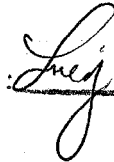


THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'04 JUN 30 P10:33

SENATE

S.B. NO. 972

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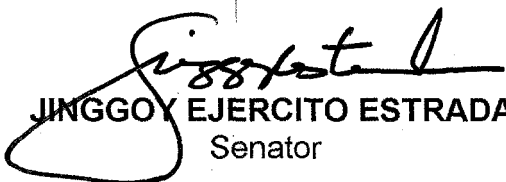
Introduced by Sen. Jinggoy Ejercito Estrada

EXPLANATORY NOTE

While there appears sufficient legislation on providing the necessary assistance to victims of rape, these laws exclude victims of battery, harassment and other sexual and physical abuse. Because of this, the 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.

According to the World Health Organization's report on domestic violence, the Philippines averages as one of the highest in terms of domestic violence cases. The results were based on collated reports of hospitals and non-governmental organizations in Cebu, Metro Manila and the Cordillera region. If the statistics prove accurate then there exists a 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 which will aid victims in regaining their self-esteem and confidence.

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


JINGGOY EJERCITO ESTRADA
Senator

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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 the House of Representatives in session assembled:

SECTION 1. Session 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:

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 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:

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 counsel[ing], 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 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[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 sensibility 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:

Section 4. Duty of the Police Officer. – Upon receipt by the police of the complaint for rape, BATTERY, HARASSMENT AND OTHER FORMS OF SEXUAL 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[[ing and medical services for the offended party; and
- c) Immediately make a 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 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 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. Sec. 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 (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.

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,