

FIFTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

SENATE
OFFICE OF THE SECRETARY

SENATE
S.B. No. 1097

INTRODUCED BY SEN. MANNY VILLAR

EXPLANATORY NOTE

Article I, Section 11 of the Constitution provides: "The State values the dignity of every human person and guarantees full respect for human rights." This constitutional guarantee behooves the State to enact protective measures against threats to the full exercise of individual rights. In line with the above constitutional provision, the Anti-Violence Against Women and Children Act of 2004 (R.A. 9262) was enacted into law with the end in view of protecting women and children from abuse.

Despite the foregoing, violence against women and their children still continue to be a sweeping social problem that has gained public awareness. Thus, to live up to the notion that the home is a safe and secure haven for families, women and children who have been physically, emotionally, psychologically and sexually abused, find it necessary to establish new residences in order to prevent their abusers from finding them and inflicting more harm. But due to easy public access to personal information through the use of government records, their desire to escape from their abusers usually fails, thereby depriving them from exercising their individual rights to the fullest as they can no longer register to vote, obtain a driver's license, among other things.

To address this problem, this proposed bill, therefore, seeks to establish the Address Confidentiality Program which is patterned after the United States of America wherein thirty-one (31) of its States have implemented the same since 1991. Through this Program, the Department of Justice (DOJ) will provide victims substitute mailing address in order to keep their new home, work and/or school address secret and avoid further abuse. Thus, upon approval of their application to avail of the Program, they can exercise their rights and do all other legal and necessary activities without revealing their actual address. Moreover, they may also use the designated address for other mails which may include utility bills, bank statements, court summonses, among others.

To ensure peace of mind to victims of violence while starting a new life in a peaceful and secure environment and helping them get back into the mainstream of society, the proposed Address Confidentiality Program which shall be administered by the Department of Justice (DOJ), should therefore be enacted.

Hence, immediate passage of this proposed bill is earnestly sought,


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**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**

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

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

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

SEC. 3. Definition of Terms. - As used in this Act, the following terms shall be defined as follows:

- a) Address - a residential address, school address, or work address of an individual, as specified on the individual’s application to be a program participant under this Act;
- b) Application Assistant - a regular employee of the Department of Social Welfare and Development (DSWD) or a duly designated Non-Government Organizations (NGOs) personnel who shall counsel, assess and assist the victims of violence against women and children in the completion of program applications, who has been trained, certified and registered by the Department of Justice (DOJ);
- c) Certification - a notice certifying the eligibility to participate in the program;
- d) Department of Justice - refers to DOJ;
- e) Department of Social Welfare and Development - refers to DSWD;
- f) Designated agencies - a government agency or a non-profit organization that provides counseling, shelter or other services to victims of violence against women and their children that has been designated by the DOJ as a place where eligible persons may apply to be a program participants;
- g) Mailing Address- an address used for delivery by the Philippine Postal Office;
- h) Program Participant - a person certified by the DOJ as eligible to participate in the Program;
- i) Substitute Address - address assigned to a Program participant provided by the Department of Justice -(DOJ); and
- j) Violence Against Women and their Children”-act or acts as defined in Section 3 of RA 9262.

SEC. 4. Address Confidentiality Program. - The Department of Justice shall establish and administer the Address Confidentiality Program, hereinafter referred to as

the "Program", for victims of violence against women and their children that shall ensure their protection and safety by providing them with substitute address to be used when interacting with government agencies and a new mailing address which keeps their actual address confidential and free from the risk of discovery by third parties. The Program shall cater to victims who intends to establish a new residence and for those who have already relocated to another place unknown to their assailants or abusers who may use public records to find them.

SEC. 5. Criteria for Eligibility to the Program. The following shall be eligible to the Program:

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

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

- a) A sworn statement by the applicant that she is a victim of violence against women and their children and that she fears for her and/or her children' safety;
- b) the mailing address and phone number where the applicant can be contacted by the DOJ;
- c) the latest address that the applicant request not to be disclosed; and
- d) duly accomplished address confidentiality program application form signed by the applicant and attested by the application assistant.

SEC. 7. Program Certification -Upon receipt of the duly accomplished application form by the DOJ, the applicant is certified as a program participant and shall be issued an authorization card. Such authorization card shall include the programs participant's name, date of birth, place of birth, new identification number, substitute mailing address, expiry date of said certification and signature of the participant. The participant shall thereafter be notified by the DOJ of the approval of her application. Said program participant certification is renewable after every four years from its initial issuance.

SEC 8. Cancellation of Certification - Certification to the program by the participant may be cancelled for any of the following reasons:

- a) the certification term has expired and an application for renewal has not been filed;
- b) knowingly providing false or incorrect information when applying for certification;
- c) changing one's name without informing the DOJ;
- d) changing the residential address from the one listed on the application without informing the DOJ; and
- e) mail forwarded to the program participant is returned unclaimed for at least three times.

SEC 9. Disclosure of Records. - The DOJ shall not make any records in a program participant 's files available for inspection or copying unless directed by a court order to the person identified in the order. The information disclosed shall be maintained in strict confidentiality by the party receiving the information.

It shall likewise make available for inspection or copying the, program participant's residential or mailing address if the participant's certification has already been cancelled.

SEC. 10. Designation of Department of Social Welfare and Development (DSWD) or Non-Government Organization (NGO). - The DOJ shall designate the

DSWD or NGO that provides counseling and shelter services to victims of violence against women and their children to assist persons applying to be program participants.

SEC. 11. Training Seminar for Application Assistant. - The DOJ shall undertake trainings/ seminars for designated application assistant to train them on the proper procedure to follow in counseling the would-be program applicants.

SEC. 12 . Penalty for Violation of Confidentiality of Program Participant's Records. - A program participant's application and of supporting materials are not a public record and shall be kept confidential by the DOJ. Any employee who willfully breaches the confidentiality of these records or willfully discloses the name, residential or mailing address of a program participant in violation of the provisions of this Act shall suffer the penalty of one(1) year imprisonment and a fine of not more than five hundred (P500,000.00) thousand pesos: Provided, However, That if 'the violator is the program participant himself who falsely claims that disclosure of her residential or mailing address threatens her or her child's safety shall likewise suffer the same penalty mentioned above.

SEC. 13. Appropriation of Funds - The amount necessary for the implementation of this Act shall be charged against the current year appropriation of the DOJ. Thereafter, such sums as may be necessary for its operation and maintenance shall be included in the annual General Appropriations Act.

SEC. 14. Implementing Rules - The Department of Justice, in coordination with the DSWD, shall issue the necessary rules and regulations to effectively implement the provisions of this Act.

SEC. 15. Separability Clause - If for any reason, any provision of this Act is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.

SEC. 16. Repealing Clause - Any law, presidential decree, executive order, or issuance, rules and regulations inconsistent with this Act is hereby repealed or modified accordingly.

SEC. 17. Effectivity Clause - This Act shall take effect after fifteen (15) days following its complete publication in the Official Gazette or in two newspapers of general circulation.

Approved,