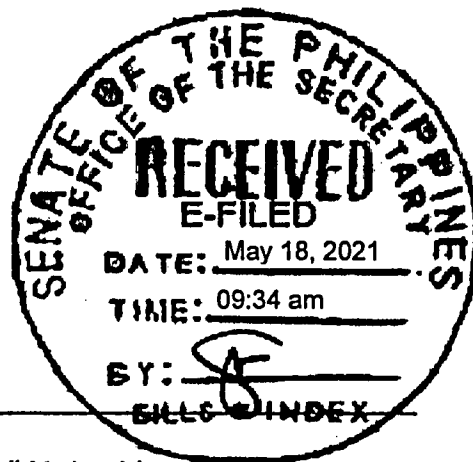


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE

S. No. 2206



Introduced by Senator Manuel "Lito" M. Lapid

**AN ACT
AMENDING SECTION 4 OF REPUBLIC ACT NO. 8505, OTHERWISE KNOWN
AS THE "RAPE VICTIM ASSISTANCE AND PROTECTION ACT OF 1998", BY
MANDATING THE AVAILABILITY OF RAPE AND SEXUAL ASSAULT KITS IN
IN EVERY POLICE PRECINCT FOR THE PURPOSE OF THE IMMEDIATE
MEDICAL OR PHYSICAL EXAMINATION OF VICTIMS**

EXPLANATORY NOTE

Rape is cited as one of the most prevalent forms of violence against women in our country¹ and is part of the eight focus crimes monitored by the Philippine National Police (PNP)². As culled by the Philippine Statistics Authority (PSA) from PNP reported data, the 2019 figures for rape increased by 30.6% as compared to that of 2018.³ Upturns in reported cases were also observed in acts of lasciviousness (3.2%) and physical injuries against women (15.1%).⁴ Although a decline in index crimes such as rape was recorded last 2020⁵, the prevailing trend for the past few years was an alarming surge of rape and similar crimes, even reaching the grim statistic of one woman or child raped every hour last 2016.⁶ This does not even cover incidents that do not get reported or investigated due to various factors such as the social and

¹ <https://up.edu.ph/the-dna-analysis-kit-helping-sex-crime-victims-find-justice/>

² <https://www.gmanetwork.com/news/news/nation/762184/dilg-welcomes-philippine-s-good-peace-and-order-index/story/>

³ https://psa.gov.ph/system/files/2020%20Infographics%20on%20VAW%20Statistics_signed.pdf?width=950&height=700&iframe=true

⁴ Id.

⁵ <https://www.pna.gov.ph/articles/1118503>

⁶ <https://cnnphilippines.com/news/2017/03/07/One-person-raped-per-hour-in-PH.html>

cultural stigmatization experienced by the victims, and the disincentive because of the lengthy litigation processes and its psychological and economic burdens.⁷

This proposed measure seeks to address the pervasiveness of rape, sexual assault, and other related crimes by strengthening the investigative and forensic evidence gathering capabilities of law enforcement authorities through the provision of rape and sexual assault kits in every police precinct throughout the country. These kits will be used by medical personnel for gathering and preserving physical evidence to aid the criminal investigation and prosecution of a suspected assailant. This is in response to one of the criticisms to rape and sexual violence prosecution in our country – the over-reliance on testimony despite the fact that most of the time, it is only the rape victim who can competently testify about the horrendous act itself. These kits, whose selection, procurement, distribution, and proper handling and storage, will be regulated by the PNP and the Department of Health (DOH), will ensure that relevant evidence, especially DNA and biological samples, are properly and effectively collected, transported, and analyzed. This is particularly crucial in far-flung and remote areas where DNA and other medical laboratories are not currently situated.

For the victims of rape and sexual assault who bravely report and proceed to the prosecution of their perpetrators, this bill, which amends Republic Act No. 8505, otherwise known as the "Rape Victim Assistance and Protection Act of 1998", serves as an assurance from the government that their testimonies will never have to be the sole piece of evidence in their favor. With rape kits readily available, physical evidence of these heinous crimes will be timely and correctly gathered with the end-view of ensuring their admissibility and probative value in court. In the long run, boosting public confidence in our police investigative processes contributes to a future where victims will not be forced to hide and cower in fear and uncertainty, while their assailants go scot free.

