) Motion for new trial, or for reconsideration of a protection order, or for reopening of trial; and (l) Petition for relief from judgment.

SEC. 23. Preliminary conference.— (a) When conducted.—A preliminary conference, which is mandatory, shall be held on the date indicated in the notice. (b) Notice.—The notice shall be served the parties, including the offended party, who shall be required to notify their respective counsels, if any. The parties shall appear in person at the preliminary conference and submit their position papers setting forth the law and the facts relied upon by them. (c) Nature and purpose.—The court shall consider:

- The propriety of issuing a protection order. The court shall not deny the issuance of a protection order due to the lapse of time between the act of violence and the filing of the petition, subject to Section 24, R.A. No. 9262. The issuance of a barangay protection order or the pendency of an application for a barangay protection order shall not preclude a petitioner from applying for, or the court from granting, a protection order;
- The simplification of the issues; and
- Such other matters as may aid in the prompt disposition of the petition.

The court shall not refer the case or any issue thereof to a mediator, (d) Prohibited compromise.—The court shall not allow compromise on any act constituting the crime of violence against women and their children and other prohibited matters, such as the following:

- The civil status of persons;
- The validity of a marriage, declaration of nullity or annulment of a marriage or of a legal separation;
- Any ground for declaration of nullity or annulment of a marriage or of legal separation;
- Future support;
- The jurisdiction of courts; and
- Future legitime.

(e) Effect of failure to appear.—

- If the petitioner fails to appear personally, the petition shall be dismissed unless the counsel or a duly authorized

representative of the petitioner appears in court and gives a justifiable reason for the non-appearance of the petitioner; however, if the petition is filed by a person other than the offended party, it shall not be dismissed if the offended party is present and does not agree to its dismissal.

- If the respondent appears without counsel, the court shall not reschedule or postpone the conference but shall appoint a lawyer for the respondent and immediately proceed therewith; and
- If the respondent has filed his opposition but fails to appear despite proper notice; the petitioner shall be allowed to present evidence ex parte. The court shall then render judgment on the basis of the pleadings and evidence on record.

SEC. 24. Protection order issued after preliminary conference.—Within five days after the termination of the preliminary conference, the court may issue a protection order, based on the pleadings and stipulations or admissions made by the parties. SEC. 25. Order for further hearing.—In case the court determines the need for further hearing, it may issue an order containing the following:

- (a) Facts undisputed and admitted; (b) Factual and legal issues to be resolved; (c) Evidence, including objects and documents that have been marked and will be presented; (d) Names of witnesses who will be ordered to present their direct testimonies in the form of affidavits; and (e) Schedule of the presentation of evidence by both parties which shall be done in one day, to the extent possible, within the 30-day period of the effectivity of the temporary protection order issued.

SEC. 26. Hearing.— (a) Rule applicable.—The Revised Rule on Summary Procedure shall apply as far as practicable. (b) Period to hear petition.—The court shall, to the extent possible, endeavor to conduct in one day the hearing on the merits for the issuance of a permanent protection order. Where the court is unable to finish the hearing within one day and the temporary protection order issued is due to expire, it may extend or renew the temporary protection order for a period of thirty days each time until final judgment is rendered. The court may modify the extended or renewed temporary protection order as may be necessary to meet the needs of the parties. (c) Evidence of history of abusive conduct.—The court may allow the introduction of any evidence of history of abusive conduct of a respondent even if the same was not directed against the victim, provided the same is relevant. (d) Exclusion of persons from courtroom.—The court may order the exclusion from the courtroom of all persons who do not have a direct interest in the case. Such an order may be made if the court determines on the record that requiring a party to testify in open court:

- would not enhance the ascertainment of truth;
- would cause the party psychological harm or inability to effectively communicate due to embarrassment, fear or timidity;
- would violate the right of a party to privacy; or
- would be offensive to decency or public morals.

