

SENATE
S.B. NO. 1827

'18 MAY 29 A9:43

Introduced by Senator Maria Lourdes Nancy S. Binay



AN ACT
TO ESTABLISH THE ADDRESS CONFIDENTIALITY PROGRAM FOR
VICTIMS OF VIOLENCE AGAINST WOMEN AND THEIR CHILDREN,
PROVIDING PENALTIES FOR VIOLATION THEREOF, APPROPRIATING
FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Republic Act No. 9262, otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004", was enacted into law with the intention of protecting women and children from violence and threats to their personal safety and security. However, violence against women and children continue to increase in spite of the ongoing campaigns and programs of the government. According to data from the Philippine National Police (PNP), the number of violence against women for the years 2004 to 2016 are as follows:

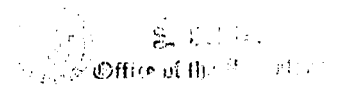
Year	Number of Cases
2004	218
2005	924
2006	1,269
2007	2,387
2008	3,599
2009	5,285
2010	9,974
2011	9,021
2012	11,531
2013	16,517
2014	31,937
2015	41,568
2016	18,653

Women and children who have reported to be victims of violence require additional protection and deserve the right to live a normal life. The Address Confidentiality Program (ACP) is a program administered by the State that provides a substitute address in public records for victims of violence to prevent any further threat and damages.

This bill seeks to establish the Address Confidentiality Program to provide women and children who were victims of violence additional protection and assistance in their time of need.

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


MARIA LOURDES NANCY S. BINAY
Senator



SENATE
S.B. NO. 1827

'18 MAY 29 1:43

Introduced by Senator Maria Lourdes Nancy S. Binay

AN ACT
TO ESTABLISH THE ADDRESS CONFIDENTIALITY PROGRAM FOR
VICTIMS OF VIOLENCE AGAINST WOMEN AND THEIR CHILDREN,
PROVIDING PENALTIES FOR VIOLATION THEREOF, APPROPRIATING
FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

1 Section 1. *Short Title.* – This Act shall be known as the “*Address*
2 *Confidentiality Program Act.*”

3

4 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State
5 to value the dignity of women and to defend the rights of children and to
6 recognize their role in nation-building. Toward this end, the State shall ensure
7 the protection of their fundamental rights by establishing the Address
8 Confidentiality Program that will provide them confidential substitute mailing
9 address, thus, help them get back into the mainstream society.

10

11 Sec. 3. *Definition of Terms.* – For the purposes of this Act, the following
12 terms shall be defined as follows:

13 (a) “Address” – a residential address, school address, or work address
14 of an individual, as specified on the individual’s application to be a
15 program participant under this Act;

16

- 1 (b) "Application assistant" – a regular employee of the Department of
2 Social Welfare and Development (DSWD) or a duly designated
3 Non-Government Organizations (NGOs) personnel who shall
4 counsel, assess and assist the victims of violence against women
5 and children in the completion of program applications who has
6 been trained, certified and registered by the Department of Justice
7 (DOJ);
- 8
9 (c) "Certification" – a notice certifying the eligibility to participate in
10 the program;
- 11
12 (d) "Designated agencies" – a government agency or a non-profit
13 organization that provides counseling, shelter or other services to
14 victims of violence against women and their children that has been
15 designated by the DOJ as a place where eligible persons may
16 apply to be program participants;
- 17
18 (e) "Mailing address" – an address used for delivery by the Philippine
19 Postal Office or any mailing or courier facility;
- 20
21 (f) "Program participant" – a person certified by the DOJ as eligible to
22 participate in the Program;
- 23
24 (g) "Substitute address" – address assigned to a Program participant
25 provided by the Department of Justice (DOJ); and
- 26
27 (h) "Violence against women and their children" – act or acts as
28 defined in Section 3 of Republic Act No. 9262, otherwise known as
29 "An Act Defining Violence Against Women and their Children,
30 Providing for Protective Measure for Victims, Prescribing Penalties
31 Therefor, and for Other Purposes."
- 32

1 Sec. 4. *Address Confidentiality Program.* – The Department of Justice shall
2 establish and administer for Address Confidentiality Program, hereinafter referred
3 to as the “Program”, for victims of violence against women and their children
4 shall ensure their protection and safety by providing them with substitute
5 address to be used when interacting with government agencies and a new
6 mailing address which keeps their actual address confidential and free from the
7 risk of discovery by third parties. The Program shall cater to victims who intend
8 to establish a new residence and for those who have already relocated to
9 another place unknown to their assailants or abusers who may use public records
10 to find them.

