

How to Handle Gender-Based Violence

A Manual for

POLICE FIRST RESPONDERS





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Gender-Based Violence

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POLICE FIRST RESPONDERS**

July 2010







Message

How to Handle Gender-Based Violence Cases: A Manual for Police First Responders comes at an auspicious time as Filipinos adhere to the global movement of gender and development mainstreaming. With this noble work, we reaffirm our commitment to uphold the importance of gender sensitivity in the development framework of the Philippine National Police.

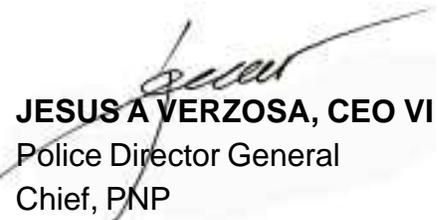
More than a tool that will equip our First Responders, this Manual is a milestone that will forestall any gender and human rights violations. It is an assurance of gender-sensitive investigation and handling of complaints by Police First Responders.

For the PNP, this Manual will enable us to respond to gender sensitive issues in the most appropriate method. While we are mandated to enforce the law, we also recognize the fact that the police force is a public servant which should perform tasks with decisiveness yet with sincerity, sensitivity and care.



I am confident that this Manual together with the handy Booklet will improve PNP's frontline response to gender-based violence cases. Both Manual and Booklet are outputs of the Philippine National Police and the Asian Development Bank Technical Assistance Supporting the Governance in Justice Sector Reform Program, particularly gender responsive skills development in the PNP.

The PNP is grateful to the ADB for the unwavering support to the Policemen/Policewomen's efforts in addressing gender-based violence issues. We also congratulate the Technical Working Group for their dedication in crafting both Manual and Booklet. I am confident that the PNP First Responders will be better equipped and more efficient as they "*Serve and Protect*" the citizenry.



JESUS A VERZOSA, CEO VI
Police Director General
Chief, PNP



Message

The Directorate for Police Community Relations lauds the Technical Working Group of the PNP and ADB Technical Assistance Supporting the Governance in Justice Sector Reform Program on Gender Responsive Skills Development in the PNP for producing How to Handle Gender-Based Violence Cases: A Manual for Police First Responders.

More than a tool for our police officers to address gender issues, particularly the rights of women and children, this Manual embodies what our police first responders should be doing in their intervention process as they confront issues on human rights and gender sensitivity. With this, we in the PNP could well assure our citizenry the dynamism of the Police by incorporating gender issues in our daily functions.

This Manual also comes in a handy pocket-sized form, A Booklet for Police First Responders, which provides the police responders easy and immediate access to basic information he/she needs right on the scene of the crime or place of assistance.



Again I commend the members of the Technical Working Group; my congratulations for a job well done. I also thank the Asian Development Bank for the assistance in the production of both the Manual and the Booklet.



ATTY. RENATO DF HEREDIA
Police Director
Directorate for Police Community Relations
Chairperson,
PNP Committee on Enhancing Gender-Responsiveness
Program

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Introduction

The Manual for Police First Responders on Gender-Based Violence Cases is one of the major outputs of the Governance in Justice Sector Program (GJSRP) Technical Assistance (TA) of the Asian Development Bank. The TA aims to increase the capacity of institutions involved in the justice sector, including the Philippine National Police (PNP), to respond to gender-sensitive issues and implement their respective gender and development plans.

Why a Manual for Police First Responders?

Over the past years, new laws on rights of women and children were enacted which also provide guidelines on gender-sensitive handling of cases of violence against women and children. Police officers, including First Responders, should have knowledge of the provisions of these new laws and be equipped with needed competencies to enable them to perform their job efficiently and responsibly.

While there are many cases under gender-based violence, the PNP Technical Working Group created for this project has decided to focus on the most common



cases encountered by First Responders. These cases are: (1) domestic violence, (2) child abuse/pornography, (3) trafficking, (4) crime of photo and video voyeurism, and (4) rape.

This Manual aims to make First Responders more gender-sensitive within the overall framework of Gender and Development. If victims see the justice system as accessible, affordable, trustworthy, efficient, competent and gender responsive, they can break their silence and seek justice they deserve.

There have been cases in the past which were reported to have been compromised or dismissed by the courts because of technical reasons, primarily due to the inability of police officers (including First Responders) and prosecutors to follow rules and procedures required or provided by the laws. This Manual aims to reduce if not totally eliminate such occasions as it empowers our First Responders to practice due diligence in the performance of their functions and responsibilities.

The PNP has also observed that many police officers, especially First Responders and Women Desk Officers, suffer occupational stress in handling gender-based violence cases, which affect their well-being and performance. A section of this Manual will address the need for stress management, providing tips on identifying manifestations of trauma, how to avoid stress, how to deal or manage stress, and related topics.



