

SENATE

Senate Bill No. 2476

J.

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

AN ACT
TO ESTABLISH THE ADDRESS CONFIDENTIALITY PROGRAM FOR
VICTIMS OF VIOLENCE AGAINST WOMEN AND THEIR CHILDREN,
PROVIDING PENALTIES FOR VIOLATION THEREOF, APPROPRIATING
FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Republic Act No. 9262, otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004" intends to protect women and children from violence and threats to their personal safety and security, and to address violence against them. However, after ten (10) years of its enactment, the abuse in different forms and violence committed against women and children continue to escalate. The Philippine Commission on Women (PCW) presented a summary of the "RA 9262 Cases Reported to the Philippine National Police 2004-2013" as follows:

YEAR	NUMBER OF CASES
2004	218
2005	924
2006	1,269
2007	2,387
2008	3,599
2009	5,285
2010	9,974
2011	9,021
2012	11,531
2013	16,517

PCW further reported that across a ten-year period from 2004-2013, "average violations of RA 9262 ranked first at 57 percent among the different VAW categories since its implementation in 2004". Of course, these figures are still silent of the cases of women and children who are victims of violence but remain in the dark due to fear, shame, and empty hope to preserve relationships.

Women and children who have reported to be victims of violence deserve all the support and protection they need. One of these is the confidentiality of their abode to prevent further threat or damage and to allow them to live life as normal as they can.

At least thirty one (31) states in the United States of America (USA) implements an Address Confidentiality Program (ACP) which generally provides participants with a substitute address to prevent their real address from becoming a part of public record and to keep the victims safe from their perpetrator. The National Network to End Domestic Violence defines such program as follows:

“Address Confidentiality Programs (ACP) and Confidential Voter Listings are programs administered by state enabling victims of domestic violence (and sometime victims of sexual assault and/or stalking) to participate in the voting process without fear of being found by their abusers. ACPs generally provide a substitute address for all public records. Confidential Voter Listings only provide confidentiality on election-related public records.”

Patterned after the USA programs, this measure proposes the establishment of Address Confidentiality Program to afford our women and children such service that they need.

This measure was filed by Senator Manny Villar in the 15th Congress but was not enacted into law.

The immediate passage of this bill is earnestly sought.



JINGGOY EJERCITO ESTRADA
Senator

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

1 **SECTION 1.** *Short Title.* – This Act shall be known as the “**Address**
2 **Confidentiality Program Act**”.

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5 **SEC. 2.** *Declaration of Policy.* – It is hereby declared the policy of the State to
6 value the dignity of women and defend the rights of children and to recognize
7 their role in nation-building. Towards this end, the State shall ensure the
8 protection of their fundamental rights by establishing the Address Confidentiality
9 Program that will provide them confidential substitute mailing address, thus, help
10 them get back into the mainstream of society.

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13 **SEC. 3.** *Definition of Terms.* – For the purposes of this Act, the following terms
14 shall be defined as follows:

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16 (a) “Address” – a residential address, school address, or work address of an
17 individual, as specified on the individual’s application to be a program
18 participant under this Act;

19
20 (b) “Application assistant” – a regular employee of the Department of Social
21 Welfare and Development (DSWD) or a duly designated Non-Government
22 Organizations (NGOs) personnel who shall counsel, assess and assist the
23 victims of violence against women and children in the completion of
24 program applications, who has been trained, certified and registered by
25 the Department of Justice (DOJ);

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27 (c) “Certification” – a notice certifying the eligibility to participate in the
28 program;

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30 (d) “Designated agencies” – a government agency or a non-profit organization
31 that provides counseling, shelter or other services to victims of violence

1 against women and their children that has been designated by the DOJ as
2 a place where eligible persons may apply to be program participants;

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4 (e) "Mailing address" – an address used for delivery by the Philippine Postal
5 Office or any mailing or courier facility;

6
7 (f) "Program participant" – a person certified by the DOJ as eligible to
8 participate in the Program;

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10 (g) "Substitute address" – address assigned to a Program participant provided
11 by the Department of Justice (DOJ); and,

12
13 (h) "Violence against women and their children" – act or acts as defined in
14 Section 3 of Republic Act No. 9262, otherwise known as "An Act Defining
15 Violence Against Women and their Children, Providing for Protective
16 Measures for Victims, Prescribing Penalties Therefor, and for Other
17 Purposes".

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20 **SEC. 4. Address Confidentiality Program.** – The Department of Justice shall
21 establish and administer the Address Confidentiality Program, hereinafter
22 referred to as the "Program", for victims of violence against women and their
23 children that shall ensure their protection and safety by providing them with
24 substitute address to be used when interacting with government agencies and a
25 new mailing address which keeps their actual address confidential and free from
26 the risk of discovery by third parties. The Program shall cater to victims who
27 intend to establish a new residence and for those who have already relocated to
28 another place unknown to their assailants or abusers who may use public
29 records to find them.

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32 **SEC. 5. Criteria for Eligibility to the Program.** – The following shall be eligible to
33 the Program:

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35 a) A victim attempting to escape from actual or threatened violence;
36 b) Fears for her and/or her child/children's safety; and,
37 c) Recently established a new residence unknown to the abuser or is
38 planning to move in the near future.