11
12 Sec. 5. *Criteria for Eligibility to the Program.* – The following shall be
13 eligible to the Program:

- 14 a) A victim attempting to escape from actual or threatened violence;
15 b) Fears for her and/or her child/children’s safety; and
16 c) Recently established a new residence unknown to the abuser or is
17 planning to move in the near future.

18
19 Sec. 6. *Filing and Submission of Application.* – Any person eligible to the
20 Program shall submit the duly accomplished application forms with the DOJ in
21 the manner and on the prescribed form containing the following:

- 22 a) A sworn statement by the applicant that she is a victim of violence
23 against women and their children and that she fears for her and/or
24 her children’s safety;
25 b) The mailing address and phone number where the applicant can be
26 contacted by the DOJ;
27 c) The latest address that the applicant request not to be disclosed;
28 and
29 d) Duly accomplished address confidentiality program application form
30 signed by the applicant and attested by the application assistant.

1 *Sec. 7. Program Certification.* – Upon receipt of the duly accomplished
2 application form by the DOJ, the applicant is certified as a program participant
3 and shall be issued an authorization card. Such authorization card shall include
4 the program participant’s name, date of birth, place of birth, new identification
5 number, substitute mailing address, expiry date of said certification and
6 signature of the participant. The participant shall thereafter be notified by the
7 DOJ of the approval of her application. Said program participant certification is
8 renewable after every four years from its initial issuance.

9
10 *Sec. 8. Cancellation of Certification.* – Certification to the program by the
11 participant may be cancelled for any of the following reasons:

- 12 (a) the certification term has expired and an application for renewal
13 has not been filed;
- 14 (b) knowingly providing false or incorrect information when applying
15 for certification;
- 16 (c) changing one’s name without informing the DOJ;
- 17 (d) changing the residential address from the one listed on the
18 application without informing the DOJ; and
- 19 (e) mail forwarded to the program participant is returned and/or
20 unclaimed for at least three (3) times.

21
22 *Sec. 9. Disclosure of Records.* – The DOJ shall not make any records in a
23 program participant’s files available for inspection or copying unless directed by a
24 court order to the person identified in the order. The information disclosed shall
25 be maintained in strict confidentiality by the party receiving the information.

26
27 It shall likewise make available for inspection or copying the program
28 participant’s residential or mailing address if the participant’s certification has
29 already been cancelled.

1 Sec. 10. *Designation of the Department of Social Welfare and*
2 *Development (DSWD) or Non-Government Organization (NGO).* – The DOJ shall
3 designate the DSWD or NGO that provides counseling and shelter services to
4 victims of violence against women and their children to assist persons applying
5 to be program participants.

6
7 Sec. 11. *Training Seminar for Application Assistant.* – The DOJ shall
8 undertake trainings/seminars for designated application assistant to train them
9 on the proper procedure to follow in counseling the would-be program
10 applicants.

11
12 Sec. 12. *Penalty for Violation of Confidentiality of Program Participant's*
13 *Records.* – A program participant's application and its supporting materials are
14 not public records and shall be kept confidential by the DOJ. Any employee who
15 willfully breaches the confidentiality of these records or willfully discloses the
16 name, residential or mailing address of a program participant in violation of the
17 provisions of this Act shall suffer the penalty of one (1) year imprisonment and a
18 fine of not more than Five Hundred Thousand Pesos (P500,000.00); *Provided,*
19 *however,* That if the violator of the program is the participant himself who falsely
20 claims that disclosure of her residential or mailing address threatens her or her
21 child's safety shall likewise suffer the same penalty mentioned above.

22
23 Sec. 13. *Appropriation of Funds.* – The amount necessary for the
24 implementation of this Act shall be charged against the current year's
25 appropriation of the DOJ. Thereafter, such sums as may be necessary for its
26 operation and maintenance shall be included in the annual General
27 Appropriations Act.

1 Sec. 14. *Implementing Rules.* – The DOJ, in coordination with the DSWD,
2 shall issue the necessary rules and regulations to effectively implement the
3 provisions of this Act.

4
5 Sec. 15. *Separability Clause.* – If for any reason, any provision of this Act
6 is declared invalid or unconstitutional, the remaining provisions not affected
7 thereby shall continue to be in full force and effect.

8
9 Sec. 16. *Repealing Clause.* – Any law, presidential decree, executive order,
10 or issuances, rules and regulations inconsistent with this Act is hereby repealed
11 or modified accordingly.

12
13 Sec. 17. *Effectivity Clause.* – This Act shall take effect after fifteen (15)
14 days following its complete publication in the Official Gazette or in two (2)
15 newspapers of general circulation.

Approved,