In view of this, early passage of this bill is sought.



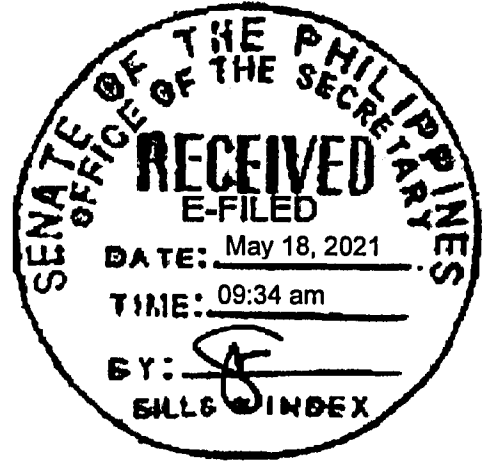
MANUEL "LITO" M. LAPID
Senator

⁷ Supra note 1.

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

1 **Section 1.** Section 4 of Republic Act No. 8505, otherwise known as the "Rape
2 Victim Assistance and Protection Act of 1998", is hereby amended to read as follows:

3
4 "Section 4. Duty of the Police Officer. - Upon receipt by
5 the police of the complaint for rape, it shall be the duty
6 of the police officer to:

7
8 (a) Immediately refer the case to the prosecutor for
9 inquest/investigation if the accused is detained;
10 otherwise, the rules of court shall apply;

11
12 (b) Arrange for counselling and medical services for the
13 offended party; and

1 (c) Immediately make a report on the action taken.

2
3 It shall be the duty of the police officer or the examining
4 physician, who must be of the same gender as the
5 offended party, to ensure that only persons expressly
6 authorized by the offended party shall be allowed inside
7 the room where the investigation or medical or physical
8 examination is being conducted.

9
10 For this purpose, a women's desk must be established in
11 every police precinct throughout the country to provide
12 a police woman to conduct investigation of complaints of
13 women rape victims. In the same manner, the
14 preliminary investigation proper or inquest of women
15 rape victims must be assigned to female prosecutor or
16 prosecutors after the police shall have endorsed all the
17 pertinent papers thereof to the same office.

18
19 **EVERY POLICE PRECINCT THROUGHOUT THE**
20 **COUNTRY MUST BE PROVIDED WITH RAPE AND**
21 **SEXUAL ASSAULT KITS IN SUFFICIENT NUMBERS**
22 **IN ORDER TO ENSURE THE IMMEDIATE MEDICAL**
23 **OR PHYSICAL EXAMINATION OF THE VICTIM BY**
24 **THE EXAMINING PHYSICIAN WHENEVER**
25 **NECESSARY. THE PHILIPPINE NATIONAL POLICE**
26 **(PNP), IN COORDINATION WITH THE**
27 **DEPARTMENT OF HEALTH (DOH), SHALL SET THE**
28 **REGULATIONS FOR THE SELECTION,**
29 **PROCUREMENT, DISTRIBUTION, AND PROPER**
30 **HANDLING AND STORAGE OF RAPE AND SEXUAL**
31 **ASSAULT KITS."**

1 **Section 2. *Repealing Clause.*** — All laws, presidential decrees, executive
2 orders, proclamations, rules and regulations, or any part thereof, which are
3 inconsistent with the provisions of this Act are hereby repealed or modified
4 accordingly.

5
6 **Section 3. *Separability Clause.*** – If any provision or part of this Act, or the
7 application thereof to any person or circumstance, is held unconstitutional or invalid,
8 the remainder of this Act shall not be affected thereby.

9
10 **Section 4. *Effectivity Clause.*** — This Act shall take effect fifteen (15) days
11 from its publication in the Official Gazette or in at least two (2) newspapers of general
12 circulation.

13
14 *Approved,*