



Republic of the Philippines
Province of Agusan del Norte
OFFICE OF THE SANGGUNIANG PANLALAWIGAN

SP Building, Capital Compound, Butuan City
Tel. Nos. (085) 341-42-66; 342-80-24; 341-42-64; 815-2005 Telefax: (085) 815-2005

13th Sangguniang Panlalawigan
28th Regular Session
Series of 2005

AN ORDINANCE ADOPTED BY THE SANGGUNIANG PANLALAWIGAN
OF AGUSAN DEL NORTE, IN ITS 28TH REGULAR SESSION HELD AT
THE SP SESSION HALL, PROVINCIAL CAPITOL COMPOUND, BUTUAN
CITY ON FEBRUARY 14, 2005.

PROVINCIAL ORDINANCE NO. 168-2005

AN ORDINANCE DIRECTING HEALTHCARE
PROVIDERS AND HEALTH PERSONNEL IN THE
PROVINCE OF AGUSAN DEL NORTE TO RENDER
MEDICAL ASSISTANCE TO VICTIMS OF VIOLENCE
AS DEFINED UNDER R.A. 9262 OTHERWISE KNOWN
AS "ANTI-VIOLENCE AGAINST WOMEN AND THEIR
CHILDREN ACT OF 2004", AND PROVIDING
PENALTIES FOR VIOLATIONS THEREOF

BE IT ENACTED, by the 13th Sangguniang Panlalawigan of the Province
of Agusan del Norte, in session duly assembled:

SECTION 1. DECLARATION OF POLICY- It is hereby declared the
policy of the province of Agusan del Norte to faithfully adheres to and strongly
supports the policy of the State to value the dignity of women and children, and
to recognize the need to protect them from all forms of violence, such as: sexual,
physical and psychological violence.

Towards this end, the provincial government of Agusan del Norte deems it
appropriate and shall exert efforts, to strengthen certain provisions of R.A. 9262,
insofar as the obligations and responsibilities of healthcare providers towards
victims of violence are concerned.

SECTION 2. DEFINITION OF TERMS -

- A. "Healthcare Providers"- includes district/emergency
hospitals, rural/municipal health units, or any other health
institution or facility having adequate facilities and
equipment to render medical care and ancillary health
services on and out-patient and in-patient basis, whether
public or private.
- B. "Healthcare Personnel"- includes an attending physician,
whether resident physician of government and private
hospitals or municipal health units, nurse, clinician,
barangay health worker, therapist or counselor.
- C. "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:

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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;

c. Prostituting the woman or child.

D. "Physical Violence" refers to acts that include bodily or physical harm; such as: battery, assault

E. "Psychological Violence" refers to acts or omissions causing or likely to cause mental or emotional suffering of 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, 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.

F. "Children"- refers to persons below eighteen (18) years of age or those over but are unable to fully take care of themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability.

SECTION 3. CONSTRUCTION - This ordinance shall be liberally constructed to promote the protection and safety of victims of violence against women and their children.

SECTION 4. HEALTHCARE PROVIDER/HEALTHCARE PERSONNEL RESPONSE TO ABUSE- Any healthcare provider or healthcare personnel to whom victims of sexual violence seek medical attention or assistance, shall:

- a. Render immediate treatment and management of victim injuries and to make the proper referral when necessary.
- b. Properly document any of the victim's physical, emotional, or psychological injuries;
- c. Properly record any of the victim's suspicions, observations and circumstances due for the examination or visit;

RECD:
Agusan del Norte
for. 14/05

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for
[Signature]



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- d. Automatically provide the victim, free of charge, a medical certificate concerning the examination or visit;
- e. Safeguard the records and make them available to the victim or any lawful authority, upon request; and
- f. Provide the victim immediate and adequate notice of right and remedies provided under R.A. 9262, and services available to them.

SECTION 5. PENALTIES- any healthcare provider or healthcare personnel who fails, either willfully or by negligence, to perform any or all the above duties and responsibilities, shall be liable for a fine not exceeding Five Thousand Pesos (Php 5,000.00), or whenever applicable, to criminal, civil, or administrative liability.

SECTION 6. SEPARABILITY CLAUSE- If any section or provision of this ordinance is held unconstitutional or invalid, the other sections or provisions shall not be affected.

SECTION 7. EFFECTIVITY- This Ordinance shall take effect fifteen (15) days after its publication in a general circulation of the Province of Agusan del Norte.

Voting of this ordinance was unanimous.

APPROVED	:	February 14, 2005
ADOPTED	:	
AUTHOR	:	Honorable Sadeka G. Tomaneng
CO-AUTHORS	:	Honorable Venerando D. Atupan
	:	Honorable Aquino W. Gambe.
MOVANT	:	Honorable Sadeka G. Tomaneng
SECONDEES	:	Honorable Venerando D. Atupan
	:	Honorable Aquino W. Gambe
	:	Honorable Marjorie C. Rosal

CERTIFIED CORRECT:


TERESO T. GONZALES

Records Officer IV

Acting Secretary to the Sanggunian

APPROVED:


DALE B. CORVERA

Vice Governor/Presiding Officer

MAR 02 2005


ROGELIO P. DAGANI

Board Member


ERNE M. CENIZA

Board Member



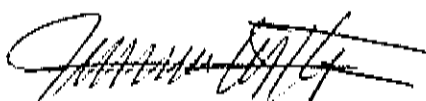
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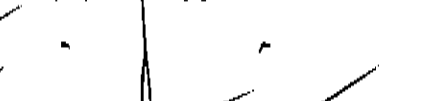

VENERANDO D. ATUPAN
Board Member

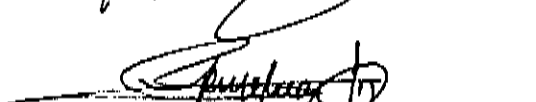

SADEKA G. TOMANENG
Board Member

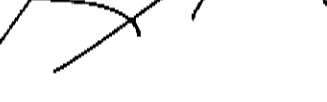

ALAN M. FAMADOR
Board Member


AQUINO W. GAMBE
Board Member


ARCE DEL L. LIBARIOS
Board Member


VIRGILIO R. ESCASIÑAS JR.
Board Member


RAYMUNDO M. BELUAN, JR.
Board Member, FABC


MARJORIE C. ROSAL
Board Member, PCL

SUBMITTED TO THE GOVERNOR:

APPROVED:

DATED: MAR 07 2005


ERLPE JOHN M. AMANTE

Provincial Governor

MAR 14 2005

Date Approved

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