

ORDINANCE NO. 2004-014

**AN ORDINANCE PROVIDING PROTECTIVE MEASURES ON DOMESTIC VIOLENCE
AND OR OTHER PURPOSES**

BE IT ENACTED by the Sangguniang Panlungsod of the City of San Fernando, Pampanga in session assemble that:

**CHAPTER I
TITLE**

Section 1. Title. This ordinance shall be known as the "**ANTI-DOMESTIC VIOLENCE ORDINANCE OF THE CITY OF SAN FERNANDO, PAMPANGA**

Section 2. Definition of Terms. For the purposes of understanding this ordinance the, following terms are defined as:

- a) Domestic Violence shall refer to any act, which result in or likely to result in physical, psychological harm or suffering, economic or financial forms of suffering.
 - a.1 Physical violence consists of any or a combination of the following:
 - a.1.1 Slapping, pulling of hair, boxing, kicking, shoving, throwing, banging of the head on the wall, floor or any hard object or surface;
 - a.1.2 Hitting with an object or the use of deadly weapons;
 - a.1.3 Forcing the use or intake of alcohol, drugs, or any dangerous substances.
 - a.2 The emotional/psychological forms of abuse include:
 - a.2.1 Threats and intimidation including but not limited to stalking;
 - a.2.2 Verbal abuse such as shouting invectives against the victim;
 - a.2.3 Name-calling and derogatory remark.
 - a.3 The Economic or Financial forms of abuse include:
 - a.3.1 Withholding of personal property or money due to the victim;
 - a.3. 2 Not contributing to the family budget;
 - a.3.3 Selling common or conjugal property without the consent of the other party;
 - a.3.4 Willful neglect or denial to provide support comprising everything indispensable for sustenance, dwelling, clothing, medical attendance, education and

transportation in keeping the financial capacity of the family;

a.3.5 Unreasonably preventing the victim from engaging in any profession, occupation, business or activity or solely controlling conjugal money or properties or controlling the victim's own money or property.

b) Family members include:

b.1 Persons intimately related to each other such. as spouses, live-in partners, adopted parents and the adopted child and other similar relations, whether living together or not or between persons with a common child;

b.2 Relatives by consanguinity or affinity up to the fourth degree including parent-in-law, children-in-law, step-parents and step-children.

CHAPTER II FILING

Section 3. Where to file. Domestic violence cases shall be filed in the courts of appropriate jurisdiction,

Section 4. How to file. The filing of a domestic violence complaint shall be in accordance with the procedures provided in the. Rules of. Court. It shall state the application for the issuance of a protection order and claim for damages, unless separate application for protection order and claim for damages is filed, The filing of a complaint for domestic violence under this ordinance shall be without prejudice to the filing of other criminal or civil actions whenever applicable,

CHAPTER III WHO MAY INTERVENE IN DOMESTIC VIOLENCE

Section 5. Interventions upon commission of domestic violence. In every case of domestic violence as herein defined, any person who in good faith, intervenes without using violence or restraint necessarily to ensure the safety of the victim, shall not be liable for any civil liability resulting there from.

CHAPTER IV PROTECTION ORDERS

Section 6. Protection Orders. A protection order shall include any order issued for the purpose of preventing acts of abuse in Section II of this ordinance. The protection orders that may be issued under this Ordinance are the Barangay Protection Order (BPO) and the Permanent Protection Order (PPO).

These protection orders shall include some or any of the following reliefs:

a. Prohibit the respondent, personally or through another, from committing any act

of domestic violence as defined herein;

- b. Whenever applicable, order the respondent to immediately leave the domicile/residence of the petitioner;
- c. Prohibit the respondent from directly or indirectly communicating or contacting with petitioner;
- d. Whenever applicable, grant custody of the minor children to the petitioner's parent or such person or government agency to the best interest of such minor/s;
- e. Grant other relief/s as deemed necessary by the court for the petitioner's protection and for other persons who maybe in need of such protection.

CHAPTER V FILING OF PROTECTIVE ORDERS

Section 7. The following may file the petition for protective orders:

- a. The offended party;
- b. Any member of the family or household of the offended party as defined in the ordinance;
- c. Social Worker;
- d. Barangay Captains; and
- e. Department of Social Welfare and Development (DSWD) and accredited NGO's.

CHAPTER VI VENUE FOR APPLICATION OF PROTECTION ORDERS

Section 8. Where to apply for Protection Order. Application for Barangay Protection Orders (BPO's) shall follow the Rules of Venue under Section 109 of the Local Government Code of 1991 and the implementing rules and regulations. Applications for Permanent Protection Order (PPO) must be made with the Court of appropriate jurisdiction.

Section 9. Application for Protection Order. The application of a Protection Order shall be in writing, stating therein the circumstances of the case. The application shall be signed by the applicant and must be under oath.

CHAPTER VII

THE BARANGAY PROTECTION ORDER

Section 10. The Barangay Protection Order. The Barangay Protection Order (BPO) may be issued by the Punong Barangay.

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

The BPO shall cover only the relief mentioned in Section 2 (a), (b) and (c) and shall be effective for fifteen (15) days.

Immediately after the issuance of an ex -parte BPO, the Punong Barangay or his representative shall personally serve a copy of the same on the respondent.

CHAPTER VIII PENALTIES AND PRESCRIPTION

Section 11. Penalties. Any person who shall commit any act constituting domestic violence in any form shall, upon conviction, be punished by a penalty of imprisonment, not exceeding One (1) year or a fine of Five Thousand (P 5,000.00) Pesos, or both at the discretion of the Court.

Section 12. Prescription. The provision of the Revised Penal Code on prescription of offenses shall apply to the acts defined in Section 2 hereof.

Section 13. Separability Clause. The provisions of this ordinance are hereby declared to be separable, and in the event one or more of such provisions are held unconstitutional, the validity of the other provisions shall not be affected thereby.

Section 14. Effectively. This ordinance shall take effect immediately upon its approval and satisfaction of the required publication for three consecutive weeks in a newspaper of general circulation in the province of Pampanga and the corresponding posting of the Ordinance in conspicuous places of the City Hall.

ADOPTED this 20th day of October 2004.