SEC. 27. Prohibited acts.—The court hearing a petition for a protection order shall not order, direct, force or in any way unduly influence the applicant for a protection order to compromise or abandon any of the reliefs sought in the petition for protection under the law and this Rule. Failure to comply with this section shall render the judge administratively liable. SEC. 28. Availability of live-link television to eyewitnesses or victims.—(a) The testimony of a child, as an eyewitness or an offended party in an act of violence against women and their children, may be taken by live-link television. The application for an order for live-link testimony, the factors to be considered by the court in granting or denying the use of live-link television and the procedure involved in the actual taking of the testimony shall be followed as provided for in Section 25 of the Rule on Examination of a Child Witness. (b)

The testimony of an adult female, victim of violence, may likewise be taken by live-link television, if it appears that she would suffer trauma if she were to testify in the presence of the; offender or perpetrator. SEC. 29. Period to decide.—(a) The court shall decide the petition within thirty days after termination of the hearing on the merits. (b) Where no hearing has been conducted, the court shall decide the petition within ten days after the termination of the preliminary conference. SEC. 30. Judgment.—If the court finds the petition meritorious, it shall render judgment granting the offended party permanent protection against acts of violence and such other necessary reliefs provided in Section 11 of this Rule. The court shall not deny the issuance of a permanent protection order due to the lapse of time between the act of violence and the filing of the petition, subject to Section 24, R.A. No. 9262. The judgment shall be immediately executory. SEC. 31. Appeal.—Any aggrieved party may appeal by filing a notice of appeal with the court that rendered the final order or judgment within fifteen days from notice and serving a copy thereof upon the adverse party. The appeal shall not stay the enforcement of the final order or judgment. Part II APPLICATION FOR PROTECTION ORDER AS AN INCIDENT IN A CRIMINAL OR CIVIL ACTION AND OTHER REMEDIES SEC. 32. Applicability to applications for protection orders filed as incidents in civil or criminal cases.—The foregoing provisions shall also apply to applications for protection orders filed as incidents in criminal or civil actions. SEC. 33. When petition may proceed separately from or be deemed instituted with criminal action.—(a) An offended party may file a petition for protection order ahead of a criminal action arising from the same act. The same shall proceed separately from the criminal action and shall require only a preponderance of evidence. Upon motion of the petitioner, the court may consolidate the petition with the criminal action. (b) Where the offended party chooses to file a criminal action, the petition for protection order is deemed instituted with the criminal action, unless the offended party reserves the right to institute it separately. SEC. 34. When petition may proceed separately from or be deemed instituted with the civil action for damages.—(a) An offended party may file a petition for protection order ahead of a civil action for damages arising from the same act. The same shall proceed separately from the civil action and shall require only a preponderance of evidence. Upon motion of the petitioner, the court may consolidate the petition with the civil action. (b) Where the offended party chooses to file a civil action for damages, the petition for protection order is deemed instituted with the civil action. SEC. 35. Prosecution of civil action for damages.—The civil action for damages shall be governed by the 1997 Rules of Civil Procedure. However, the offended party cannot recover the same damages twice for the same act or omission. SEC. 36. Prosecution of criminal action.—An act of violence covered by R.A. No. 9262 constituting a criminal offense shall subject the offender to criminal proceedings, which shall be governed by the Revised Rules of Criminal Procedure. Where the judgment of conviction declares that the guilt of the accused has been proved beyond reasonable doubt, the permanent protection order shall issue as a matter of course. Where the judgment of acquittal declares that the quantum of evidence is not enough to sustain a conviction beyond reasonable doubt, the court shall determine whether or not to issue a permanent protection order. Where the judgment of acquittal expressly declares that the basis of the offender's criminal liability did not exist, a permanent protection order shall not issue. A temporary protection order that may have been earlier issued shall be dissolved. SEC. 37. Bond to keep the peace.—The court may also order any person, against whom a permanent protection order is issued, to give a bond to keep the peace. It shall be the duty of said person to present two sufficient sureties who shall undertake that such person will not commit the violence sought to be prevented, and that in case such violence is committed they will pay the amount determined by the court in its judgment. The court in its discretion shall fix the duration of the bond. Part III COMMON PROVISIONS SEC. 38. Reproduction of evidence.—An order granting the issuance of a permanent protection order is without prejudice to a trial on the merits of the criminal or civil action involving violence against women and their children. The evidence adduced during the hearing for the issuance of a permanent protection order may, upon motion, be reproduced in the criminal or civil action without prejudice to the cross-examination of witnesses and presentation of additional evidence. SEC. 39. Jurisdiction and venue for criminal actions or civil actions.—The

