

HOUSE OF REPRESENTATIVES

House Bill No. 1635



Introduced by Representative Susan A. Yap

EXPLANATORY NOTE

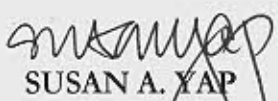
This measure aims to provide assistance to women in crisis not merely to rape victims, but to other victims of unfortunate circumstances as well. All women and children who are victims of prostitution and sexual exploitation; domestic violence, abuse and battery; rape, incest, sexual abuse, harassment or molestation; illegal recruitment, trafficking and/or labor exploitation and those who are 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 are sought to be given protection and assistance by the Resource Development and Crisis Assistance Centers (Centers) provided for in the bill. Abandoned and run-away women and children; women and children in detention; victims of any form of violence and suffering from any crisis situation; victims suffering from mental, emotional, psychological and physical disabilities needing special support and assistance and victims of other circumstances as may be determined by the Department of Social Welfare and Development (DSWD) may also avail of the services offered by the Centers.

The bill ensures comprehensive and integrated services offered by the Centers which shall 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.

The Center shall 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; 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 and undertake activities related to moral recovery and gender-sensitive value formation, counseling, rehabilitation and psycho-social programs.

Likewise, the Center shall provide temporary shelter to abused women and their children; 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; provide psychological counseling and medical services when necessary for the family of rape victims or victims of other forms of abuses and provide skills training or livelihood assistance to survivors of violence.

The Center is also tasked to strengthen and facilitate linkages of women's and children's groups and organizations with relevant government agencies and local government units to maximize the delivery of basic and support services for women and children, advocate for the protection and advancement of their rights, and develop and undertake continuing capacity-building and training program for frontline service providers on human rights and responsibilities; gender sensitivity and legal/case management of situations/cases involving women and children.


SUSAN A. YAP
Representative, 2nd District of Tarlac

HOUSE OF REPRESENTATIVES
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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 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 2012."

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

"SECTION 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 POTENTIALS 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 COUNSELLING 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."

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

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

12 "(a) Providing rape victims with psychological
13 counselling, medical and health services, including their
14 medico-legal examination;

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

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

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

20 "(e) Providing psychological counseling and medical
21 services whenever necessary for the family of rape victims;

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

27 "(g) Adopting and implementing programs for the
28 recovery of rape victims.

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

31 "THERE SHALL BE ESTABLISHED RESOURCE
32 DEVELOPMENT AND CRISIS ASSISTANCE CENTERS FOR
33 WOMEN AND CHILDREN IN EVERY PROVINCE AND
34 CITY OF THE COUNTRY, HEREINAFTER REFERRED TO
35 AS THE "CENTERS".

36 THESE CENTERS SHALL BE UNDER THE
37 MANAGEMENT AND SUPERVISION OF THE
38 DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT
39 (DSWD) IN CONSULTATION WITH CONCERNED LOCAL
40 GOVERNMENT UNITS (LGUs).

41 "(A) COMPOSITION OF THE INTER-AGENCY
42 COUNCIL TO BE KNOWN AS THE ADVISORY
43 COUNCIL. - AN INTER-AGENCY COUNCIL SHALL BE
44 CONVENED TO SET THE CRITERIA FOR THE
45 SELECTION OF THE SITES OF THE CENTERS ALL
46 OVER THE COUNTRY TAKING INTO CONSIDERATION
47 THE EXISTING FACILITIES OF THE NATIONAL
48 GOVERNMENT AND LGUs, NONGOVERNMENT AND
49 RELIGIOUS ORGANIZATIONS IN PARTNERSHIP WITH

1 THE GOVERNMENT. THE COUNCIL SHALL BE
2 COMPOSED OF AUTHORIZED REPRESENTATIVES FROM
3 THE DSWD, THE DEPARTMENT OF THE INTERIOR
4 AND LOCAL GOVERNMENT (DILG), THE
5 DEPARTMENT OF HEALTH (DOH), THE
6 DEPARTMENT OF JUSTICE (DOJ), THE
7 DEPARTMENT OF TRADE AND INDUSTRY (DTI),
8 THE DEPARTMENT OF EDUCATION (DEPED), THE
9 DEPARTMENT OF LABOR AND EMPLOYMENT
10 (DOLE), THE NATIONAL ECONOMIC AND
11 DEVELOPMENT AUTHORITY (NEDA), THE PHILIPPINE
12 COMMISSION ON WOMEN (PCW), THE NATIONAL
13 YOUTH COMMISSION (NYC), THE TECHNICAL
14 EDUCATION AND SKILLS DEVELOPMENT
15 AUTHORITY (TESDA), THE WOMEN AND CHILDREN
16 CONCERNS DIVISION OF THE PHILIPPINE
17 NATIONAL POLICE (WCCD/PNP), THE
18 COMMISSION ON HIGHER EDUCATION (CHED)
19 AND NONGOVERNMENT AND PEOPLE'S
20 ORGANIZATIONS DULY ACCREDITED BY NATIONAL
21 GOVERNMENT AGENCIES, SHALL BE INCLUDED AS
22 MEMBERS OF THE ADVISORY COUNCIL. THE INTER-
23 AGENCY COUNCIL, DULY CHAIRED BY THE DSWD,
24 SHALL ALSO ACT AS AN ADVISORY COUNCIL TO
25 OVERSEE THE EFFECTIVE IMPLEMENTATION OF THE
26 CENTERS' PROGRAMS.

