

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 9765



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

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

This proposed measure seeks to amend Republic Act No. 8505, otherwise known as the "Rape Victim Assistance and Protection Act of 1998" through the provision of rape and sexual assault kits in every police precinct throughout the country.

The rape and sexual assault kits will be used by medical personnel for gathering and preserving physical evidence to aid the criminal investigation and prosecution of a suspected assailant. Their selection, procurement, distribution, and proper handling and storage, will be regulated by the PNP and the Department of Health (DOH).

Witness testimonies will never have to be the sole piece of evidence in the victim's favor since most of the time it is only the rape victim who can competently testify about the horrendous act itself

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


LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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

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

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

- (a) Immediately refer the case to the prosecutor for inquest/investigation if the accused is detained; otherwise, the rules of court shall apply;
- (b) Arrange for counselling and medical services for the offended party; and
- (c) Immediately make a report on the action taken.

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

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

EVERY POLICE PRECINCT THROUGHOUT THE COUNTRY MUST BE PROVIDED WITH RAPE AND SEXUAL ASSAULT KITS IN SUFFICIENT NUMBERS IN ORDER TO ENSURE THE IMMEDIATE MEDICAL OR PHYSICAL EXAMINATION OF THE VICTIM BY THE EXAMINING PHYSICIAN WHENEVER NECESSARY. THE PHILIPPINE NATIONAL POLICE (PNP), IN COORDINATION WITH THE DEPARTMENT OF HEALTH (DOH), SHALL SET THE REGULATIONS FOR THE SELECTION, PROCUREMENT, DISTRIBUTION, AND PROPER HANDLING AND STORAGE OF RAPE AND SEXUAL ASSAULT KITS."

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

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

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

Approved,