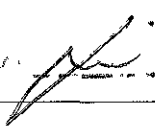


10 JUL 13 P4:20

SENATE

S.B. No. 1436

RECEIVED BY 

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks to expand the coverage of assistance and protection given to rape victims to include survivors of other gender-based violence and crimes against children, amending for the purpose certain sections of Republic Act No. 8505, also known as the "Rape Victim Assistance Protection Act of 1998."

Violence against women and children is one of the pervasive forms of human rights abuses in our society today. It encompasses, but is not limited to battering, sexual abuse, sexual harassment, trafficking in women, prostitution and exploitation. Women victims are often forced to endure the lifelong ill-effects of violence and abuse due to the lack of services to meet their peculiar needs. This problem is very prominent among victims or survivors of domestic violence who feel that the only solution is to leave their homes but is restrained from doing so by the absence or lack of financial resources, child care support and shelter. Many actually think that they do not have much choice in the situation but to suffer in silence and solitude, resulting in serious physical and psychological consequences.

These survivors need a strong network of assistance, a network which can intervene quickly and effectively. Shelter, employment, childcare support, medical and legal assistance and psychological counseling are some of the common and immediate needs of women and children in these abusive and violent situations.

Aside from center-based programs and services, the communities, non-government organizations and government agencies with potential resources for responding to this issue need to cooperate and work efficiently in order to provide lasting and effective assistance to the women and children crisis survivors. This requires adequate training on the part of the individuals who deal directly with them.

R.A. No. 8505 partly addresses this problem through the provision of assistance and protection to rape victims through the establishment of rape crisis centers. Through this bill, support services will be extended to other survivors of violence such as trafficked, prostituted, physically abused, exploited women and children.

In view of the foregoing, the immediate passage of this bill is sought.


LOREN LEGARDA
Senator

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

10 JUL 13 P4:20

SENATE

RECEIVED BY

S.B. No. 1436

Introduced by Senator Loren Legarda

AN ACT
EXPANDING THE COVERAGE OF RAPE CRISIS CENTERS,
AMENDING FOR THE PURPOSE REPUBLIC ACT 8505

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 "Women and Children Crisis Survivors Assistance and Protection of 2010."

SECTION 2. Declaration of Policy. - It is hereby declared the policy of the State to provide necessary assistance and protection for women and children survivors of violence. Towards this end, the various agencies of the government and the non-government organizations shall coordinate with each other for the establishment and operation of women's and children's crisis center in every province and city that shall assist and protect survivors of violence in the litigation of their cases and in their recovery.

SECTION 3. Definition of Terms. - For purpose of this Act, the term "crisis survivors" shall refer to women and children under the following circumstances:

- a. Victims/survivors of physical, sexual, psychological abuse, including but not limited to rape, battery and all forms of violence against women and children;
- b. Victims/survivors of trafficking;
- c. Victims/survivors of prostitution;
- d. Victims/survivors of forced or exploitative labor;
- e. Other similar circumstance as may determined by the Department of Social and Welfare Development (DSWD)

SECTION 4. Section 3 or RA 8505 is hereby amended to read as follows:

"Section 3. The following agencies and organizations shall establish in every province and city a crisis center for women and children: 1) Department of Social Welfare and Development (DSWD) as lead department; 2) the Department of Health (DOH); 3) the Department of Interior and Local Government (DILG); 4) the Department of Justice (DOJ); 5) The Philippine National Police (PNP); 6) Technical Education and Skills Development authority (TESDA); 7)

and a lead non-government organization (NGO) or Peoples or community-based organization (PO/CO) with proven track record or experience in handling sexual cases and crisis intervention. This Crisis Center shall be located in a government hospital or health clinic or in any other suitable place for the purpose of:

- a. providing free legal assistance or service to crisis victims, when necessary;
- b. assisting crisis survivors in the investigation to hasten the arrest of offenders and the filing of cases in court;
- c. ensuring the privacy and safety of the crisis survivors, including, but not limited to, provision of temporary shelter;
- d. providing psychological counseling and medical services whenever necessary from the family of the crisis survivors;
- e. developing and undertaking a training program for law enforcement officers, public prosecutors, lawyers, medico-legal officers, social workers and barangay officials on human rights and responsibilities, gender sensitivity and illegal management of cases of violence against women and children as covered by this act;
- f. adopting and implementing programs for the recovery of the survivors; and
- g. Providing livelihood and related assistance to the survivors in order to help them become economically independent."

SECTION 5. *Section 4 of RA 8505 is hereby amended to read as follows:*

"Section 4. Duty of the Police Officer. Upon receipt by the police of the complaint on crimes covered by this act, it shall be the duty of the police officer to:

XXXXXXXX

For this purpose, a women's desk must be established in every police precinct throughout the country to provide a policewoman to conduct investigation of complaints of women crisis survivors. In the same manner, the preliminary investigation proper or inquest of women must be assigned to a female prosecutor or prosecutors after the police shall have endorsed all the pertinent papers thereof to the same office."

SECTION 6. *Section 5 of RA 8505 is hereby amended to read as follows:*

"Section 5. Protective Measures. At any stage of the investigation, prosecution and trial of a complaint for crimes under this Act, the police officer, the prosecutor, the court and its officers, as well as the parties to the complaint shall recognize the right to privacy of the offended party and the accused."

SECTION 7. *Section 7 of RA 8505 is hereby amended to read as follows:*

"Section 7. Appropriations. For the establishment and operation of crisis centers during the first year of implementation of this Act, the amount of One Hundred twenty million pesos (P120,000,000.00) shall be charged against the Organizational Adjustment Fund, as follows:

XXXXXXX.

Thereafter the necessary amount for the crisis centers shall be included in the budgetary allocations for the agencies concerned in the annual General Appropriations Act."

SECTION 8. *Repealing Clause* - All laws, executive orders, presidential decrees rules and regulations, or parts thereof which are inconsistent with or contrary to the provisions of

this Act shall hereby be amended or repealed accordingly.

SECTION 9. *Separability Clause* - If for any reason, any provision of this Act, or any part thereof, is declared invalid or unconstitutional, all other sections or provisions not affected thereby shall remain in force and effect.

SECTION 10. *Effectivity Clause* - This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved,