

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 3081



Introduced by: **REPRESENTATIVE IRENE GAY F. SAULOG**

EXPLANATORY NOTE

The 1987 Constitution recognizes the rights of women and children.

Article XIII, Section 14 of the Constitution states that:

The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation.

Children's rights are enshrined in Article XV, Section 3 (2) which states that:

The right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.

Moreover, both women and children's health are given priority by the Constitution.

Article XIII, Section 11 declares that:

The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost. There shall be priority

for the needs of the under-privileged, sick, elderly, disabled, women, and children. The State shall endeavor to provide free medical care to paupers.

The highest law in the land clearly seeks to uphold and protect the rights of women and children. It gives utmost importance to the welfare of these two sectors which unfortunately suffer from marginalization and discrimination in present society. It is thus imperative for Congress to carry out this noble intent of the Constitution. It must protect these vulnerable groups on account of their gender and age.

This bill aims to uplift the condition of the women and children, particularly those who were victims of abuse. The Resource Development and Crisis Assistance Centers, as described in this bill, are envisioned to address their plight and help their recovery. This measure is also in keeping with the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Convention of the Rights of the Child (CRC). By being a signatory to both these agreements, the Philippines commits to upholding the rights and welfare of women and children.

This bill has been filed in previous Congresses but has not been enacted into law. In the 15th Congress, it was passed by the House of Representatives on third reading but did not enjoy similar success in the Senate. In the 18th Congress, this bill is being refiled in the hope of seeing it passed into law. This proposed measure reflects the changes made during the deliberations in the Committee on Women and Gender Equality.

It is high time that these centers be strengthened and expanded to better serve the women and children in dire need of the services by these facilities.


IRENE GAY F. SAULOG
Kalinga Party-list

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AN ACT
ESTABLISHING RESOURCE DEVELOPMENT AND CRISIS ASSISTANCE CENTERS FOR WOMEN AND CHILDREN IN EVERY PROVINCE AND CITY OF THE COUNTRY, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8505, OTHERWISE KNOWN AS THE "RAPE VICTIM ASSISTANCE AND PROTECTION ACT OF 1998"

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

SECTION 1. Section 1 of Republic Act No. 8505 shall be amended to read as follows:

"**SECTION 1. Title.** – This Act shall be known as the ["Rape Victim Assistance and Protection Act of 1998"] **RESOURCE DEVELOPMENT AND CRISIS ASSISTANCE FOR WOMEN AND CHILDREN ACT OF 2019.**"

SEC. 2. Section 2 of the same Act is hereby also amended to read as follows:

"**SEC. 2. Declaration of Policy.** – It is hereby declared the policy of the State to [provide necessary assistance and protection for rape victims] **VALUE THE DIGNITY OF WOMEN AND CHILDREN, DEFEND THEIR RIGHTS, AND RECOGNIZE THEIR ROLE IN NATION-BUILDING AND ALL OTHER IMMEDIATE ASSISTANCE AS MAY BE NECESSARY TO PROTECT THEM.**

Towards this end, the [government shall coordinate its various agencies and non-government organizations to work hand in hand for the establishment and operation of a rape crisis center in every province and city that shall assist and protect rape victims in the litigation of their cases and their recovery.] **STATE SHALL ENSURE THE PROTECTION OF THEIR FUNDAMENTAL RIGHTS AND SHALL PROVIDE THEM WITH FACILITIES AND OPPORTUNITIES THAT WILL ENHANCE THEIR WELFARE AND ENABLE THEM TO REALIZE THEIR FULL POTENTIAL IN THE SERVICE OF THE NATION. THE STATE SHALL ALSO ENDEAVOR TO PROVIDE WOMEN AND CHILDREN WITH UTMOST SUPPORT AND ASSISTANCE WHICH SHALL INCLUDE AMONG OTHERS, LEGAL SERVICES, LIVELIHOOD AND SKILLS DEVELOPMENT, PSYCHOLOGICAL COUNSELING AND ALL OTHER ASSISTANCE NECESSARY TO PROTECT THEM AGAINST ALL FORMS OF NEGLECT, ABUSE, CRUELTY, EXPLOITATION AND OTHER ACTS PREJUDICIAL TO THEIR WELFARE AND DEVELOPMENT.”**

SEC. 3. Section 3 of the same Act is likewise amended to read as follows:

“**SEC. 3. [Rape] RESOURCE DEVELOPMENT AND Crisis ASSISTANCE CenterS.** – [The Department of Social Welfare and Development (DSWD), the Department of Health (DOH), the Department of the Interior and Local Government (DILG), the Department of Justice (DOJ), and a lead non-government organization (NGO) with proven track record or experience in handling sexual abuse cases, shall establish in every province and city a rape crisis center located in a government hospital or health clinic or in any other suitable place for the purpose of:

“(a) Providing rape victims with psychological counseling, medical and health services, including their medico-legal examination;

“(b) Securing free legal assistance or service, when necessary, for rape victims;

“(c) Assisting rape victims in the investigation to hasten the arrest of offenders and the filing of cases in court;

“(d) Ensuring the privacy and safety of rape victims;

“(e) Providing psychological counseling and medical services when necessary for the family of rape victims;

“(f) Developing and undertaking a training program for law enforcement officers, public prosecutors, lawyers, medico-legal officers, social workers, and barangay officials on human rights and responsibilities; gender sensitivity and legal management of rape cases; and

“(g) Adopting and implementing programs for the recovery of rape victims.

“The DSWD shall be the lead agency in the establishment and operation of the Rape Crisis Center.]

“THERE SHALL BE ESTABLISHED RESOURCE DEVELOPMENT AND CRISIS ASSISTANCE CENTERS FOR WOMEN AND CHILDREN IN EVERY PROVINCE AND CITY OF THE COUNTRY, HEREINAFTER REFERRED TO AS THE "CENTERS." THESE CENTERS SHALL BE UNDER THE MANAGEMENT AND SUPERVISION OF THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD) IN CONSULTATION WITH CONCERNED LOCAL GOVERNMENT UNITS (LGUs).

“(A) COMPOSITION OF THE INTER-AGENCY COUNCIL TO BE KNOWN AS THE ADVISORY COUNCIL – AN INTER-AGENCY COUNCIL SHALL BE CONVENED TO SET THE CRITERIA FOR THE SELECTION OF THE SITES OF THE CENTERS ALL OVER THE COUNTRY TAKING INTO CONSIDERATION THE EXISTING FACILITIES OF THE NATIONAL GOVERNMENT AND LGUs, NON-GOVERNMENT AND RELIGIOUS ORGANIZATIONS IN PARTNERSHIP WITH THE GOVERNMENT. THE COUNCIL SHALL BE COMPOSED OF AUTHORIZED REPRESENTATIVES FROM THE DSWD, THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT

(DILG), THE DEPARTMENT OF HEALTH (DOH), THE DEPARTMENT OF JUSTICE (DOJ), THE DEPARTMENT OF TRADE AND INDUSTRY (DTI), THE DEPARTMENT OF EDUCATION (DEPED), THE DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE), THE NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY (NEDA), THE PHILIPPINE COMMISSION ON WOMEN (PCW), THE NATIONAL YOUTH COMMISSION (NYC), THE TECHNICAL EDUCATION AND SKILLS DEVELOPMENT ACADEMY (TESDA), THE WOMEN AND CHILDREN CONCERNS DIVISION OF THE PHILIPPINE NATIONAL POLICE (WCCD/PNP), THE COMMISSION ON HIGHER EDUCATION (CHED) AND NON-GOVERNMENT AND PEOPLE'S ORGANIZATIONS DULY ACCREDITED BY NATIONAL GOVERNMENT AGENCIES, SHALL BE INCLUDED AS MEMBERS OF THE ADVISORY COUNCIL. THE INTER-AGENCY COUNCIL, DULY CHAIRED BY THE DSWD, SHALL ALSO ACT AS AN ADVISORY COUNCIL TO OVERSEE THE EFFECTIVE IMPLEMENTATION OF THE CENTERS' PROGRAMS.

"(B) FUNCTIONS OF THE CENTERS. – THE CENTERS SHALL HAVE THE FOLLOWING FUNCTIONS TO ENSURE COMPREHENSIVE AND INTEGRATED SERVICES:

"(1) TO SERVE AS THE VENUE FOR CONSCIOUSNESS-RAISING, CAPABILITY-BUILDING, AND FUNCTIONAL LITERACY ENHANCEMENT PROGRAMS, AMONG OTHERS, THAT WILL ENHANCE PUBLIC AWARENESS OF ISSUES AND PROMOTE COMMUNITY PARTICIPATION;

"(2) TO UNDERTAKE PROGRAMS GEARED TOWARDS THE DEVELOPMENT OF MATERNAL AND CHILD HEALTH CARE, SELF-ENHANCEMENT, AND THE DEVELOPMENT OF SKILLS FOR LIVELIHOOD GENERATION, SOCIAL COMMUNICATION, AND OTHER RELATED SKILLS WHICH WILL HELP WOMEN AND CHILDREN TO BECOME PRODUCTIVE MEMBERS OF SOCIETY;

“(3) TO PROVIDE FREE LEGAL SERVICES, MEDICAL ASSISTANCE INCLUDING MEDICO-LEGAL EXAMINATIONS AND PSYCHOLOGICAL COUNSELING TO VICTIMS OF RAPE AND OTHER CASES OF VIOLENCE AGAINST WOMEN AND CHILDREN ENSURING THEIR PRIVACY AND SAFETY;