Family Court shall have original and exclusive jurisdiction over cases of violence against women and their children regardless of the amount of damages claimed. The action may also be filed with the appropriate regional trial courts in places where there are no Family Courts, at the option of the offended party. SEC. 40. Privacy and confidentiality of proceedings.—All hearings of cases of violence against women and their children shall be conducted in a manner consistent with the dignity of women and their children and respect for their privacy. Records of the cases shall be treated with utmost confidentiality. Whoever publishes or causes to be published, in any format, the name, address, telephone number, school, business address, employer or other identifying information of the parties or an immediate family or household member, without their consent or without authority of the court, shall be liable for contempt of court and shall suffer the penalty of one year imprisonment and a fine of not more than Five Hundred Thousand (P500,000.00) Pesos. Part IV BARANGAY PROTECTION ORDER SEC. 41. Venue.—Applications for barangay protection orders shall observe the following rules on venue:

- (a) where the parties reside, in the same barangay, the dispute shall be brought for settlement in said barangay;
- (b) where the parties reside in different barangays in the same city or municipality, the dispute shall be settled in the barangay where the respondent or any one of the respondents actually resides, at the choice of the complainant;
- (c) disputes arising at the workplace where the contending parties are employed or at the institution where such parties are enrolled for study, shall be brought in the barangay where such workplace or institution is located; and
- (d) any objection relating to venue shall be raised before the Punong Barangay during the proceedings before him. Failure to do so shall be deemed a waiver of such objections.

SEC. 42. Where to file complaint for violation of a barangay protection order.—A complaint for violation of a barangay protection order may be filed with any metropolitan trial court, municipal trial court in cities, municipal trial court or municipal circuit trial court that has territorial jurisdiction over the barangay which issued the said protection order. SEC. 43. Procedure.—(a) The complaint shall be accompanied by affidavits and other evidence proving the alleged violation; (b) Upon receipt of the complaint, the court shall issue an order requiring the accused to submit within five days his counter-affidavit, the affidavits of his witnesses and other evidence in his behalf; (c) If the court, upon a consideration of the complaint, the counter-affidavits of the accused and other evidence submitted by the parties, finds no cause or ground to hold the accused for trial, it shall order the dismissal of the case; otherwise, it shall set the case for arraignment and trial; (d) Violation of a barangay protection order shall be punishable by imprisonment of thirty days without prejudice to any other criminal or civil action that the offended party may file for any of the acts committed; and (e) A judgment of violation of a barangay protection order may be appealed to the regional trial court whose decision shall be final. An appeal from a judgment of violation of a barangay protection order shall not stay the enforcement of a protection order that might have been issued by the trial court during the trial. SEC. 44. Issuance of protection order when warranted; contempt of court for violation—During trial or upon judgment, the trial court may motu proprio issue a protection order when warranted. Violation of any protection order issued under this Section shall constitute contempt of court punishable under Rule 71 of the Rules of Court, without prejudice to any other criminal or civil action that the offended party may file for any of the acts committed. SEC. 45. Effectivity.—This Rule shall take effect on the 15th day of November 2004 following its publication in a newspaper of general circulation not later than 30 October 2004.

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