The Manual will be a ready-to-use guide in the field – a “notebook” which front liners can consult anytime, anywhere. It can also be used as a training tool for courses on gender sensitivity, review notes for police officers seeking professional advancement (including promotions), and reference in media relations, *e.g.*, handling media coverage and interviews.

The Manual captures in just one document the gender-sensitive policies and procedures of the PNP. It is a concrete evidence of how the PNP has succeeded in gender mainstreaming, making the organization a model in Gender and Development.

2

Gender and Development

According to the Magna Carta of Women, the State affirms the role of women in nation building and ensures the substantive equality of women and men. It shall promote empowerment of women and pursue equal opportunities for women and men and ensure equal access to resources and to development results and outcome. Further, the State realizes that equality of men and women entails the abolition of the unequal structures and practices that perpetuate discrimination and inequality. To realize this, the State shall endeavor to





develop plans, policies, programs, measures, and mechanisms to address discrimination and inequality in the economic, political, social, and cultural life of women and men.

Chapter I, Section 3 of the Magna Carta of Women also states that human rights are universal and inalienable. All people in the world are entitled to them. The universality of human rights is encompassed in the words of Article 1 of the Universal Declaration of Human Rights, which states that all human beings are free and equal in dignity and rights. There should be no discrimination against women.

Chapter II, Section 4 of the Magna Carta defines discrimination against women as any gender-based distinction, exclusion, or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field.

In the same chapter and section (f) of the Magna Carta, Gender Equality refers to the principle asserting the equality of men and women and their right to enjoy equal conditions realizing their full human potentials to contribute to and benefit from the results of development, and with the State recognizing that all human beings are free and equal in dignity and rights.



In (g), Gender Equity refers to the policies, instruments, programs, services, and actions that address the disadvantaged position of women in society by providing preferential treatment and affirmative action. Such temporary special measures aimed at accelerating *de facto* equality between men and women shall not be considered discriminatory but shall in no way entail as a consequence the maintenance of unequal or separate standards. These measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

What is GAD?

According to the Magna Carta of Women, Gender and Development (GAD) is the development perspective and process that are participatory and empowering, equitable, sustainable, free from violence, respectful of human rights, supportive of self-determination and actualization of human potentials. GAD seeks:

- to achieve gender equality as a fundamental value that should be reflected in development choices;
- to transform society's social, economic, and political structures and question the validity of the gender roles ascribed to women and men;



- to uphold women as active agents of development and not just passive recipients of development assistance; and
- to promote the need of women to organize themselves and participate in political processes to strengthen their legal rights.



3

Spotting Gender-Based Violence

Gender-Based Violence (GBV) is violence involving men and women, in which the female is usually the victim; it is derived from unequal power relationships between men and women. Violence is directed specifically against a woman because she is a woman, or affects women disproportionately. It includes, but is not limited to, physical, sexual and psychological harm (including intimidation, suffering, coercion, and/or deprivation of liberty within the family, or within the general community). It includes violence which is perpetrated or condoned by the state. (UNFPA Gender Theme Group, 1998)





GBV may result, or likely to result, in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life.

According to the Technical Working Group of the PNP Committee on Enhancing Gender-Responsiveness Program, GBV cases are acts or omissions committed in violation of the following laws (and other laws that may be enacted in relation with GBV):

1. Republic Act No. 9262 - Anti- Violence Against Women and Children Act of 2004
2. Republic Act No. 9208 - Anti- Trafficking in Persons Act of 2003
3. Republic Act No. 8353 - Anti-Rape Law of 1997 in relation to RA 8505 – Rape Victim Assistance and Protection Act of 1998
4. Republic Act No.7610 - Special Protection of Children Against Abuse, Exploitation and Discrimination Act of 1992
5. Republic Act No. 9775 – Anti-Child Pornography Act of 2009

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6. Republic Act No. 9995 – Crime of Photo and Video Voyeurism Act of 2009
 7. Republic Act No. 7877 – Anti-Sexual Harassment Act of 1995
 8. Republic Act No. 9344 - Juvenile Justice and Welfare Act of 2006
 9. Republic Act No. 9851 – Philippine Act on Crimes Against International Humanitarian Law, Genocide and Other Crimes Against Humanity of 2009, and
 10. Republic Act No. 9745 – Anti-Torture Act of 2009

4

Police First Responders

Who is the Police First Responder?

The First Responder is a police officer who is the first to arrive at the crime scene to provide initial police actions on information or complaint on Gender-Based Violence (GBV) Cases.



Functions and Responsibilities of Police First Responders

The basic functions and responsibilities of First Responders regardless of the type of case they are responding to include the following:

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1. Receive the information/complaint from the complainant or informant or directive from higher authority.
 2. Record the information/complaint or directive.
 3. Validate the veracity of the information.
 4. Inform the supervisor and/or higher authority regarding the incident.
 5. Coordinate with the concerned officials as required by the situation.
 6. Assess the situation and call for backup if necessary.
 7. Plan the approaches to be executed.