“(4) TO UNDERTAKE ACTIVITIES RELATED TO MORAL RECOVERY AND GENDER-SENSITIVE VALUES FORMATION, COUNSELING, REHABILITATION, AND PSYCHOSOCIAL PROGRAMS;

“(5) PROVIDE TEMPORARY SHELTER TO ABUSED WOMEN AND THEIR CHILDREN;

“(6) TO ASSIST RAPE VICTIMS OR VICTIMS OF OTHER FORMS OF ABUSES IN THE INVESTIGATION TO HASTEN THE ARREST OF OFFENDERS AND THE FILING OF CASES IN COURT;

“(7) TO PROVIDE PSYCHOLOGICAL COUNSELING AND MEDICAL SERVICES WHEN NECESSARY FOR THE FAMILY OF RAPE VICTIMS OR VICTIMS OF OTHER FORMS OF ABUSES;

“(8) TO PROVIDE SKILLS TRAINING OR LIVELIHOOD ASSISTANCE TO SURVIVORS OF VIOLENCE;

“(9) TO STRENGTHEN AND FACILITATE LINKAGES OF WOMEN'S AND CHILDREN'S GROUPS AND ORGANIZATIONS WITH RELEVANT GOVERNMENT AGENCIES AND LGUs TO MAXIMIZE THE DELIVERY OF BASIC AND SUPPORT SERVICES FOR WOMEN AND CHILDREN AND ADVOCATE FOR THE PROTECTION AND ADVANCEMENT OF THEIR RIGHTS;

“(10) TO DEVELOP AND UNDERTAKE A CONTINUING CAPACITY-BUILDING AND TRAINING PROGRAM FOR FRONTLINE SERVICE PROVIDERS INCLUDING BUT NOT LIMITED TO, LAW ENFORCEMENT OFFICERS, PUBLIC PROSECUTORS, LAWYERS, MEDICO-LEGAL OFFICERS, PSYCHOLOGISTS, DEVELOPMENT WORKERS, SOCIAL WORKERS, HEALTH WORKERS,

THERAPISTS, AND BARANGAY OFFICIALS ON HUMAN RIGHTS AND RESPONSIBILITIES; GENDER SENSITIVITY AND LEGAL/CASE MANAGEMENT OF SITUATIONS/CASES INVOLVING WOMEN AND CHILDREN; AND

“(11) TO PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY TO CARRY OUT THE OBJECTIVES OF THIS ACT.

“(C) CLIENTS OF THE CENTERS – ALL WOMEN AND CHILDREN UNDER THE FOLLOWING CIRCUMSTANCES SHALL BE ENTITLED TO PROTECTION AND ASSISTANCE BY THE CENTERS:

“(1) VICTIMS OF PROSTITUTION AND SEXUAL EXPLOITATION;

“(2) VICTIMS OF DOMESTIC VIOLENCE, ABUSE AND BATTERY;

“(3) VICTIMS OF RAPE, INCEST, SEXUAL ABUSE, HARASSMENT OR MOLESTATION;

“(4) VICTIMS OF ILLEGAL RECRUITMENT, TRAFFICKING AND/OR LABOR EXPLOITATION;

“(5) VICTIMS OF ARMED CONFLICT, NATURAL OR ENVIRONMENTAL DISASTERS WHO ARE SUFFERING FROM TRAUMA DUE TO THE TRAGIC DEATH OR DISPLACEMENT OF FAMILY MEMBERS, DISLOCATION OR LOSS OF LIVELIHOOD;

“(6) ABANDONED AND RUN-AWAY WOMEN AND CHILDREN;

“(7) WOMEN AND CHILDREN IN DETENTION;

“(8) VICTIMS OF ANY FORM OF VIOLENCE AND SUFFERING FROM ANY CRISIS SITUATION;

“(9) VICTIMS SUFFERING FROM MENTAL, EMOTIONAL, PSYCHOLOGICAL AND PHYSICAL DISABILITIES NEEDING SPECIAL SUPPORT AND ASSISTANCE; AND

“(10) VICTIMS OF OTHER CIRCUMSTANCES AS MAY BE DETERMINED BY THE DSWD.

“(D) PERSONNEL/STAFF COMPLEMENT OF THE CENTERS. – EACH CENTER SHALL BE HEADED BY A FEMALE DIRECTOR WHO

HOLDS A BACHELOR'S DEGREE IN SOCIAL WORK OR COMMUNITY DEVELOPMENT OR SIMILAR COURSES, HAS A MINIMUM EXPERIENCE OF FIVE (5) YEARS IN COUNSELING, SOCIAL AND PSYCHOLOGICAL SERVICES AND OTHER RELATED FIELD OR EXPERIENCE, AND POSSESSES A PROVEN TRACK RECORD AS AN ADVOCATE OF WOMEN'S ISSUES AND EXPERTISE IN GENDER-RESPONSIVE TRAINING AND PROGRAMS FOR CAPABILITY-BUILDING AND IS OF GOOD MORAL CHARACTER.

