

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



'15 APR 29 P2:18

SENATE  
S. No. 2741

RECEIVED BY: *J*

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Introduced by Senator Miriam Defensor Santiago

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AN ACT  
PROVIDING FOR INTERPRETERS IN ALL JUDICIAL, QUASI-JUDICIAL,  
INVESTIGATIVE PROCEEDINGS AND PUBLIC HEARINGS INVOLVING DEAF  
INDIVIDUALS

EXPLANATORY NOTE

It is appalling that one out of every three Deaf women in the Philippines is sexually harassed or raped.<sup>1</sup> Even more lamentable is that these cases and all other involving the Deaf are mostly unreported primarily because of communication barriers between them and those who are a key to successful prosecution such as the victim's own family, and more importantly, the authorities. If ever the Deaf pursues a case against the perpetrator, s/he is met with great difficulty starting from the filing of the complaint and throughout the trial. Most of the time, no interpreter is present to explain to the Deaf affidavits s/he needs to sign. If there are, they are informal interpreters who do not possess the necessary qualifications to sign correctly and effectively. At trials, Deaf interpreters due to lack of qualifications, struggle with signing legal jargons. Some unschooled deaf require Deaf relay interpreters whom the poor and uneducated deaf cannot afford.<sup>2</sup>

Indeed, of 213 cases involving the Deaf with known data, only 24% have court-appointed interpreters. 44% have volunteer interpreters, 21% have unconfirmed appointed interpreters, while 11% have no interpreters at all. For 63 cases of unschooled

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<sup>1</sup> Shahani, The Sexual Abuse of Deaf Women: a Human Rights Scandal, Philippine Star, 30 March 2015 <<http://www.philstar.com/opinion/2015/03/30/1438360/sexual-abuse-deaf-women-human-rights-scandal>>

<sup>2</sup> *Id.*

deaf parties requiring a Deaf Relay Interpreter, only 25% have been appointed one while the remaining 75% have none.<sup>3</sup>

This bill seeks to provide qualified interpreters to all judicial, quasi-judicial, investigative proceedings and public hearings involving the Deaf. It aims to promote awareness within our legal system as to the duty of the State to provide its people, the marginalized most especially, access to the courts. The right of the Deaf to access to the courts includes the right to adequate and effective legal representation and interpretation.<sup>4</sup>

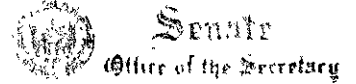
  
MIRIAM DEFENSOR SANTIAGO  
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<sup>3</sup> Martinez, Access to Justice: Case monitoring by the Philippine Deaf Resource Center (2006-2012) <[http://www.phildeafres.org/files/PDRC\\_Case\\_Monitoring\\_2006-2012.pdf](http://www.phildeafres.org/files/PDRC_Case_Monitoring_2006-2012.pdf)>

<sup>4</sup> This bill was filed as House Bill No. 2905 during the First Regular Session of the 16<sup>th</sup> Congress by Representatives Neri J. Colmenares, Carlos Isagani Zarate, and Antonio L. Tinio.

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

1 AN ACT  
2 PROVIDING FOR INTERPRETERS IN ALL JUDICIAL, QUASI-JUDICIAL,  
3 INVESTIGATIVE PROCEEDINGS AND PUBLIC HEARINGS INVOLVING DEAF  
4 INDIVIDUALS

5 SECTION 1. *Short Title.* - This Act shall be known as "Court Interpreters for the  
6 Deaf Act."

7 SECTION 2. *Declaration of Policy.* - It is the policy of the State to provide  
8 persons with disability access to the courts and quasi-judicial bodies, and adequate legal  
9 assistance.

10 SECTION 3. *Definition of Terms.* - As used in this Act, the term:

11 (A) "deaf" means a person who has an audiological impairment that makes him  
12 or her unable to hear, or experience difficulty in hearing. Deaf in uppercase D specifically  
13 refers to a person who uses the visual language of the community as his or her primary  
14 means of communication in daily life, and supports its goals and values as a linguistic  
15 and cultural minority. This Act primarily refers to individuals who acquired hearing loss  
16 in the early years of life, and not Senior Citizens.

1 (B) "Hard of hearing" means a person who can understand words only if  
2 spoken very loud or close to the ear and has severe difficulties if there are other sources  
3 of noise. People who are hard of hearing include those who can be helped with a hearing  
4 aid.

5 (C) "Linguistically isolated deaf" means a deaf individual who has extremely  
6 poor overall communication skills. This individual usually has had minimal or no  
7 schooling and uses only home signs or gestures (i.e., uses signs different from the signs  
8 commonly used in the community); and, has extremely limited vocabulary and  
9 fingerspelling skills.

10 (D) "Deaf interpreter or Deaf relay interpreter" means an interpreter who is deaf  
11 and relays information between a linguistically isolated deaf client and a hearing  
12 interpreter.

