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SENATE
S. No. 1876

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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.*

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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

10 JUL 22 AM 12

SENATE
S. No. 1876

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1 AN ACT
2 AUTHORIZING THE DEPARTMENT OF JUSTICE TO ANALYZE AND DISSEMINATE
3 INFORMATION REGARDING THE ADMISSIBILITY AND QUALITY OF TESTIMONY
4 OF WITNESSES WITH EXPERTISE RELATING TO BATTERED WOMEN,
5 AND TO DEVELOP AND DISSEMINATE TRAINING MATERIALS TO FACILITATE
6 THE APPROPRIATE USE OF SUCH EXPERTS TO PROVIDE TESTIMONY IN
7 CRIMINAL TRIALS OF BATTERED WOMEN, PARTICULARLY IN CASES INVOLVING
8 INDIGENT WOMEN

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

9 SECTION 1. *Short Title.* – This Act shall be known as the “Battered Women’s
10 Testimony Act.”

11 SECTION 2. *Declaration of Policy.* – It is a policy of the State to protect and promote
12 the welfare of women by providing such facilities and opportunities that will enable them to
13 realize their full potential in the service of the nation.

14 SECTION 3. *Definition of Terms.* – For purposes of the Act, the term:

15 (A) “Eligible Entity” refers to a non-profit organization that operates on a nationwide
16 basis to provide –

17 (1) Information and assistance to battered women who are defendants or
18 prosecuting witnesses in criminal trials; and

19 (2) Technical assistance to battered women, operators of domestic violence
20 shelters, advocates for battered women, expert psychological witnesses, and
21 attorneys to use effective defense or prosecution strategies in such cases.

22 (B) “Secretary” refers to the Secretary of the Department of Justice.

1 SECTION 4. *Authority of the Department of Justice.* –

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

4 (A) Collect on a nationwide basis, and analyze, information regarding –

5 (1) The admissibility and quality of expert testimony on the experiences of
6 battered women offered either as part of the defense or as part of the
7 prosecution in criminal cases under the law; and

8 (2) Sources of, and methods of obtaining, funds to pay the cost incurred in
9 providing such testimony, particularly in cases in which defendant or the
10 prosecuting witness is an indigent women;

11 (B) Develop training materials to –

12 (1) Assist battered women, operators of domestic violence shelters, advocates for
13 battered women, and attorneys to use such expert testimony in appropriate
14 cases, particularly appropriate cases involving indigent women defendants or
15 prosecuting witnesses; and

16 (2) Assist individuals with expertise in the experience of battered women to
17 develop skills appropriate to providing such expert testimony; and

18 (3) Disseminate such information and training materials, and provide related
19 technical assistance to battered women, such operators, such advocates, such
20 attorneys and such individuals.

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

25 SECTION 6. *Appropriations.* – To carry out the provisions of this Act, such sum as may
26 be necessary is hereby authorized to be appropriated from the National Treasury. Thereafter, the

1 sum for the continuous operation of the program shall be included in the annual appropriation of
2 the Department of Justice.

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

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

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

Approved,