"THE SECRETARY OF THE DSWD, IN CONSULTATION WITH THE HEADS OF THE CONCERNED LGU SHALL APPOINT THE DIRECTOR AND OTHER NECESSARY PERSONNEL OF THE CENTER. THE STAFF COMPLEMENT OF THE CENTER SHALL BE SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF BUDGET AND MANAGEMENT.

"VOLUNTEERS FROM THE VARIOUS NON-GOVERNMENT ORGANIZATIONS MAY EXTEND PROFESSIONAL, HOUSEHOLD, RECREATIONAL, AND TRAINING EXPERTISE TO THE CENTERS. STUDENTS OF SOCIAL WORK AND WOMEN STUDIES AND OTHER RELATED PROGRAMS WHO ARE IN PRACTICUM COURSES MAY RENDER VOLUNTARY SERVICES TO THE CENTERS. THE PERSONNEL AND STAFF AS WELL AS VOLUNTEER WORKERS SHALL UNDERGO REGULAR TRAINING ON HOW BEST TO HANDLE THE DIFFERENT SITUATIONS OF THE BENEFICIARIES OF THE CENTERS."

SEC. 4. R.A. 8505 is hereby further amended by inserting the following new Sections after Section 3 thereof::

"SEC. 4. *REHABILITATION AND DEVELOPMENT PROGRAM.* – THE DSWD, IN CONSULTATION WITH THE INTER-AGENCY COUNCIL CONVENED UNDER SECTION 3(A) HEREOF, SHALL WITHIN SIX

(6) MONTHS FROM THE APPROVAL OF THIS ACT, FORMULATE A PROGRAM FOR THE REHABILITATION, DEVELOPMENT AND PROTECTION OF WOMEN AND CHILDREN, MENTIONED IN SECTION 3(B) HEREOF. THE COUNCIL SHALL ALSO OVERSEE THE EFFECTIVE IMPLEMENTATION OF THE PROGRAMS OF THE CENTER AND MONITOR THE ACCOMPLISHMENTS OF PARTICIPATING AGENCIES. IT SHALL ALSO ACT AS AN ADVISORY BOARD.

"THE DSWD MAY CALL ON NATIONAL AGENCIES AND LGUs, ACADEMIC INSTITUTIONS AND INTERNATIONAL ORGANIZATIONS TO ASSIST IN THE IMPLEMENTATION OF THIS ACT BY WAY OF PROGRAM COLLABORATION AND FUNDING AUGMENTATION, AMONG OTHERS.

"SEC. 5. AUTHORITY TO ACCEPT DONATIONS. – THE DSWD, THROUGH THE PRESIDENT OF THE PHILIPPINES, MAY ACCEPT DONATIONS AND GRANTS, BOTH DOMESTIC AND FOREIGN, FOR PURPOSES RELEVANT TO THE FUNCTIONS OF THE CENTERS. THE DONATIONS AND GRANTS SHALL BE ALLOTTED TO VARIOUS CENTERS IN SUCH AMOUNT AS MAY BE DEEMED BEST BY THE DSWD OR FOR THE PURPOSES SPECIFIED BY THE DONOR. SUCH DONATIONS AND GRANTS SHALL BE SUBJECT TO PERTINENT ACCOUNTING AND AUDITING RULES AND REGULATIONS."

SEC. 5. Sections 4, 5 and 6 of R.A. 8505 are hereby renumbered accordingly as Sections 6, 7, and 8.

SEC. 6. Sections 7 and 8 of R.A. 8505 are hereby deleted.

SEC. 7. *Appropriations.* – The amount necessary for the implementation of this Act shall be included in the budget of the DSWD under the annual General Appropriations Act.

SEC. 8. *Implementing Rules and Regulations.* – Within ninety (90) days upon the approval of this Act, the DSWD and all concerned agencies shall formulate rules and regulations as may be necessary for the proper implementation thereof.

SEC. 9. *Separability Clause.* – If any part, section, or provision of this Act is declared invalid or unconstitutional, the other parts thereof not affected thereby shall remain valid.

SEC. 10. *Repealing Clause.* – All laws, acts, presidential decrees, executive orders, administrative orders, rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.

SEC. 11. *Effectivity.* – This Act shall take effect fifteen (15) days after the completion of its publication in at least two (2) newspapers of general circulation.

Approved,