

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

'04 SEP 15 P4:28

SENATE

RECEIVED BY: _____

S.B. NO. 1781

Introduced by Sen. Jinggoy Ejercito Estrada

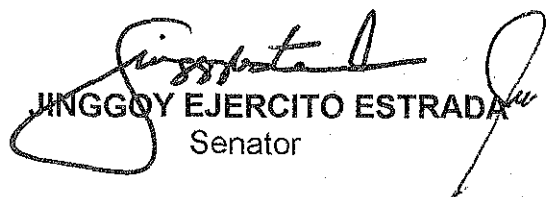
EXPLANATORY NOTE

Violence against women creates a devastating effect not only of their physical or emotional being, but most especially on the political will of the national government. It usually affects not only the victim herself, but also the people around her. The pain, trauma, humiliation and damage inflicted on the victim are irreversible.

The prevalence of crimes against women creates a frightening and traumatic impression and experience upon the person of every woman. It resulted not only to loss of lives but also affected the nation's efforts towards the total development and prosperity of our country.

This bill shall provide for a defense mechanism for physically weaker gender against all forms of assault on the ground that without the system in order to implement and enhance the protection of females as provided for in the fundamental law of the land the government will have no more chance of doing a noble job to empower each and every Filipina out there.

Thus, the approval of this bill is urgently requested.



JINGGOY EJERCITO ESTRADA
Senator

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AN ACT

ESTABLISHING THE MOVEMENT TO HELP ERADICATE RAPE AND OTHER FEMALE ABUSES "(MOTHER)", MANDATING THE COMPULSORY TEACHING OF SELF DEFENSE TO ALL FEMALE CONSTITUENTS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. **Title.** – This Act shall be known as the MOVEMENT TO HELP ERADICATE RAPE AND OTHER FEMALE ABUSES (MOTHER) ACT OR "(MOTHER RAPE PREVENTION ACT"

SECTION 2. **Declaration of Policy.** Article 2 of the Constitution, Sec. 14 states that "the State recognizes the role of women in nation-building and shall ensure the fundamental equality before the law of women and men."

This Act therefore seeks to prevent sexual harassment, assaults and other forms of abuses by enabling females to have a defense mechanism, based on the principle that self-defense is an instinct which needs to be developed. With proper technique, knowledge of self-defense results in self-confidence, good disposition and quick reflexes in the face of imminent danger. It is high time that the State addresses from this perspective the issues of violence and other crimes perpetuated against our females.

A suitable basic and non-complicated program of self-defense accessible to all females will be incorporated in a training course under the respective public and private entities:

- a) as part of the Physical Education program of the Department of Education, Culture and Sports (DECS) for female students in the Primary, Secondary and Tertiary Schools
- b) as part of the technical and vocational Technical Education and Technical and Vocational Education for female students of schools and training centers under the supervision of the Skills Development Authority;
- c) as part of the day-to-day routine of female employees as well as the out-of-school female constituents in each Barangay, Municipality, Provincial, of the Department of Interior and Local Government (DILG);
- d) all female employees of the private, government and semi-government offices under the supervision of the Department of Labor and Employment (DOLE);
- e) all female employees of a government offices under the supervision of the Civil Service Commission (CSC);
- f) the overseas Filipino contract workers (OCWs) under the jurisdiction of the Philippine Overseas Employment Administration (POEA);
- g) all females traveling abroad as migrants, whether on short or long-term journeys, supervised by the Department of Foreign Affairs;
- h) all females associated in any group, organization, NGOs under their respective umbrella organizations.

SECTION 3. *Definition of Terms:* For purposes of this Act:

- a) "Basic Self-Defense Training" means the ability of an individual female to discern "at-risk" situations and the instinctive reaction using reflexes and judgment for protection against an impending danger;
- b) "Females" are girls of and beyond school age, young and old, regardless of socio-economic and marital status, calling, sect and location of residence;
- c) "MOTHER" is the self-defense discipline designed taking into consideration the characteristics of a Filipina;
- d) "Government Agencies" are the branches of Government which are the implementing arms of this Bill: the Department of Education, Culture and Sports (DECS); the Department of Labor & Employment (DOLE); the Department of Foreign Affairs (OFA); all private, government, semi-government sectors that have an authority power to mandate this Act to females under their respective jurisdictions;

- e) Female Groups are the NGOs, schools, workplace, congregations, an associations, safe houses, halfway houses, orphanages, where females abound, not included in the above classifications;
- f) "Public and Private Schools" mean the elementary, primary, secondary and tertiary learning institutions operating outside the jurisdiction of DECS; and
- g) Advance Self-Defense Training" means the rigid training for females to enable those deployed in high-risk areas, overseas employment to defend themselves.