The First Responder shall at all times carry a pocket notebook for the recording of vital information containing the 5 Ws and 1H gathered in the crime scene prior to its turnover to the investigating unit concerned.

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Procedures in Addressing Gender-Based Violence Cases

When confronted with cases of Gender-Based Violence, the following procedures should be observed by the First Responders:

A. The crime is in progress

1. Upon arrival at the crime scene, the First Responder should take note of his/her time of arrival, weather condition and other collateral information as may be observed.
2. Locate the victim/s, complainant/s, suspect/s and witnesses
3. Protect and secure the crime scene by cordoning the area with police line or available materials like ropes, straws, human barricade, wood and chain; evacuate the injured persons to the nearest hospital; and prepare to take the “dying declaration” of severely injured person, if any (POP Rule 18, Section 1, paragraphs a, b and c).

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4. In case of escalated situation, *e.g.*, hostage taking and an armed suspect, the following shall be observed:
 - a. POP, Rule 8 - Use of Force. The police officer must first issue a warning before he could use force against an offender. The warning is issued for the police officer to identify himself and to give the offender an opportunity to surrender. During an armed confrontation, only necessary and reasonable force should be applied to overcome resistance put up by the offender, subdue the clear and imminent danger posed by him, or to justify the force/act under the principles of self-defense, defense of relative or defense of stranger.
 - b. POP, Rule 26 – Hostage Situation. Secure and isolate the hostage area by prohibiting unauthorized persons to enter the incident scene. Record all witnesses' names, addresses and other information and direct them to a safe place.
 - c. POP, Rule 27 – Reporting and Investigation of Child Abuse Cases. Police officers shall, upon receipt of a complaint or report or information, take immediate action but under no circumstances shall be beyond 48

hours; coordinate with and report the matter to local social welfare officer and concerned stakeholders; prepare rescue operation plan and execute the plan together with the concerned stakeholders.

5. In case of an armed confrontation with the suspect, the following procedure as provided in POP Rule 10 shall be observed:
 - a. Secure the site of confrontation



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- b. Take photographs
 - c. Check whether the situation still poses imminent danger
 - d. Evacuate the wounded to the nearest hospital
 - e. Ensure that all persons who died on the spot are not moved from their original position
 - f. Suspect should be arrested and kept in isolation; children in conflict with the law should be properly handled
6. Use proper restraining procedures whenever applicable to the situation.
 7. Conduct bodily search on the apprehended suspect. Search must be done by officer of the same gender.



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8. Provide police assistance to the victims in coordination with their relatives and friends and turn them over to the police station or investigation units, *e.g.*, WCPD of proper jurisdiction
 9. Make the formal turnover of the suspect/s and confiscated items to the investigator who has jurisdiction over the case.
 10. Execute an affidavit of arrest and turn over receipt of the confiscated evidence to the investigator on case.
 11. Submit First Responder's Report to the Investigating Unit concerned, and copy furnish the immediate supervisor.

B. After the commission of the crime

1. Upon arrival at the crime scene, the First Responder should take note of the time of arrival, weather condition and other collateral information as may be observed.
2. Locate the victim/s, complainant/s, suspect/s and witnesses.

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3. Protect and secure the crime scene by cordoning the area with police line or available materials like ropes, straws, human barricade, wood and chain; evacuate injured persons to the nearest hospital; and prepare to take the “dying declaration” of severely injured person, if any (POP Rule 18, Section 1, paragraphs a, b and c).
 4. Suspect should be arrested, restrained, kept in isolation; children in conflict with the law should be properly handled.
 5. Take initial photograph of the entire crime scene.



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6. Inform the SOCO Team Leader where the victim's body was originally found in the crime scene, as part of initial preservation of the crime scene. (SOCO Handbook/Manual)
 7. Record all witnesses' names, addresses and other information and direct them to a safe place.
 8. Provide police assistance to the victims in coordination with their relatives and friends and turn them over to the police station or investigation units, *e.g.*, Women and Children Protection Desk (WCPD) of proper jurisdiction.
 9. Conduct bodily search on the apprehended suspect. Search must be done by officer of the same gender.
 10. Make the formal turnover of the suspect/s and confiscated items to the investigator on case.
 11. Execute an affidavit of arrest, inventory and turn over receipt of confiscated evidence to the investigator on case.
 12. Submit First Responder's Report to the Investigating Unit concerned, and copy furnish the immediate supervisor.

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Qualities of a Police First Responder

- Accepting and Non-Judgmental

Accepting comes from the verb or action word *accept* which is defined as believing in the goodness or realness of a person, place or situation. It is synonymous to the words *admit, receive, welcome, favor, affirm or acknowledge*.

Accepting infers the ability of being *non-judgmental*.

- Sensitive and sincere

Being *sensitive* means being responsive to physical stimuli or having the capacity or ability of perceiving with a sense or senses. It is synonymous to being bias-free, respectful, and diplomatic.

