

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

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SENATE
S. No. **1722**

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 15, Section 1 provides that:

The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development.

Family violence does not necessarily cease when family victims are legally separated or otherwise not sharing a household. In fact, it even escalates following separation and the child custody and visitation arrangements become the new forum for the continuation of abuse or violence.

Some perpetrators of violence use the children as pawns to control the abused party and to commit more violence during separation. Fathers who batter mothers are twice as likely to seek sole custody of their children. In these circumstances, if the abusive father loses custody, he is more likely to continue the threats to the mother through other legal actions.

This bill aims to protect children from the trauma of witnessing or experiencing violence or abuse during parent-child visitation and visitation exchanges by providing safe havens for parents and children, during visitation and visitation exchanges shall promote continuity and stability.*

[Signature]
MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed during the Thirteenth Congress, First Regular Session.

1 (D) "Related Assistance" means direct assistance to victims of family violence and then
2 defendants for the purpose of preventing further violence, helping such victims to gain access to
3 civil and criminal courts and other community services, facilitating the efforts of such victims to
4 make decisions concerning their lives in the interest of safety, and assisting such victims in
5 healing from the effects of the violence, with such assistance to include prevention services, peer
6 counseling, and children's counseling and support services. Related assistance shall include –

7 (1) Prevention services such as outreach and prevention services for victims and
8 their children, employment training, parenting and other education services
9 for victims and their children, preventive health services within domestic
10 violence programs (including nutrition, disease prevention, exercise of
11 substance abuse), domestic violence prevention programs for school age
12 children, family violence public awareness campaigns, and violence
13 prevention counseling services to abusers;

14 (2) Counseling with respect to family violence, counseling or other supportive
15 services by peers individually or in groups, and referral to community social
16 services;

17 (3) Transportation technical assistance with respect to obtaining financial
18 assistance under government programs, and referrals for appropriate health
19 care services (including alcohol and drug abuse treatment), but shall not
20 include reimbursement for any health care services;

21 (4) Legal advocacy to provide victims with information and assistance through
22 the civil and criminal courts, and legal assistance; or

23 (5) Children's counseling and support services, and child care services for
24 children who are victims of family violence or the dependents of such victims.

25 SECTION 4. *Grants to Local Government Units to Provide for Supervised Visitation*
26 *Centers.* –

27 (A) *In General.* – The Secretary of the Department of Social Welfare and Development
28 is authorized to award grants to local government units to enable local government

1 units to establish and operate supervised visitation centers for the purposes of
2 facilitating supervised visitation and visitation exchange.

3 (B) *Considerations.* – In awarding such grants, under paragraph (A), the Secretary shall
4 take into account –

5 (1) The number of families to be served by the proposed visitation center to be
6 established under the grant;

7 (2) The extent to which the proposed supervised visitation centers served
8 underserved populations; and

9 (3) The extent to which the applicant demonstrates cooperation and collaboration
10 with advocates in the local community served.

11 (C) *Use of Funds.* –

12 (1) *In General.* – Amounts provided under a grant awarded under this Section
13 shall be used to establish supervised visitation centers and for the purposes
14 described in Section 3.

15 (2) *Applicant Requirements.* – The Secretary shall award grants, under this Act in
16 accordance with such regulations as the Secretary may promulgate. The
17 Secretary shall give priority in awarding grants under this Act to local
18 government units that consider domestic violence in making a custody
19 decision.

20 SECTION 5. *Reporting and Evaluation.* –

21 (A) Not later than sixty (60) days after the end of each fiscal year, the Secretary shall
22 submit to Congress a report that includes information concerning —

23 (1) The number of individuals served and the number of individuals turned away
24 from services categorized by local government units and the type of
25 presenting problems that underlie the need for supervised visitation or
26 visitation exchange, such as domestic violence, child abuse, sexual assault,
27 emotional or other physical abuse, or a combination of such factors;

- 1 (2) The numbers of supervised visitations or visitation exchanges ordered during
2 custody determinations under a separation or divorce decree or protection
3 order, through child protection services, or through other social services
4 agencies;
- 5 (3) The process by which children or abused partners are protected during
6 visitations, temporary custody transfers and other activities for which the
7 supervised visitation centers are created;
- 8 (4) Safety and security problems occurring during the reporting period during
9 supervised visitations or at visitation centers including the number of parental
10 abduction cases;
- 11 (5) The number of parental abduction cases in a judicial district using supervised
12 visitation services, both as identified in criminal prosecution and custody
13 violations; and
- 14 (6) Any other appropriate information designated in regulations promulgated by
15 the Secretary.

16 (B) *Evaluation.* – In addition to submitting the reports required under paragraph (1), a
17 local government unit receiving a grant under this Act shall have a collateral agreement with the
18 court, the child protection social services division of the government, and local domestic
19 violence agencies or national and local domestic violence coalitions to evaluate the supervised
20 visitation center operated under the grant. The entities conducting such evaluations shall submit a
21 narrative evaluation of the center to both the center and the grantee.

22 SECTION 6. *Appropriation.* – To carry out the provisions of this act, such sum as may be
23 necessary is hereby authorized to be appropriated from the National Treasury. Thereafter, the
24 sum necessary for the continuous operation of the programs shall be include in the annual
25 appropriation of the Department of Social Welfare and Development.

1 SECTION 7. *Separability Clause.* – If any provision or part hereof, is held invalid or
2 unconstitutional, the remainder of the law of the provision not otherwise affected shall remain
3 valid and subsisting.

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

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

Approved,