SECTION 4. *Establishment of the Movement to Help Eradicate Rape and Other Female Abuses (MOTHER).* To achieve the above objectives, the Movement to Help Eradicate Rape (MOTHER), having the rank of a Committee is hereby established (hereinafter referred to as the "Committee").

The Committee shall be an independent entity separate from the DECS, DFA, DILG and DOLE, and attached to the Office of the President for administrative purposes only. Its coverage shall be both public and private institutions as stipulated in this Act.

SECTION 5. *Components.* The Components of the MOTHER program are:

- a) Prevention through Basic Self Defense and Practical Rape Prevention Techniques;
As an introductory program, comprising of theories discussed in a seminar with hand-outs and film showings as well as the use of mass media: to provide the techniques lectures to create Awareness, Education-Mental Preparedness, Do's and Don'ts; Developing Self-Confidence and Removing Fear; knowing the vital weak points; Developing one's strength; Enhancing of weaknesses; Creating opportunities for escaping threatening situations.
- b) Advance Training – comprised of hands-on and actual drills, practicum and continuous training;
- c) Continuing Education, Refresher Courses Crisis Intervention; and
- d) Certification – to indicate proof of training, participants of the Self-Defense basic and advanced training course will be certified after completion of the corresponding requirements.

SECTION 6. **Composition of the Committee.** – The Committee shall be composed of five (5) full time members. *During the transition period*, which begins upon approval of this Act, the President may appoint the Interim Chairman for a maximum period of one (1) year. Thereafter, the President shall appoint a Chairman of the Committee and four (4) Commissioners who shall be holders of earned doctorate(s) who have been actively engaged in self-defense training or equivalent qualifications. They shall be *educators known for* their high degree of professionalism and integrity who have distinguished themselves as authorities in the self-defense field. In no case shall *any of* the Commissioners appoint representatives to act on their behalf.

SECTION 7. **Term or Office.** The President shall appoint the full-time chairman and the Commissioners for a term of four (4) years, without prejudice to their reappointment. The term of the initial appointees shall be on a staggered basis: the full-time chairman shall hold office for a term of four (4) years, the next two (2) commissioners for three (3) years and the last two (2) commissioners for two years.

SECTION 8. **Board of Advisers.** There shall be constituted a Board of Advisers which shall meet with the Committee at least once a year to assist it in aligning its policies and plans with the cultural political, and socio-economic development needs of the nation and with the demands of the project. The Board of Advisers shall be composed of the Secretaries of DECS, DFA, DILG, DOLE, the Chief of the Philippine National Police, and the Administrator of the Philippine Overseas Employment Administration.

SECTION 9. **Powers and Functions of the Committee** – The Commission shall have the following powers and functions:

- a) Through the assistance of the Philippine National Police, to oversee the formulation, recommendation, and enforcement of a suitable self-defense module for females which will be called "MOTHER"
- b) Ensure that the program is introduced and implemented on a gradual, staggered basis to all females in the various government agencies; monitor and evaluate the performance of the program;
- c) Formulate rules and regulations and exercise other powers and functions as may be necessary to carry out effectively the purpose and objectives of this Act; and

- d) Perform other functions as may be necessary for its effective operations and for the continued enhancement, improvement or development of the program.

SECTION 10. *Basic or Central Provisions*

Article 2, Section 14 of the Constitution declares: The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before law of women and men. Violence against women has a devastating impact on women's physical and emotional health and, and as an answer to the needs of the changing times, the State clearly recognizes the need to fight against all forms of abuse perpetrated against women as part of its duty and obligation to serve and protect them.

The preventive measures provided under this Act encompass the State's response to increasing incidents of sexual harassment and abuse committed on women in today's society.

SECTION 11. *Rape Awareness and Prevention Week*

The second Sunday of May every year shall usher the Rape Awareness and Prevention Week, coinciding with the celebration of Mothers Day.

SECTION 12. *Implementation*

In collaboration with the cooperating government institutions for the proper implementation of this Act, the Committee shall oversee the implementation of this Act by the various government agencies concerned, to wit:

- a) The Department of Education, Culture and Sports – shall ensure that all female students have an access to the MOTHER self-defense program, incorporated in their physical education (PE) curriculum in the elementary, secondary and tertiary levels;
- b) The Department of Interior and Local Governments (DILG) – shall ensure that all female employees in all the DILO-attached agencies, including the out-of-school youth in every Barangay have access to the self-defense training sessions;

- c) The Department of Labor and Employment females employed in the private and government provided the opportunity to undertake the necessary (DOLE) – shall mandate that all sectors, locally or overseas, are self-defense training modules;
- d) *The Philippine Overseas Employment Administration* – shall mandate that all prospective female OCWs; who are applying for foreign employment, are mandated to undergo training as part of the orientation prior to taking up their assignment;
- e) The Department of Foreign Affairs – shall require that every Filipina wishing to go out of the country for any purpose is required to have a basic self-defense knowledge; and
- f) All other government agencies, private corporations, and those not covered by the above Departments, shall enable their female constituents to acquire the basic self-defense knowledge.

SECTION 13. *Collaboration with NGOs*

There shall be MOTHER Chapter to be formed in collaboration with NGO's, which will support the maximum awareness and implementation of the program.

SECTION 14. *The Secretariat* – The Committee shall be assisted by a secretariat, headed by an executive officer, subject to the national compensation and position classification plan. It shall fix the secretariat's staffing pattern, determine the duties, qualifications, responsibilities and functions, as well as the compensation scheme of the positions to be created upon the recommendation of the executive officer. It shall also prepare and approve its budget.

SECTION 15. *Repealing Clause*. – All laws presidential decrees, or issuances, executive orders letters of instruction, rules and regulations inconsistent with provisions of this Act are hereby repealed.

SECTION 16. *Appropriations*. A fund hereinafter referred to as "Prevention against rape and other female abuses fund or MOTHER Fund" is hereby established

exclusively for the implementation of the self-defense training program in the entire country.

- a) The Governments contribution to the Fund shall be the following:
 - 1) Appropriation from the National Treasury: For the initial operation of the Committee, such sum as may be necessary is hereby authorized to be appropriated from the National Treasury. Thereafter, the sums necessary for the continuous operation for the program shall be included in the appropriations for the respective government agencies concerned, namely: the Department of Labor and Employment, the Department of Interior and Local Government, the Department of Education, Culture and Sports, and the Department of Foreign Affairs; and
 - 2) An amount equivalent to one percent (1%) of the gross rates of the lotto operation of the Philippine Charity Sweepstakes Office (PCSO) shall be contributed to the Committee for its operational expenses.
- b) Starting fiscal year 2001 and every year thereafter, government financing institutions identified and requested by the Committee may contribute to the Fund an amount as deemed necessary for the implementation of the program.
- c) The fund shall have a private component to be raised from donations, gifts, and other conveyances by gratuitous title including materials, equipment, properties and services.

SECTION 17. *Management and Administration of the MOTHER Fund.* – The Fund shall be administered by the Committee. For sound and judicious management of the Fund, Committee shall appoint a reputable government financial institution as a portfolio manager of the Fund, subject to the conditions set by the Committee.

As Administrator of the Fund, the Committee shall prepare the necessary guidelines for its use, subject to the conditions set by the Committee:

- a) No part of the seed capital of the Fund, including earnings, there of shall be used to underwrite overhead expenses for administration;
- b) Unless otherwise stipulated by the private donors, only earnings of private contributions shall be used for administrative expenses;

- c) The Commission shall appoint and organize a separate staff which shall be independent administratively and in its budget, from the Committee Secretariat; and
- d) The Fund shall be utilized equitably according to regions.

SECTION 18. **Technical Committees.** – The Committee shall reconstitute and/or organize a technical panel whose job description is to formulate, review, evaluate, restructure, and improve the module of self-defense discipline based on the criteria:

- a) The model self-defense program shall be called ‘MOTHER’
- b) The MOTHER Self-Defense discipline shall give due consideration to the cultural heritage and image of the Filipina and her culture.
- c) Due consideration shall be given to the strength, weakness and other qualities of the individuals.
- d) Discipline will be the primordial that will be inculcated in each and every MOTHER-trained participant.

SECTION 19. **Separability Clause.** - If any portion of this Act is declared unconstitutional, the remainder of this Act or any provisions not affected thereby shall remain in force and effect.

SECTION 20. **Effectivity Date.** – This Act shall take effect fifteen (15) days from the date of its publication at least two (2) newspapers of general circulation.

Approved,