Being *sincere* means the First Responder does what he/she says, that the person is true in word and action. A sincere First Responder is honest, straightforward, genuine, trustworthy.



- Patient and Understanding

Being *patient* is the capability or willingness to endure, to wait, to be calm, composed, gentle or forgiving in the middle of tension, crisis or emergency situations. *Patience* is a virtue because it makes the First Responder (and all of us) a better person.

Understanding means to value, know, learn or make sense of a situation.

- Empathetic

To be *empathetic* is the capability to share and feel the sorrow, tragedy or crisis of another person. How to be *empathetic* is one of the most important communication skills necessary for a First Responder to acquire because it enables him/her to keep the situation from turning from bad to worse. Being *empathetic* demands that the right words, body movement and facial expression are expressed at the right time.

- Firmly Committed to End Violence

The commitment to end violence begins with the understanding of gender equality as a basic human





right. The First Responder values equal rights, responsibilities and opportunities of women and men, and girls and boys.

- Observes and Safeguards Confidentiality

Because the First Responder is trustworthy, he/she guards, secures or protects the confidentiality of information, situation or evidences. The First Responder deals only with the proper authorities who are involved in the situation.

- Equipped with Self-Awareness and Caring

Self-awareness enables the First Responder to focus attention on himself/herself. In doing so, the First Responder is able to evaluate and compare his/her current behavior to his/her internal standards and values, becoming self-conscious as objective evaluator of self. In the First Responder's self-awareness, he/she recognizes strengths and weaknesses, likes and dislikes which help when the First Responder is stressed or under pressure. Self-awareness also paves the way for effective communication and interpersonal relations, and provides the impetus to care for others.



7

Stress Management

The police enforces laws, catches criminals, investigates crimes, collects evidence and also testifies in court. The First Responders are the ones who patrol set areas to prevent crime and respond to calls about crimes and would-be crimes. They work 40 hours a week and are assigned to night duty and on occasions to important to families.

The police's job can be very stressful and dangerous. Hans Selye, the foremost expert on stress, said that police work is "the most stressful occupation in America even surpassing the formidable stresses of air traffic control." Police work is highly stressful and one of the few occupations where an individual continually faces the inherent danger of physical violence and the potential of sudden death. (Mark Singer, professor of social work, Mandel School)

"Police officers face job stress in the line of duty 24 hours a day. Even the toughest officer can eventually feel it. We want to change the operational climate of silence about problems and the stigma toward seeking help," said U.S. trainer Army Lt. Col. (retired) Mark Chapin.



Police stress is not always unique nor obvious. Almost all stressors in police work can be found in other occupations like firefighters and emergency room medical team. Like them, the police encounter stressors in call after call which expose them to chronic stress. Debilitation from this daily stress accumulates, making police officers more vulnerable to traumatic incidents. The weakening process is often too slow to see and neither a person nor his/her friends may be aware of the damage being done.

Officials cannot stop nor prevent stress in police work, but the First Responder himself/herself and the police force need to recognize it and provide assistance in three areas: personal, family and organization.

What is Stress?

- Stress is a response produced by the body when a person is subjected to different types of demand, whether physical, mental, or emotional.
- It is any change which a person needs to adjust to.
- It can be positive or negative.
- Stress is NOT bad.
- Stress is ESSENTIAL to life.

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- While stress experience is NOT bad, it is the reaction to the stressful experience that creates a stress response.

Sources of Stress (some from survey with PNP)

- Personal :
personal factors, family, children, money matters
- Internal :
irrational beliefs or biases
- Survival :
dangers related to police functions
- Work and fatigue :
compassion fatigue; long late hours; lack of sleep; role conflict and strain; rotating shiftwork; fear and danger; victim pain and anguish; and NAPOLCOM review
- Organizational :
organizational practices, lack of support; poor supervision (too lenient/too tough); absence of upward mobility; absence of a an extrinsic reward system

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- Environmental :
poor working conditions; stressors external to the police organization: jurisdictional turf battles; ineffective criminal justice system; biased press; derogatory remarks; political interference; lack of community resources/referral agencies

Effects of Stress

- Three stages
 - Alarm Reaction: produces physiological changes, known as “fight-or-flight” syndrome, in response to an emergency. Heart rate, blood pressure, and muscle tone increase. The secretion of adrenaline heightens awareness, a crucial survival factor for police officers confronted with life-or-death situations.
 - Resistance: Prolonged exposure to a stressful situation eventually causes the resistance stage to set in.
 - Exhaustion: responses initially experienced during the alarm reaction stage might reappear. Physiological and psychological problems, such as chronic fatigue or depression, feelings of alienation, and irritability, can develop. The body continues to respond in a fight-or-flight mode and



keeps producing high levels of adrenaline. The heart becomes overworked, blood-cholesterol levels increase, and actual tissue damage can occur, producing common illnesses such as heart disease, gastric disorders, arthritis, allergies, and kidney disease.

