

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



'13 DEC 11 P 2:30

SENATE

Senate Bill No. 2017

RECEIVED BY: *ju*

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

While there appears to be sufficient legislation providing necessary assistance to victims of rape, these laws exclude victims of battery, harassment and other sexual and physical abuse. Because of this, society has become indifferent to the real plight that victims of such abuse undergo. Many continue to refuse to acknowledge the gravity of mental trauma caused by encountering such experiences.

Based on the 2008 National Demographic and Health Survey conducted by the National Statistics Office, one out of five women aged 15-49 has experienced physical violence; 14.4% of married women have experienced physical abuse from their husbands; and 37% of separated or widowed women have experienced physical violence.

According to an article issued by the Department of Social Welfare and Development (DSWD), there are 9,485 cases of domestic violence recorded by the Women and Children Protection Center of the Philippine National Police in 2010. In 2011, the number of cases increased to 15,104 and in 2012 (January to August), some 12,948 cases were recorded.

If the statistics prove accurate then there exist a dire need to expand the existing law against rape to cover assistance and protection to victims of battery, harassment and other form of physical and mental abuse. This proposed measure seeks to establish a Trauma Center which will aid victims in regaining their self-esteem and confidence.

In view of foregoing, passage of this bill is earnestly recommended.


JINGGOY EJERCITO ESTRADA
Senator

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Senate Bill No. 2017

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AN ACT
AMENDING REPUBLIC ACT NO. 8505, OTHERWISE KNOWN AS THE "RAPE
VICTIM ASSISTANCE AND PROTECTION ACT OF 1998"

*Be enacted by the Senate and House of Representative of the Philippines in
Congress assembled:*

SECTION 1. Section 1 of the Republic Act No. 8505 is hereby amended to
read as follows:

"Section 1. *Title.* This Act shall be known as the
"[Rape Victim Assistance and Protection Act of 1998]
TRAUMA CENTER ACT."

SEC. 2. Section 2 of Republic Act No. 8505 is hereby amended to read as
follows:

"Section 2. *Declaration of Policy.* It is hereby
declared the Policy of the state to provide necessary
assistance and protection for [rape] victims. [.] **OF RAPE,
BATTERY, HARASSMENT, AND OTHER FORMS OF
SEXUAL AND PHYSICAL ABUSE.** Towards this end, the
government shall coordinate its various agencies and non-
government organizations to work hard in hand for the
establishment and operation of a [rape crisis] TRAUMA
center in every province [and], city **AND MUNICIPAL** that
shall assist and protect [rape victims] [.] of **RAPE,
BATTERY HARASSMENT, AND OTHER FORMS OF
SEXUAL AND PHYSICAL ABUSE** in the litigation of their
cases and their recovery."

SEC. 3. Section 3 of the Republic Act No. 8505 is hereby amended to read
as follows:

"Section 3. [*Rape Crisis*] TRAUMA Center. The
Department of Social Welfare and Development
(DSWD). The Department of Health (DOH), the
Department of the Interior and Local Government
(DILG), the Department of Justice (DOJ), and a lead

non-government organization (NGO) with proven track record, or experience in handling sexual and PHYSICAL ABUSE CASES, shall establish in every province, city AND MUNICIPALITY a [Rape Crisis] TRAUMA Center located in a government hospital or health clinic or in any other suitable place for the purpose of:

a) Providing [rape] victims of RAPE, BATTERY HARASSMENT, AND OTHER FORMS OF SEXUAL OR PHYSICAL ABUSE with Psychological counseling, medical and health services, including their medico-legal examinations;

b) Securing free legal assistance or service, when necessary for [rape] victims of RAPE, BATTERY HARASSMENT AND OTHER FORMS OF SEXUAL OR PHYSICAL ABUSE;

c) Assisting [rape] victims of RAPE, BATTERY HARASSMENT AND OTHER FORMS OF SEXUAL OR PHYSICAL ABUSE;

d) Ensuring the privacy and safety of [rape] victims of RAPE, BATTERY HARASSMENT, AND OTHER FORMS OF SEXUAL OR PHYSICAL ABUSE;

e) Providing psychological counseling and medical services whenever necessary for the family of [rape] victims of RAPE, BATTERY HARASSMENT AND OTHER FORMS OF SEXUAL OR PHYSICAL ABUSE;

f) Developing and undertaking a training program for law enforcement officers, public prosecutors, lawyers, medico-legal officers, PSYCHOLOGIST, social workers, and barangay officials on human rights and responsibilities; gender sensibility and legal management of rape, BATTERY HARASSMENT, AND OTHER FORMS OF SEXUAL OF PHYSICAL ABUSE cases. PARTICULARLY THOSE COMMITTED AGAINST CHILDREN; and

g) Adopting and implementing programs for the recovery of [rape] victims of RAPE, BATTERY HARASSMENT, AND OTHER FORMS OF SEXUAL OR PHYSICAL ABUSE;

The DSWD shall be the lead agency in the establishment and operation of the [Rape Crisis] TRAUMA CENTER."

SEC. 4. Section 4 of the Republic Act No. 8505 is hereby amended to read as follows:

"Section 4. *Duty of the Police Officer.* Upon receipt by the police of the complaint for rape, BATTERY,

HARASSMENT AND OTHER FORMS OF SEXUAL OR PHYSICAL ABUSE, it shall be duty of the police officer to:

- a) Immediately refer the case to the prosecutor for inquest/investigation if the accused is detained; otherwise, the rules of court shall apply;
- b) Arrange for counseling and medical services for the offended party; and
- c) Immediately make report on the action taken.

It shall be the duty of the police officer of the examining physician, who must be of the same gender as the offended party, to ensure that only persons expressly authorized by offended party shall be allowed inside the room where the investigation or medical or physical examination is being conducted.

For the purpose, a women's AND CHILDREN's desk must be established in every police precinct throughout the country to provide a GENDER-SENSITIVE police woman to conduct investigation of or of his/her reputation shall not be admitted unless, and only to the extent that court finds, that such evidence is material and relevant to the case."

SEC. 5. Section 7 or the Republic Act No. 8505 is hereby amended to read as follows:

"Section 7. *Appropriations.* For the establishment and operation of the [rape crisis] TRAUMA centers during the first year of implementation of this Act, the amount of One Hundred Twenty Million Pesos (P120,000,000.00) shall be charged against the Organizational Adjustment Fund, as follows: Sixty Million Pesos (P60,000,000.00) for the DSWD; and Twenty Million Pesos (P20,000,000.00) each for the DOH, DILG, and DOH respectively. Thereafter, the necessary amount for the [rape crisis] TRAUMA centers shall be included in the budgetary allocations for the agencies concerned in the annual General Appropriations Act."

SEC. 6. *Implementing Rules and Regulations.* Within ninety (90) days from the approval of this Act, all concerned agencies shall review, revise, amend, or modify the existing rules and regulations as may be necessary for the proper implementation thereof.

SEC. 7. *Separability Clause.* If any part, section or provision of this Act is declared invalid or unconstitutional, the parts thereof not affected thereby shall remain valid.

SEC. 8. *Repealing Clause.* All laws, acts, presidential decrees, executive orders, administrative orders, rules and regulations inconsistent with or contrary to the provisions of this Act deemed amended, modified or repealed accordingly.

SEC. 9. *Effectivity Clause.* This Act shall take effect fifteen (15) days after publication in at least two (2) newspaper of general circulation.

Approved,