

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

SENATE
OFFICE OF THE SECRETARY

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SENATE
S. B. No. 1248

FILED BY: 

Introduced by Senator Miriam Defensor Santiago

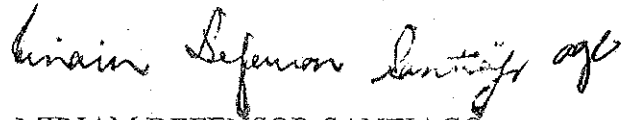
EXPLANATORY NOTE

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.

The Department of Social Welfare and Development (DSWD) has reported that the number of battered women, aged 18 and above, has increased dramatically in the last six years. Statistics released by the DSWD showed that there were 850 cases in 1991; 1,175 cases in 1992; 1,720 cases in 1993; 2,170 cases in 1994; 5,287 cases in 1995; 7,425 cases in 1996; 7,850 cases by the end of 1997 (4 September 1998, Manila Standard, pp. 1-2).

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.


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SECTION 4. *Authority of the Department of Justice.* -

The Department of Justice shall make grants to, or enter into contracts with, a single eligible entity to -

- (1) collect on a nationwide basis, and analyze, information regarding -
 - (A) the admissibility and quality of expert testimony on the experiences of battered women offered either as part of the defense or as part of the prosecution in criminal cases under the law; and
 - (B) sources of, and methods of obtaining, funds to pay cost incurred in providing such testimony, particularly in cases in which the defendant or the prosecuting witness is an indigent women;
- (2) develop training materials to assist -
 - (A) battered women, operators of domestic violence shelters, advocates for battered women, and attorneys to use such expert testimony in appropriate cases, particularly appropriate cases involving indigent women defendants or prosecuting witnesses; and
 - (B) individuals with expertise in the experience of battered women to develop skills appropriate to providing such expert testimony; and
- (3) disseminate such information and such training materials, and provide related technical assistance, to battered women, such operators, such advocates, such attorneys and such individuals.

SECTION 5. *Implementing Rules and Regulations.* - The Secretary, in coordination with the Secretary of the Department of Social Welfare and Development (DSWD) and the Chairman of the Commission on Human Rights (CHR), shall promulgate the necessary rules and regulations to assure the smooth and efficient implementation of the provisions of this Act.

SECTION 6. *Appropriations.* To carry out the provisions of this Act, such sum as may be necessary is hereby authorized to be appropriated from the National Treasury. Thereafter, the sum necessary for the continuous operation of the program shall be included in the annual appropriation of the *Department of Justice*.

SECTION 7. *Separability Clause.* - If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision shall remain valid and subsisting.

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

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

Approved.