- Inefficiency on the job
- Absenteeism
- Interpersonal relationship problems
- High anxiety
- Alcoholism
- Marital problems
- Anger and irritability
- Depression
- Fears
- Sleep problems
- Chronic fatigue
- Headaches and migraines
- High blood pressure
- Poor motivation
- Effects on cognitive processes like memory, decision making, etc.



Stress Management

- “The early identification of operational stress increases the likelihood of positive outcomes in police-citizen interactions.” (Michael Walker)
- Stress inoculation is a program through which stress management training is integrated into the training curriculum of the police.

Strategies in Coping with Stress

- Recognize the symptoms of stress
- Body awareness
- Nutrition
- Exercise
- Breathing
- Progressive muscle relaxation
- Visualization
- Self-hypnosis
- Autogenics
- Thought stopping
- Refuting irrational ideas



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- Time management
 - Meditation
 - Non-police hobbies or activities
 - Social support
 - Relaxation techniques
 - Spirituality
 - Peer support
 - Individual counselling

ANNEX

REPUBLIC ACT NO. 9710

AN ACT PROVIDING FOR THE MAGNA CARTA OF WOMEN

VIOLENCE AGAINST WOMEN, as defined in the **Magna Carta of Women**, refers to any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or in private life. It shall be understood to encompass, but not limited to, the following:

- (1) 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;
- (2) 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

- (3) Physical, sexual, and psychological violence perpetrated or condoned by the State, wherever it occurs.

It also includes acts of violence against women as stated in Republic Acts No. 9208 and 9262.

Gender-based violence are discussed in the following laws:

REPUBLIC ACT NO. 9262

AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES.

Section 5 Rule No. 2 of the IRR of RA 9262 defines violence against women as:

1. Physical violence refers to acts that include bodily or physical harm;



2. Sexual violence refers to an act which is sexual in nature, committed against a woman or her child. It includes, but is not limited to:
 - a) 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 her/him to watch obscene publications and indecent shows or forcing the woman or her child to do indecent acts and/or make films thereof, forcing the wife and mistress/lover to live in the conjugal home or sleep together in the same room with the abuser;
 - b) acts causing or attempting to cause the victim 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
 - c) prostituting the woman or her child.
3. Psychological violence refers to acts or omissions causing or likely to cause mental or emotional suffering to the victim such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse, and marital infidelity. It includes causing or allowing the victim to witness the





physical, sexual or psychological abuse of a member of the family to which the victim 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 and/ or visitation of common children.

4. Economic abuse refers to acts that make or attempt to make a woman financially dependent which includes, but is not limited to the following:
 - a) withdrawal of financial support or preventing the victim from engaging in any legitimate profession, occupation, business or activity, except in cases wherein the other spouse/ partner objects on valid, serious and moral grounds as defined in Article 73 of the Family Code;
 - b) deprivation or threat of deprivation of financial resources and the right to the use and enjoyment of the conjugal, community or property owned in common;
 - c) destroying household property; and
 - d) controlling the victim's own money or properties or solely controlling the conjugal money or properties.

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- e) Battery is an act of inflicting physical harm upon the woman or her child resulting to physical and psychological or emotional distress.
 - f) Battered Woman Syndrome is a scientifically defined pattern of psychological and behavioral symptoms that have resulted from cumulative abuse found in women living in battering relationships.
 - g) Stalking means an intentional act committed by a person who, knowingly and without lawful justification follows the woman or her child or places the woman or her child under surveillance directly or indirectly or a combination thereof.

According to Section 9 of the Magna Carta of Women, the State shall ensure that all women shall be protected from all forms of violence as provided for in existing laws. Agencies of government shall give priority to the defense and protection of women against gender-based offenses and help women attain justice and healing.



REPUBLIC ACT NO. 9208

AN ACT TO INSTITUTE POLICIES TO ELIMINATE TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND CHILDREN, ESTABLISHING THE NECESSARY INSTITUTIONAL MECHANISMS FOR THE PROTECTION AND SUPPORT OF TRAFFICKED PERSONS, PROVIDING PENALTIES FOR ITS VIOLATIONS, AND FOR OTHER PURPOSES.

TRAFFICKING IN PERSONS with the consequent violence is defined in Section 3 of RA 9208 as follows:

- (a) the recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.

The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation



shall also be considered as “trafficking in persons” even if it does not involve any of the means set forth in the preceding paragraph.

- (b) *Child* - refers to a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.
- (c) *Prostitution* - refers to any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.
- (d) *Forced Labor and Slavery* - refer to the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception.
- (e) *Sex Tourism* - refers to a program organized by travel and tourism-related establishments and individuals which consists of tourism packages or activities, utilizing and offering escort and sexual services as enticement for tourists. This includes

sexual services and practices offered during rest and recreation periods for members of the military.

