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SENATE
S. No. 1558

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 14 provides that the state “recognizes the role of women in nation-building.” The Constitution, Article 13, Section 14 likewise provides for the protection of women by providing such facilities and opportunities as will enhance their welfare and enable them to realize their full potential in the service of the nation.

According to the Department of Social Welfare and Development (DSWD), the number of battered women, aged 18 and above, has increased dramatically in recent years. This bill hopes to curb the rise in the number of battered women by facilitating faster conviction of the guilty party. For this purpose, the bill: (1) authorizes the Department of Justice, in coordination with the DSWD and the Commission on Human Rights (CHR), to analyze and disseminate information regarding the admissibility and quality of testimony of witnesses with expertise relating to battered women; and (2) provides for the development and dissemination of training materials to facilitate the appropriate use of experts to provide testimony in criminal trials of battered women, particularly in cases involving indigent women.*

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed during the Thirteenth Congress, First Regular Session.



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1 AN ACT
2 TO FACILITATE THE USE OF EXPERT TESTIMONY IN CASES INVOLVING
3 BATTERED WOMEN

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

4 SECTION 1. *Short Title.* – This Act shall be known as the “Battered Women’s
5 Testimony Act.”

6 SECTION 2. *Declaration of Policy.* – It is a policy of the State to protect and promote
7 the welfare of women by providing such facilities and opportunities that will enable them to
8 realize their full potential in the service of the nation.

9 SECTION 3. *Definition of Terms.* – For purposes of the Act, the term:

10 (A) “Eligible Entity” refers to a non-profit organization that operates on a nationwide
11 basis to provide –

12 (1) Information and assistance to battered women who are defendants or
13 prosecuting witnesses in criminal trials; and

14 (2) Technical assistance to battered women, operators of domestic violence
15 shelters, advocates for battered women, expert psychological witnesses, and
16 lawyers to use effective defense or prosecution strategies in such cases.

17 (B) “Secretary” refers to the Secretary of the Department of Justice.

18 SECTION 4. *Authority of the Secretary of Justice.* – The Secretary of Justice shall make
19 grants to, or enter into contracts with, eligible entities to –

- 1 (A) Collect on a nationwide basis, and analyze, information regarding –
- 2 (1) The admissibility and quality of expert testimony on the experiences of
- 3 battered women offered either as part of the defense or as part of the
- 4 prosecution in criminal cases under the law; and
- 5 (2) The sources and methods of obtaining funds to pay the costs incurred in
- 6 providing such testimony, particularly in cases in which the defendant or the
- 7 prosecuting witness is an indigent woman;
- 8 (B) Develop training materials to –
- 9 (1) Assist battered women, operators of domestic violence shelters, advocates for
- 10 battered women, and lawyers to use such expert testimony in appropriate
- 11 cases, particularly appropriate cases involving indigent women defendants or
- 12 prosecuting witnesses;
- 13 (2) Assist individuals with expertise in the experience of battered women to
- 14 develop skills appropriate to providing such expert testimony; and
- 15 (3) Disseminate such information and training materials, and provide related
- 16 technical assistance to battered women, operators of domestic violence
- 17 shelters, advocates for battered women, and lawyers.

18 SECTION 5. *Implementing Rules and Regulations.* – The Secretary of Justice, in

19 coordination with the Secretary of Social Welfare and Development (DSWD) and the

20 Commission on Human Rights (CHR), shall promulgate the necessary rules and regulations to

21 ensure the smooth and efficient implementation of the provisions of this Act.

22 SECTION 6. *Appropriations.* – To carry out the provisions of this Act, such sum as may

23 be necessary is hereby authorized to be appropriated from the National Treasury. Thereafter, the

24 sum for the continuous operation of the program shall be included in the annual appropriation of

25 the Department of Justice.

1 SECTION 7. *Separability Clause.* – If any provision or part thereof is held invalid or
2 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
3 valid and subsisting.

4 SECTION 8. *Repealing Clause.* – Any law, presidential decree or issuance, executive
5 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
6 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

7 SECTION 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
8 publication in at least two (2) newspapers of general circulation.

Approved,