13 (E) "Consecutive interpreting" means the process of interpreting wherein the  
14 interpreter transmits information into the target language after the speaker or signer  
15 pauses upon completing one or more ideas from the source language.

16 (F) "Simultaneous interpreting" means the process of interpreting into the  
17 target language at the same time the source language is being delivered.

18 (G) "Manual communication" means various forms of visual-spatial  
19 communication utilizing the hands, face and body. For the Philippines, this includes: the  
20 natural sign language, Filipino Sign Language; Manually Coded English systems, and  
21 nonstandard gestures.

22 SECTION 4. *Hiring of interpreters.* – All courts, quasi-judicial bodies, agencies  
23 and government institutions conducting investigations and public hearings shall hire  
24 interpreters for proceedings involving individuals ascertained to be deaf through accepted  
25 clinical standards and procedures. However, a deaf individual may waive the right to an

1 interpreter. The concerned body that hired the services of the interpreter shall provide the  
2 budget for the prompt payment of interpreters which shall be on a per appearance basis,  
3 including travel, board and lodging as well as other expenses before the case is filed in  
4 court.

5 SECTION 5. *Qualifications of interpreters.* – Until an official and national testing  
6 mechanism and certification procedure is developed for interpreters and recognized by  
7 the government, a qualified interpreter shall be selected on the basis of the following:

8 (A) Endorsement under oath by registered deaf organizations or federation that  
9 the interpreter has interpreting experience of at least four years (for hearing interpreters),  
10 or one year (for deaf interpreters); and

11 (B) Empirical demonstration of his/her language competencies and interpreting  
12 ability.

13 Supplementary documentation on language competency and interpretation ability  
14 of hearing interpreters includes interpreter training, work-related interpreting experience,  
15 sign language instruction and relationship to Deaf family members.

16 Selection of the appropriate qualified interpreter(s) should be based on language  
17 competency which matches that of the deaf client.

18 A person related within the third degree of affinity or consanguinity to any of the  
19 parties, witnesses, and other participants of the case cannot be appointed as the  
20 interpreter.

21 Deaf counselors who have previously worked with the deaf or the hard of hearing  
22 party, witness, or participant cannot be appointed as interpreter for the case..

23 SECTION 6. *Guidelines.* - To protect the rights of the deaf individual and the  
24 interpreter/s, the following guidelines shall be observed:

1 (A) Appointed interpreters provide a service equally to the deaf clients and the  
2 hearing members of the court. Thus they shall interpret the entire proceeding and not  
3 only the testimony of the deaf party. For cases of sexual abuse, the interpreter/s should  
4 be the same gender as the offended party. Accommodations should be procedurally and  
5 age-appropriate, and also gender-sensitive and non-discriminatory;

6 (B) For linguistically isolated deaf, the court shall appoint a hearing interpreter  
7 and a Deaf relay interpreter;

8 (C) To address interpreting fatigue, the interpreter must be given adequate rest  
9 after 30 minutes of continuous interpreting, according to medically accepted standards for  
10 the prevention of Repetitive Strain Injury;

11 (D) All interpreters are bound by the common duty to observe confidentiality  
12 and neutrality before, during, and after the proceedings;

13 (E) In cases where there is more than one deaf party, witness or participant, and  
14 these deaf individuals have been ascertained to have different communication and  
15 interpreting needs, then separate interpreters with the required skills shall be appointed;

16 (F) Consecutive interpreting shall be used when the deaf is linguistically  
17 isolated, or in other situations when this would be more effective than simultaneous  
18 interpreting;

19 (G) Interpreting should also be provided during the administration of justice by  
20 police and prison staff.

21 SECTION 7. *Orientation of Interpreters.* – Qualified interpreters shall be trained  
22 in ethical responsibilities, terms and legal concepts under a program to be established by  
23 the Supreme Court and the Department of Justice, in partnership with groups such as the  
24 Philippine Federation of the Deaf.

1           SECTION 8. *Implementing Rules and Regulations.* – Within sixty (60) days from  
2 the effectivity of this Act, the Department of Social Welfare and Development, the  
3 National Council on Disability Affairs, the Department of Justice, the Supreme Court and  
4 other concerned government bodies and shall work together, in coordination with non-  
5 government organizations and schools concerned with the deaf and Deaf interpreting, and  
6 promulgate and issue the rules and regulations for the implementation of this Act.

7           SECTION 9. *Separability Clause.* - If any provision or part hereof is held invalid  
8 or unconstitutional, the remainder of the law or the provision not otherwise affected shall  
9 remain valid and subsisting.

10          SECTION 10. *Repealing Clause.* - Any law, presidential decree or issuance,  
11 executive order, letter of instruction, administrative order, rule or regulation contrary to,  
12 or inconsistent with, the provision of this Act is hereby repealed, modified, or amended  
13 accordingly.

14          SECTION 11. *Effectivity Clause.* - This Act shall take effective 15 days after its  
15 publication in at least two newspapers of general circulation.

Approved,

/tmdp23April2015