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41 **SEC. 6. Filing and Submission of Application.** – Any person eligible to the
42 Program shall submit the duly accomplished application forms with the DOJ in
43 the manner and on the prescribed form containing the following:

- 44
45 a) A sworn statement by the applicant that she is a victim of violence against
46 women and their children and that she fears for her and/or her children's
47 safety;
48 b) The mailing address and phone number where the applicant can be
49 contacted by the DOJ;
50 c) The latest address that the applicant request not to be disclosed; and,
51 d) Duly accomplished address confidentiality program application form
52 signed by the applicant and attested by the application assistant

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55 **SEC. 7. Program Certification.** – Upon receipt of the duly accomplished
56 application form by the DOJ, the applicant is certified as a program participant
57 and shall be issued an authorization card. Such authorization card shall include

1 the program participant's name, date of birth, place of birth, new identification
2 number, substitute mailing address, expiry date of said certification and signature
3 of the participant. The participant shall thereafter be notified by the DOJ of the
4 approval of her application. Said program participant certification is renewable
5 after every four years from its initial issuance.
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8 **SEC. 8. Cancellation of Certification.** – Certification to the program by the
9 participant may be cancelled for any of the following reasons:
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- 11 (a) the certification term has expired and an application for renewal has not
12 been filed;
- 13 (b) knowingly providing false or incorrect information when applying for
14 certification;
- 15 (c) changing one's name without informing the DOJ;
- 16 (d) changing the residential address from the one listed on the application
17 without informing the DOJ; and,
- 18 (e) mail forwarded to the program participant is returned and/or unclaimed for
19 at least three (3) times.
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22 **SEC. 9. Disclosure of Records.** – The DOJ shall not make any records in a
23 program participant's files available for inspection or copying unless directed by a
24 court order to the person identified in the order. The information disclosed shall
25 be maintained in strict confidentiality by the party receiving the information.
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27 It shall likewise make available for inspection or copying the program
28 participant's residential or mailing address if the participant's certification has
29 already been cancelled.
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32 **SEC. 10. Designation of Department of Social Welfare and Development**
33 **(DSWD) or Non-Government Organization (NGO).** – The DOJ shall designate
34 the DSWD or NGO that provides counseling and shelter services to victims of
35 violence against women and their children to assist persons applying to be
36 program participants.
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39 **SEC. 11. Training Seminar for Application Assistant.** – The DOJ shall undertake
40 trainings / seminars for designated application assistant to train them on the
41 proper procedure to follow in counseling the would-be program applicants.
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44 **SEC. 12. Penalty for Violation of Confidentiality of Program Participant's**
45 **Records.** – A program participant's application and its supporting materials are
46 not public records and shall be kept confidential by the DOJ. Any employee who
47 willfully breaches the confidentiality of these records or willfully discloses the
48 name, residential or mailing address of a program participant in violation of the
49 provisions of this Act shall suffer the penalty of one (1) year imprisonment and a
50 fine of not more than Five Hundred Thousand Pesos (P500,000.00); *Provided,*
51 *however,* That if the violator is the program participant himself who falsely claims
52 that disclosure of her residential or mailing address threatens her or her child's
53 safety shall likewise suffer the same penalty mentioned above.
54
55

56 **SEC. 13. Designation of Department of Social Welfare and Development**
57 **(DSWD) or Non-Government Organization (NGO).** – The DOJ shall designate

1 the DSWD or NGO that provides counseling and shelter services to victims of
2 violence against women and their children to assist persons applying to be
3 program participants.
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6 **SEC. 14. *Training Seminar for Application Assistant.*** – The DOJ shall undertake
7 trainings / seminars for designated application assistants to train them on the
8 proper procedure to follow in counseling the program participants.
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11 **SEC. 15. *Penalty for Violation of Confidentiality of Program Participant's***
12 ***Records.*** – A program participant's application form and its supporting materials
13 are not public records and shall be kept confidential by the DOJ. Any employee
14 who willfully breaches the confidentiality of these records or willfully discloses the
15 name, residential or mailing address of a program participant in violation of the
16 provisions of this Act shall suffer the penalty of one (1) year imprisonment and a
17 fine of not more than Five Hundred Thousand Pesos (P500,000.00); *Provided,*
18 *however,* That if the violator is the program participant himself who falsely claims
19 that disclosure of her residential or mailing address threatens her or her child's
20 safety shall likewise suffer the same penalty mentioned above.
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23 **SEC. 16. *Appropriation of Funds.*** – The amount necessary for the
24 implementation of this Act shall be charged against the current year's
25 appropriation of the DOJ. Thereafter, such sums as may be necessary for its
26 operation and maintenance shall be included in the annual General
27 Appropriations Act.
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30 **SEC. 17. *Implementing Rules.*** – The DOJ, in coordination with the DSWD, shall
31 issue the necessary rules and regulations to effectively implement the provisions
32 of this Act.
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35 **SEC. 18. *Separability Clause.*** – If for any reason, any provision of this Act is
36 declared invalid or unconstitutional, the remaining provisions not affected thereby
37 shall continue to be in full force and effect.
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40 **SEC. 19. *Repealing Clause.*** – Any law, presidential decree, executive order, or
41 issuance, rules and regulations inconsistent with this Act is hereby repealed or
42 modified accordingly.
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45 **SEC. 20. *Effectivity Clause.*** – This Act shall take effect after fifteen (15) days
46 following its complete publication in the Official Gazette or in two (2) newspapers
47 of general circulation.
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53 *Approved,*