- (f) *Sexual Exploitation* - refers to participation by a person in prostitution or the production of pornographic materials as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt bondage, fraud or through abuse of a victim's vulnerability.
- (g) *Debt Bondage* - refers to the pledging by the debtor of his/her personal services or labor or those of a person under his/her control as security or payment for a debt, when the length and nature of services is not clearly defined or when the value of the services as reasonably assessed is not applied toward the liquidation of the debt.
- (h) *Pornography* - refers to any representation, through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes.



REPUBLIC ACT NO. 8353

AN ACT EXPANDING THE DEFINITION OF THE CRIME OF RAPE, RECLASSIFYING THE SAME AS A CRIME AGAINST PERSONS, AMENDING FOR THE PURPOSE ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE AND FOR OTHER PURPOSES

RAPE as defined in Chapter Three Article 266-A RA 8353 is committed by

- 1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:
 - a) Through force, threat, or intimidation;
 - b) When the offended party is deprived of reason or otherwise unconscious;
 - c) By means of fraudulent machination or grave abuse of authority; and
 - d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

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- 2) By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

REPUBLIC ACT NO. 7610

AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES

CHILD ABUSE, under Republic Act No.7610, Sec. 3 is defined as:

- (b) the maltreatment, whether habitual or not, of the child which includes any of the following:
 1. Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
 2. Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;



3. Unreasonable deprivation of his basic needs for survival such as food and shelter;
or
 4. 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.
- (c) Circumstances which gravely threaten or endanger the survival and normal development of children” include, but are not limited to, the following:
1. Being in a community where there is armed conflict or being affected by armed conflict-related activities;
 2. Working under conditions hazardous to life, safety and morals which unduly interfere with their normal development;
 3. Living in or fending for themselves in the streets of urban or rural areas without the care of parents or a guardian or any adult supervision needed for their welfare;
 4. Being a member of an indigenous cultural community and/or living under conditions of extreme poverty or in an area which is



undeveloped and/or lack or has inadequate access to basic services needed for a good quality of life;

5. Circumstances analogous to those above stated which endanger life, safety or normal development of children.
6. Being a victim of a man-made or natural disaster calamity

REPUBLIC ACT NO. 9775

AN ACT DEFINING THE CRIME OF CHILD PORNOGRAPHY, PRESCRIBING PENALTIES THEREFOR AND FOR OTHER PURPOSES

Anti-Child Pornography is defined under Section 3 (b) of RA 9775 as any representation, whether visual, audio, or written combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of child engaged or involved in real or simulated explicit sexual activities.

- (c) "Explicit Sexual Activity" includes actual or simulated

-
- (1) As to form:
 - (i) sexual intercourse or lascivious act including, but not limited to, contact involving genital to genital, oral to genital, anal to genital, or oral to anal, whether between persons of the same or opposite sex;
 - (2) bestiality;
 - (3) masturbation;
 - (4) sadistic or masochistic abuse;
 - (5) lascivious exhibition of the genitals, buttocks, breasts, pubic area and/or anus; or
 - (6) use of any object or instrument for lascivious acts

REPUBLIC ACT NO. 9995

AN ACT DEFINING AND PENALIZING THE CRIME OF PHOTO AND VIDEO VOYEURISM, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES

Crime of Photo and Video Voyeurism prohibits and declares unlawful (Section 4. Prohibited Acts, RA 9995) for any person:

-
- (a) To take photo or video coverage of a person or group of persons performing sexual act or any similar activity or to capture an image of the private area of a person/s such as the naked or undergarment clad genitals, public area, buttocks or female breast without the consent of the person/s involved and under circumstances in which the person/s has/have a reasonable expectation of privacy;
 - (b) To copy or reproduce, or to cause to be copied or reproduced, such photo or video or recording of sexual act or any similar activity with or without consideration;
 - (c) To sell or distribute, or cause to be sold or distributed, such photo or video or recording of sexual act, whether it be the original copy or reproduction thereof; or
 - (d) To publish or broadcast, or cause to be published or broadcast, whether in print or broadcast media, or show or exhibit the photo or video coverage or recordings of such sexual act or any similar activity through VCD/DVD, internet, cellular phones and other similar means or device.

The prohibition under paragraphs (b), (c) and (d) shall apply notwithstanding that consent to record or take photo or video coverage of the same was



given by such person/s. Any person who violates this provision shall be liable for photo or video voyeurism as defined herein.