27 "(B) FUNCTIONS OF THE CENTERS. - THE
28 CENTERS SHALL HAVE THE FOLLOWING
29 FUNCTIONS TO ENSURE COMPREHENSIVE AND
30 INTEGRATED SERVICES:

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

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

45 "(3) TO PROVIDE FREE LEGAL SERVICES,
46 MEDICAL ASSISTANCE INCLUDING MEDICO-LEGAL
47 EXAMINATIONS AND PSYCHOLOGICAL
48 COUNSELLING TO VICTIMS OF RAPE AND OTHER
49 CASES OF VIOLENCE AGAINST WOMEN AND
50 CHILDREN ENSURING THEIR PRIVACY AND SAFETY;

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

"(5) TO 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 COUNSELLING AND MEDICAL SERVICES WHEN NECESSARY FOR THE FAMILY OF RAPE VICTIMS OR VICTIMS OF OTHER FORMS AND 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
COUNSELLING, 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 TRAININGS 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 CENTERS, THE
STAFF COMPLEMENT OF THE CENTERS SHALL BE
SUBJECT TO THE APPROVAL OF THE DEPARTMENT
OF BUDGET AND MANAGEMENT (DBM).

"VOLUNTEERS FROM THE VARIOUS
NONGOVERNMENT ORGANIZATIONS MAY EXTEND

1 PROFESSIONAL, HOUSEHOLD, RECREATIONAL AND
2 TRAINING EXPERTISE TO THE CENTERS. STUDENTS OF
3 SOCIAL WORK AND WOMEN STUDIES AND OTHER
4 RELATED PROGRAMS WHO ARE IN PRACTICUM COURSES
5 MAY RENDER VOLUNTARY SERVICES TO THE
6 CENTERS. THE PERSONNEL AND STAFF AS WELL AS
7 VOLUNTEER WORKERS SHALL UNDERGO REGULAR
8 TRAININGS ON HOW BEST TO HANDLE THE DIFFERENT
9 SITUATIONS OF THE BENEFICIARIES OF THE CENTERS."

10 SECTION 4. Republic Act No. 8505 is hereby further amended by inserting the
11 following new Sections after Section 3 thereof:

12 "SECTION 4. REHABILITATION AND
13 DEVELOPMENT PROGRAM. - THE DSWD, IN
14 CONSULTATION WITH THE INTER-AGENCY COUNCIL
15 CONVENED UNDER SECTION 3(A) HEREOF, SHALL WITHIN
16 SIX (6) MONTHS FROM THE APPROVAL OF THIS ACT,
17 FORMULATE A PROGRAM FOR THE
18 REHABILITATION, DEVELOPMENT AND PROTECTION
19 OF WOMEN AND CHILDREN, MENTIONED IN SECTION 3(B)
20 HEREOF. THE COUNCIL SHALL ALSO OVERSEE THE
21 EFFECTIVE IMPLEMENTATION OF THE PROGRAMS
22 OF THE CENTERS AND MONITOR THE
23 ACCOMPLISHMENTS OF PARTICIPATING AGENCIES.
24 IT SHALL ALSO ACT AS AN ADVISORY BOARD.

25 "THE DSWD MAY CALL ON NATIONAL
26 AGENCIES AND LGUS, ACADEMIC INSTITUTIONS
27 AND INTERNATIONAL, ORGANIZATIONS TO ASSIST
28 IN THE IMPLEMENTATION OF THIS ACT BY WAY OF
29 PROGRAM COLLABORATION AND FUNDING
30 AUGMENTATION AMONG OTHERS.

31 "SECTION 5. AUTHORITY TO ACCEPT
32 DONATIONS. - THE DSWD, THROUGH THE PRESIDENT
33 OF THE PHILIPPINES, MAY ACCEPT DONATIONS AND
34 GRANTS, BOTH DOMESTIC AND FOREIGN, FOR
35 PURPOSES RELEVANT TO THE FUNCTIONS OF THE
36 CENTERS, THE DONATIONS AND GRANTS SHALL BE
37 ALLOTTED TO THE VARIOUS CENTERS IN SUCH
38 AMOUNT AS MAY BE DEEMED BEST BY THE DSWD OR
39 FOR THE PURPOSES SPECIFIED BY THE DONOR. SUCH
40 DONATIONS AND GRANTS SHALL BE SUBJECT TO
41 PERTINENT ACCOUNTING AND AUDITING RULES AND
42 REGULATIONS."

43 SECTION 5. Sections 4, 5 and 6 of Republic Act No. 8505 are hereby renumbered
44 accordingly as Sections 6, 7 and 8.

45 SECTION 6. *Sections 7 and 8 are hereby deleted.*

46 SECTION 7. *Appropriations.* - The amount necessary for the implementation of this Act
47 shall be included in the budget of the DSWD under the annual General Appropriations Act.

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

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

53 SECTION 10. *Repealing Clause.* - All laws, acts, presidential decrees, executive orders,

1 administrative orders, rules and regulations inconsistent with or contrary to the provisions of this Act
2 are deemed amended, modified or repeated accordingly.

3 SECTION 11. *Effectivity.* - This Act shall take effect fifteen (15) days after the completion of
4 its publication in at least two (2) newspapers of general circulation.
5

Approved,