

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



Senate
Office of the Secretary

13 DEC -9 P4 :48

SENATE
S. B. NO. 2007

RECEIVED BY: *Ji*

Introduced by Senator Maria Lourdes Nancy S. Binay

EXPLANATORY NOTE

Victims of abuse, violence, exploitation, and other forms of offenses committed against women, children, and other persons vulnerable to abuses, which degrade their integrity, are entitled to the protection of the State. Maintaining the privacy of the victims, as well as the privacy of their families, is vital if the victims are to receive the protection and assistance that they rightfully deserve.

Unfortunately, there are merely pieces of obscure provisions in various laws which seek to protect the privacy of victims of abuse and their families. As a result, most victims choose to suffer in silence, and decide against seeking justice for fear of public ridicule, humiliation, and unnecessary intrusion into their lives, and the lives of their families. On the other hand, those who find the courage to seek justice are hurled in a spectacle of public comment, as if the trauma of appearing in court, and being subjected to cross-examination, is not enough. With the increasing use of social media platform as a means of communication, the culture of disrespect for privacy of victims, as well as any person, is aggravated.

In view of the foregoing, it is being proposed that the records of actions, suits, or any other proceedings, whether administrative or judicial, involving offenses of abuse, violence, exploitation, and other forms of degrading offenses, shall remain confidential and exempt from disclosure. Furthermore, the identity of the victims and their families should be confidential. Any person who disrespects the inviolable right of the victims of abuse and their family should be penalized.

The proposed bill is consistent Section 2 and Section 3 of Article III of the 1987 Philippine Constitution which guarantees the right of people to be secure in their persons, and the right to privacy.

Section 2, Article III of the Philippine Constitution states:

Section 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.

Section 3, Article III of the Philippine Constitution states:

Section 3. The privacy of communication and correspondence shall be inviolable except upon lawful order of the court, or when public safety or order requires otherwise as prescribed by law.

Any evidence obtained in violation of this or the preceding section shall be inadmissible for any purpose in any proceeding.

In view of the foregoing, the passage of this bill is earnestly recommended.



MARIA LOURDES NANCY S. BINAY
Senator

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1 AN ACT STRENGTHENING THE RIGHTS TO PRIVACY OF VICTIMS OF
2 ABUSE, VIOLENCE, EXPLOITATION, AND OTHER OFFENSES, AND THEIR
3 FAMILIES BY MANDATING THE CONFIDENTIALITY OF RECORDS OF
4 ACTIONS, SUITS OR PROCEEDINGS, AND THE IDENTITY OF VICTIMS
5 AND THEIR FAMILIES, PROVIDING PENALTIES THEREFOR
6
7

8 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
9 *assembled:*
10

11 **SECTION 1.** *Short Title.* This Act shall be known as the "Victim Confidentiality Act of
12 2013."
13

14 **SECTION 2.** *Confidentiality of Records.* All records pertaining to the investigation, action,
15 suit or proceeding before any governmental department, commission, board, bureau, agency,
16 regulatory authority, instrumentality, judicial or administrative body in the Republic of the
17 Philippines involving the following shall be absolutely confidential and exempt from
18 disclosure:
19

20 (a) Crime of rape, acts of lasciviousness, seduction, corruption of minor,
21 exploitation as defined under Act No. 3815, as amended, otherwise known as
22 the Revised Penal Code, Republic Act No. 7610, otherwise known as the
23 Special Protection of Children Against Abuse, Exploitation and
24 Discrimination Act, and other related laws;

25
26 (b) Any form of violence, such as physical, sexual, and psychological violence
27 committed against women and/or children under Act No. 3815, as amended,
28 otherwise known as the Revised Penal Code, Republic Act No. 7610,
29 otherwise known as the Special Protection of Children Against Abuse,
30 Exploitation and Discrimination Act, Republic Act 9262, or the Anti-Violence
31 Against Women and Children, and other related laws; and
32

33 (c) Any form of abuse, such as physical, sexual, psychological and economic
34 abuse, neglect, cruelty, exploitation and discrimination committed against
35 women and/or children under Act No. 3815, as amended, otherwise known as
36 the Revised Penal Code, Republic Act No. 7610, otherwise known as the
37 Special Protection of Children Against Abuse, Exploitation and

1 Discrimination Act, Republic Act No. 9208, as amended, otherwise known as
2 the Anti-Trafficking in Persons Act, and other related laws.
3 “Children” refer to those below eighteen (18) years of age or older but are incapable of taking
4 care of themselves as defined under Republic Act No. 7610, or the Special Protection of
5 Children Against Abuse, Exploitation and Discrimination Act.

6
7 **SECTION 3. *Unlawful Act.*** It shall be unlawful for any person, whether intentionally or
8 through gross negligence, to publish or cause to be published, in any format, any of the
9 following:

- 10
11 (a) The name, address, telephone number, school, business address, employer, or
12 any other identifying information of a victim of the offenses specified in
13 Section 2 hereof, or an immediate family member of such victim, without the
14 written consent of the victim and/or the immediate family member. In case
15 the victim is a minor, the written consent of the parent or legal guardian, and
16 the minor victim who is over twelve (12) years of age, shall be obtained.

17
18 “Immediate family member” refer to the spouse, ascendant(s), descendant(s),
19 adopted child(ren), or adoptive parent(s).

- 20
21 (b) The records or any part thereof, of the action, suit, proceeding, or any
22 statement made therein by any person, such as the victim, a witness, public
23 officers, lawyers, or the judge.

24
25 **SECTION 4. *Exemption.*** The following communications, disclosure, or publication shall be
26 exempt from the rule on confidentiality and non-disclosure:

- 27
28 (a) Any communication, disclosure, or publication made to appropriate
29 government agencies for the sole purpose of informing and/or reporting
30 commission of a crime; and
31
32 (b) A private communication, disclosure, or publication made by any person to
33 another in the performance of any legal, moral or social duty.

34
35 **SECTION 5. *Identification.*** The victims, their immediate family members, and their
36 witnesses shall be identified by numbers or pseudonyms for the following purposes of news
37 reporting; and identification in decisions, resolutions, or orders of any governmental
38 department, commission, board, bureau, agency, regulatory authority, instrumentality,
39 judicial or administrative body in the Republic of the Philippines which are required to be
40 disclosed to the public.

41
42 **SECTION 6. *Penalty.*** Any person found guilty of the unlawful acts provided under Section 3
43 hereof shall suffer the penalty of one (1) year imprisonment and a fine of not more than Five
44 Hundred Thousand pesos (P500,000.00). In case of juridical entity, the penalty of
45 imprisonment shall be imposed upon the directors, officers, employees or other officials or
46 persons therein responsible for the offense.

47
48 The penalty herein shall be without prejudice to the civil liabilities arising from the criminal
49 offense.

1 **SECTION 7. *Implementation.*** The Department of Justice, in coordination with all relevant
2 government offices, shall jointly promulgate and issue the necessary implementing rules and
3 regulations for the implementation of this Act within sixty (60) days after the effectivity of
4 this Act.

5
6 **SECTION 8. *Separability Clause.*** If any portion or provision of this Act is declared void and
7 unconstitutional, the remaining portions or provisions hereof shall not be affected by such
8 declaration.

9
10 **SECTION 9. *Repealing Clause.*** All laws, decrees, orders, rules and regulations, other
11 issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or
12 modified accordingly.

13
14 **SECTION 10. *Effectivity Clause.*** This Act shall take effect fifteen (15) days after its
15 complete publication in at least two (2) national newspapers of general circulation.

16
17 Approved.