REPUBLIC ACT NO. 9851

AN ACT DEFINING AND PENALIZING CRIMES AGAINST INTERNATIONAL HUMANITARIAN LAW, GENOCIDE AND OTHER CRIMES AGAINST HUMANITY, ORGANIZING JURISDICTION, DESIGNATING SPECIAL COURTS, AND FOR RELATED PURPOSES

CHAPTER I, Section 2 of RA 9851 states that:

- (f) The State shall guarantee persons suspected or accused of having committed grave crimes under international law all rights necessary to ensure that their trial will be fair and prompt in strict accordance with national and international law and standards for fair trial, It shall also protect victims, witnesses and their families, and provide appropriate redress to victims and their families, It shall ensure that the legal systems in place provide accessible and gender-sensitive avenues of redress for victims of armed conflict

In CHAPTER III, Section 4, (c), violation is defined as:

- (18) Committing outrages upon personal dignity, in particular, humiliating and degrading treatments;
- (19) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions or a serious violation of common Article 3 to the Geneva Conventions

REPUBLIC ACT NO. 9745

AN ACT PENALIZING TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING TREATMENT OR PUNISHMENT AND PRESCRIBING PENALTIES THEREFOR

Section 2 of RA 9745 ensures:

- (b) that the human rights of all persons, including suspects, detainees and prisoners are respected at all times; and that no person placed under investigation or held in custody of any person in authority or, agent of a person authority shall be subjected to physical, psychological or mental harm, force, violence, threat or intimidation or any act that impairs his/her free will or in any manner demeans or degrades human dignity;

Section 4 states that:

- (a) Physical torture is a form of treatment or punishment inflicted by a person in authority or agent of a person in authority upon another in his/her custody that causes severe pain, exhaustion, disability or dysfunction of one or more parts of the body, such as:
 - (7) Rape and sexual abuse, including the insertion of foreign objects into the sex organ or rectum, or electrical torture of the genitals;
 - (8) Mutilation or amputation of the essential parts of the body such as the genitalia, ear, tongue, etc.;

REPUBLIC ACT NO. 7877

AN ACT DECLARING SEXUAL HARASSMENT UNLAWFUL IN THE EMPLOYMENT, EDUCATION OR TRAINING ENVIRONMENT, AND FOR OTHER PURPOSES

Section 3 of RA 7877 defines work, education or training-related sexual harassment as:

- committed by an employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainer,



or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said Act.

- (a) In a work-related or employment environment, sexual harassment is committed when:
 - (1) The sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in a way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;
 - (2) The above acts would impair the employee's rights or privileges under existing labor laws; or
 - (3) The above acts would result in an intimidating, hostile, or offensive environment for the employee.

(b) In an education or training environment, sexual harassment is committed:

- (1) Against one who is under the care, custody or supervision of the offender;
- (2) Against one whose education, training, apprenticeship or tutorship is entrusted to the offender;
- (3) When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or considerations; or
- (4) When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.
Any person who directs or induces another to commit any act of sexual harassment as herein defined, or who cooperates in the commission thereof by another without which it would not have been committed, shall also be held liable under this Act.



REPUBLIC ACT NO. 9344

**AN ACT ESTABLISHING A COMPREHENSIVE
JUVENILE JUSTICE AND WELFARE SYSTEM,
CREATING THE JUVENILE JUSTICE AND WELFARE
COUNCIL UNDER THE DEPARTMENT OF JUSTICE,
APPROPRIATING FUNDS THEREFOR AND FOR
OTHER PURPOSES**

Section 4 of RA 9344 states that:

- (d) “Child at Risk” refers to a child who is vulnerable to and at the risk of committing criminal offenses because of personal, family and social circumstances, such as, but not limited to, the following:
 - (1) being abused by any person through sexual, physical, psychological, mental, economic or any other means and the parents or guardian refuse, are unwilling, or unable to provide protection for the child;
 - (2) being exploited including sexually or economically;
 - (3) being abandoned or neglected, and after diligent search and inquiry, the parent or guardian cannot be found;



- (4) coming from a dysfunctional or broken family or without a parent or guardian;
 - (5) being out of school;
 - (6) being a streetchild;
 - (7) being a member of a gang;
 - (8) living in a community with a high level of criminality or drug abuse; and
 - (9) living in situations of armed conflict.
- (e) “Child in Conflict with the Law” refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws.

Chapter 2, Sec. 5 of the same law states that:
Every child in conflict with the law shall have the following rights, including but not limited to:

- (a) the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment;
- (b) the right not to be imposed a sentence of capital punishment or life imprisonment, without the possibility of release;
- (c) the right not to be deprived, unlawfully or arbitrarily, of his/her liberty; detention or imprisonment being





a disposition of last resort, and which shall be for the shortest appropriate period of time;

- (d) the right to be treated with humanity and respect, for the inherent dignity of the person, and in a manner which takes into account the needs of a person of his/her age. In particular, a child deprived of liberty shall be separated from adult offenders at all times. No child shall be detained together with adult offenders. He/She shall be conveyed separately to or from court. He/She shall await hearing of his/her own case in a separate holding area. A child in conflict with the law shall have the right to maintain contact with his/her family through correspondence and visits, save in exceptional circumstances;
- (e) the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his/her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on such action;
- (f) the right to bail and recognizance, in appropriate cases;
- (g) the right to testify as a witness in his/her own behalf under the rule on examination of a child witness;

