

THIRTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES }  
First Regular Session

'04 JUL 30 P9:50

SENATE  
S. No. 673 RECEIVED BY: Osilla

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INTRODUCED BY HON. MANUEL B. VILLAR, JR.

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**EXPLANATORY NOTE**

According to the World Health Organization's report on domestic violence, the Philippines, unfortunately, is one of the countries with high average when it comes to domestic violence incidents.

With such statistics, there is dire need to expand the existing laws against rape to cover assistance and protection to victims of battery, harassment and other forms of physical and mental abuse.

This proposed bill seeks to establish a Trauma Center, not just for rape victims but also for victims of domestic violence, which will aid victims in regaining their self-esteem and confidence.

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

  
MANUEL B. VILLAR, JR.

04 JUN 30 P9:50

SENATE

S. No. 673

RECEIVED BY: Quila

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

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

SECTION 1. Section 1 of 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."

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

"SEC.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 hand in hand for the establishment and operation of a [rape crisis] TRAUMA center in every province [and], city AND MUNICIPALITY 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."

SECTION 3. Section 3 of Republic act No. 8505 is hereby amended to read as follows:

"SEC. 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 counsel[ing], medical

and health services, including their medico-legal examination;

- 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 in the investigation to hasten the arrest of offenders and the filing of cases in court;
- d. Ensuring the privacy and safety of [rape] victims OF RAPE, BATTERY, HARASSMENT, AND OTHER FORMS OF SEXUAL OR PHYSICAL ABUSE;
- e. Providing psychological counsel[1]ing 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, PSYCHOLOGISTS, social workers, and barangay officials on human rights and responsibilities; gender sensitivity and legal management of rape, BATTERY, HARASSMENT, AND OTHER FORMS OF SEXUAL OR 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.”

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

“SEC. 4. *Duty of the Police Officer* - Upon receipt by the police of tire complaint for rape, BATTERY, HARASSMENT AND OTHER FORMS OF SEXUAL AND PHYSICAL ABUSE, it shall be the 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 counsel[1]ing and medical services for the offended party; and
- c. Immediately snake a report on the action taken.

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

For this 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 complaints of women AND CHILDREN [rape] victims of RAPE, BATTERY, HARASSMENT, AND OTHER FORMS OF SEXUAL OR PHYSICAL ABUSE. In the same manner, the preliminary investigation proper or inquest of women AND CHILDREN [rape] victims OF RAPE, BATTERY, HARASSMENT, AND OTHER FORMS OF SEXUAL OR PHYSICAL ABUSE must be assigned to female prosecutor or prosecutors after the police shall have endorsed all the pertinent papers thereof to the same office."

SECTION 5. Section 5 of Republic Act No. 8505 is hereby amended to read as follows:

"SEC. 5. *Protective Measures.* - At any stage of the investigation, prosecution and trial of a complaint for rape, BATTERY, HARASSMENT, AND OTHER FORMS OF SEXUAL OR PHYSICAL ABUSE, the police officer, the prosecutor, the court and its officers, as well as the parties to the complaint shall recognize the right to privacy of the offended party and the accused. Towards this end, the police officer, prosecutor, or the court to whom the complaint has been referred may, whenever necessary to ensure fair and impartial proceedings, and after considering all circumstances for the best interest of the parties, order a closed-door investigation, prosecution or trial and that the name and personal circumstances of the offended party and/or the accused, or any other information tending to establish their identities, and such circumstances or information on the complaint shall not be disclosed to the public.

The investigating officer or prosecutor shall inform the parties that the proceedings can be conducted in a language or dialect known or familiar to them."

SECTION 6. Section 6 of Republic Act No. 8505 is hereby amended to read as follows:

"SEC. 6. *[Rape] VICTIM Shield.* - In prosecutions for rape, BATTERY, HARASSMENT, AND OTHER FORMS OF SEXUAL OR PHYSICAL ABUSE evidence of complainant's past sexual conduct, opinion thereof or of his/her reputation shall not be admitted unless, and only to the extent that the court finds, that such evidence is material and relevant to the case."

SECTION 7. Section 7 of Republic Act No. 8505 is hereby amended to read as follows:

"SEC. 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 (P 120,000,000.00) shall be charged against the Organizational Adjustment Fund, as follows: Sixty million pesos (P 60,000,000.00) for the DSWD; and Twenty million pesos (P 20,000,000.00) each for the DOH, DILG, AND DOJ, 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.

SECTION 8. *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.

SECTION 9. *Separability Clause.* - If any part, section or provision of this Act is declared invalid or unconstitutional, the other parts thereof not affected thereby shall remain valid.

SECTION 10. *Repealing Clause.* - All laws, acts, presidential decrees, executive orders, administrative orders, rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.

SECTION 11. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after publication in at least two (2) newspapers of general circulation.

*Approved,*