Fighting Domestic Violence - The Philippines

3. Similarities and differences in terminology

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# 3.1 Domestic violence

Under the VAWC Act, domestic violence is referred to as violence against women and children,which is defined as any act or a series of acts committed by any person against a woman who is his wife, former wife or against a woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or outside the family abode, which results in or is likely to result in physical, sexual or psychological harm or suffering, or economic abuse.[24]

# 3.2 Stalking

According to the VAWC Act, stalking refers to 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 of both.[25]

# 3.3 Harassment

Harassment has no specific definition in the VAWC Act.

However, the Anti-Sexual Harassment Act defines sexual harassment. The law provides that sexual harassment can be committed in any of the following scenarios: (i) in a work-related or employment environment when the sexual favor is made as a condition to being hired or in the employment, reemployment or continued employment of the individual, or in granting the individual favorable compensation, terms of conditions, promotions or privileges, among others; or (ii) in an education or training environment when the sexual favor is made as a condition to giving a passing grade, or granting honors and scholarships, or paying a stipend, allowance or other benefits, privileges or consideration, among others.[26]

# 3.4 Victim

According to the VAWC Act, a victim refers to a woman who is the abuser's wife, former wife or a woman with whom the abuser has or had a sexual or dating relationship, or with whom the abuser has a common child, or against the woman's child whether legitimate or illegitimate, within or outside the family abode, who experiences physical, sexual or psychological harm or suffering, or economic abuse. Moreover, the law defines children as those persons below 18 years old or those who are older but are incapable of taking care of themselves as defined under Republic Act No. 7610. It includes the biological children of the victim and other children under her care.[27]

# 3.5 Abuser

The abuserin the VAWC Act refers to any person who commits any act or a series of acts against a woman who is his wife, former wife or against a woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child, or against the woman's child whether legitimate or illegitimate, within or outside the family abode, which results in or is likely to result in physical, sexual or psychological harm or suffering, or economic abuse.[28]

# 3.6 Civil protection order

The Philippines does not have "civil protection orders," but has several other types of protection orders.

According to the VAWC Act, a protection orderis issued to prevent further acts of violence against a woman or her child and to grant other necessary relief. The relief granted under a protection order serves the purpose of safeguarding the victim from further harm, minimizing any disruption in the victim's daily life, and facilitating the opportunity and ability of the victim to independently regain control over her life. The provisions of the protection order will be enforced by law enforcement agencies. The protection orders under the VAWC Act are a *barangay* protection order, temporary protection order and permanent protection order.[29]

# 3.7 Causes of action

The acts that may trigger a criminal action under the VAWC Act include the following:[30]

causing physical harm to the woman or her child

threatening to cause the woman or her child physical harm

attempting to cause the woman or her child physical harm

placing the woman or her child in fear of imminent physical harm

attempting to compel or compelling the woman or her child to engage in conduct that the woman or her child has the right to desist from, or to desist from conduct that 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 the threat of force, physical or other harm or the threat of physical or other harm, or intimidation directed against the woman or her child

inflicting or threatening to inflict physical harm on oneself for the purpose of controlling her actions or decisions

causing or attempting to cause the woman or her child to engage in any sexual activity that does not constitute rape, by force or the threat of force, physical harm or through intimidation directed against the woman or her child, or her immediate family

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

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 the denial of financial support or custody of minor children of access to the woman's child/children

# 3.8 Marital rape

Marital rape has no specific definition in the VAWC Act.

However, the RPC defines rape in such a way that an act of rape can be committed even during a marriage. This is because, under the RPC, rape can be committed without any qualification as to whether the perpetrator and the victim are married, so long as it involves a man who has sexual intercourse with a woman under any of the following circumstances:

through force, threat or intimidation

when the offended party is deprived of reason or otherwise unconscious

by means of fraudulent machination or grave abuse of authority

when the offended party is under 12 years old or mentally disabled, even if none of the circumstances mentioned above are present[31]

# 3.9 Are there any other important domestic violence terms defined in relevant domestic violence statutes and codes?

Other domestic violence terms worth noting are as follows:

**Physical violence**

Physical violence refers to acts that include bodily or physical harm.[32]

**Sexual violence**

Sexual violence refers to an act that is sexual in nature, committed against a woman or her child. It includes, but is not limited to, 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 her to watch obscene publications and indecent shows or forcing the woman or her child to do indecent acts and/or make films of it, forcing the wife and lover to live in the conjugal home or to sleep together in the same room with the abuser

acts causing or attempting to cause the victim to engage in any sexual activity by force, the threat of force, physical or other harm, or the threat of physical or other harm or coercion

prostituting the woman or child[33]

**Psychological violence**

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 mental 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, to witness pornography in any form, to witness abusive injury to pets, or to unlawful or unwanted deprivation of the right to custody and/or visitation of common children.[34]

**Economic abuse**

Economic abuse refers to acts that make or attempt to make a woman financially dependent, which includes, but is not limited to, the following:

withdrawing financial support or preventing the victim from engaging in any legitimate profession, occupation, business or activity, except in cases where the other spouse/partner objects on valid, serious and moral grounds as defined in Article 73 of the Family Code of the Philippines

depriving or threatening to deprive the victim of financial resources, and the right to use and enjoy the conjugal, community or property owned in common

destroying household property

controlling the victims' own money or properties, or solely controlling the conjugal money or properties[35]

**Battery**

Battery refers to an act of inflicting physical harm upon the woman or her child resulting in physical and psychological or emotional distress.[36]

**Battered woman syndrome**

Battered woman syndrome refers to a scientifically defined pattern of psychological and behavioral symptoms found in women living in battering relationships as a result of cumulative abuse.[37]

**Safe place or shelter**

Safe place or shelter refers to any home or institution maintained or managed by the Department of Social Welfare and Development (DSWD), or by any other agency or voluntary organization accredited by the DSWD, or any other suitable place the resident of which is willing to temporarily receive the victim.[38]

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