-
- (h) the right to have his/her privacy respected fully at all stages of the proceedings;
 - (i) the right to diversion if he/she is qualified and voluntarily avails of the same;
 - (j) the right to be imposed a judgment in proportion to the gravity of the offense where his/her best interest, the rights of the victim and the needs of society are all taken into consideration by the court, under the principle of restorative justice;
 - (k) the right to have restrictions on his/her personal liberty limited to the minimum, and where discretion is given by law to the judge to determine whether to impose fine or imprisonment, the imposition of fine being preferred as the more appropriate penalty;
 - (l) in general, the right to automatic suspension of sentence;
 - (m) the right to probation as an alternative to imprisonment, if qualified under the Probation Law;
 - (n) the right to be free from liability for perjury, concealment or misrepresentation; and
 - (o) other rights as provided for under existing laws, rules and regulations.

**SAMPLE FORMAT of turnover of crime scene
(FROM FIRST RESPONDER TO THE INVESTIGATOR)**

Republic of the Philippines
Department of the Interior and Local Government
PHILIPPINE NATIONAL POLICE

TURNOVER OF CRIME SCENE

_____ Date

This is to certify that the crime scene (State the particular incident and the date, time, place of occurrence) was turned over by the first responder to the duty investigator.

This further certifies that all the physical evidence found by the first responder at the crime scene were properly secured and preserved.

Received By : _____

Time/Date : _____

Turned-over By : _____

Time/Date : _____

Witnessed By : _____

SAMPLE FORMAT of Inventory /Receipt for Property

Republic of the Philippines
Department of the Interior and Local Government
PHILIPPINE NATIONAL POLICE

Date: _____

INVENTORY SHEET/RECEIPT FOR PROPERTY / GOODS RECOVERED

Inventory Sheet of article/items seized from the premise/establishment
of _____ located at _____ by virtue of

ITEMS/ARTICLES	QUANTITY/UNITS
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(Seizing Officer)

Witnessed by:

SAMPLE FORMAT of Affidavit of First Responder

Republic of the Philippines
(_____, _____) s.s.
x-----x

AFFIDAVIT OF FIRST RESPONDER

The UNDERSIGNED Police Officer, presently assigned at the sworn in accordance with law, do hereby depose and state THAT:

The undersigned personally received from _____ the complaint/report/information that a certain _____ was (acts of abuses) by _____, a clear violation of _____ which was referred to our office by the _____ against _____, (age), (civil status), nationality) and residing at No. _____;

Who responded at _____ located along _____;

On the complaint dated _____, (state the act and the crime committed).

Upon receipt of their said complaint, the undersigned personally conducted verification. At about _____ of _____, the undersigned together with the complainant proceeded to _____ located along _____, _____ to render initial police action;

Upon arrival, complainants pinpointed the place of incident while the undersigned conducted initial preservation of the crime scene. At about _____, the undersigned isolated the witnesses, assisted the victim/s and arrested the suspect with the assistance of the concerned stakeholders;

Seized and recovered in the possession and control of the arrested person were the following, to wit:

- a) Weapons, (type of weapons and serial numbers, if there is any);
- b) (relevant documents);
- c) (type of CP and SIM Card); and
- d) Other evidence confiscated;

Suspect together with the seized and recovered evidence were brought to the _____, _____, _____ for booking and proper disposition. Likewise, the arrested person was apprised of his/her rights as provided for under the Constitution of the Philippines.

The undersigned made proper coordination with the local social work officer and the police station (WCPD) which has territorial jurisdiction.

The undersigned executed this affidavit to attest the truthfulness of the foregoing facts and to support the filing of Criminal Cases against _____ for violations of _____.

AFFIANTS SAYETH NAUGHT.

IN WITNESS WHEREOF, the undersigned hereunto affixed his/her signature this ____ day of _____ at _____, _____.

Affiant

SUBSCRIBED AND SWORN to before me this ____ day of _____ at _____. **I HEREBY CERTIFY** that I have personally examined the herein affiant and I am satisfied that he/she voluntarily executed and understood the given affidavit.

Administering Officer

**PNP Committee on Enhancing Gender-
Responsiveness Program**

ATTY. RENATO DF HEREDIA

Police Director
Directorate for Police Community Relations
Committee Chairperson

**Technical Working Group
on First Responder Manual and Booklet**

PSSUPT ROLANDO B FELIX, CEO VI

PSUPT HILARIO B ORALLO

PSUPT NIÑO DAVID L RABAYA

PSUPT ROBERT A GUERRERO

PSUPT OSCAR P JACILDO

PSUPT GERARDO G DIA

PSUPT ORLANDO T MELCHOR

PSUPT MELECIO R DELA VEGA JR

PSUPT MARIA LEONORA C CAMARAO

PCINSP JUDE T TACORDA





