

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 9838



Introduced by Representative Mercedes "Didi" C. Cagas

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

EXPLANATORY NOTE

One of the most frightening consequences of the Covid-19 pandemic is the increase in gender-based violence. The country has been in quarantine for more than a year as a precaution against the spread of the global pandemic which has stolen precious lives, mobility, education and economic security from millions of Filipinos. The prolonged lockdown has also tormented many women and children who are victims of violence and abuse; the privacy of their homes has threatened their mental and physical well-being and has endangered their lives.

Studies conducted by the United Nations in the country has recorded the rise in cases of domestic violence, incest, rape, human trafficking, battery, and other forms of abuse as a result of the lockdown. Perpetrators and human traffickers are taking advantage of the economic hardships of families using social media as a platform for cybercrimes preying on women and young people, their sexual exploitation behind closed doors and in front of a webcam. The Commission on Human Rights has reported that many victims of violence and abuse has requested for rescue and assistance during the lockdown.

Now, more than ever, the problem of violence and abuse against women and children needs to be addressed, their pleas to be heard. We cannot sacrifice or endanger vulnerable survivors by rendering them invisible, minimizing or denying their pleas for help and assistance. They need a home away from the violence and the abuse; the support to help them heal and get back on their feet; and to have their cases brought to justice. It is for this end that this representation is proposing for the establishment of Resource Development and Crisis Assistance Centers for Women and Children in Every Province and City in the country.

The immediate passage of this bill is earnestly sought.


MERCEDES "DIDI" C. CAGAS

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*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 2016.”

SEC. 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.”

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

SECTION 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-governmental organization (NGO) with proven track record or experience in handling sexual abuse cases, shall establish in each province and city a rape crisis center located in a government hospital or health clinic or in any suitable place for the purpose of:

- (a) Providing rape victims with psychological counselling, 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 counselling and medical services whenever necessary for the family of rape victims;
- (f) Developing and undertaking a training program for law enforcement 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 IN 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.* - AN INTER-AGENCY COUNCIL, TO BE KNOWN AS THE ADVISORY 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, LGUs, AND NONGOVERNMENT AND RELIGIOUS ORGANIZATIONS IN PARTNERSHIP WITH THE GOVERNMENT. THE COUNCIL SHALL BE COMPOSED OF AUTHORIZED REPRESENTATIVES FROM THE FOLLOWING:

- a. DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD)
- b. DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT (DILG)
- c. DEPARTMENT OF HEALTH (DOH)
- d. DEPARTMENT OF JUSTICE (DOJ)
- e. DEPARTMENT OF TRADE AND INDUSTRY (DTI)
- f. DEPARTMENT OF EDUCATION (DEPED)
- g. DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE)
- h. NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY (NEDA)
- i. PHILIPPINE COMMISSION ON WOMEN (PCW)
- j. NATIONAL YOUTH COMMISSION (NYC)
- k. TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY (TESDA)
- l. WOMEN AND CHILDREN CONCERNS DIVISION OF THE PHILIPPINE NATIONAL POLICE (WCCD/PNP)
- m. COMMISSION ON HIGHER EDUCATION (CHED), AND
- n. NONGOVERNMENT/PEOPLES ORGANIZATIONS DULY ACCREDITED BY NATIONAL GOVERNMENT AGENCIES

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:

- a. TO SERVE AS VENUE FOR CONSCIOUSNESS-RAISING, CAPABILITY-BUILDING AND FUNCTIONAL LITERACY ENHANCEMENT PROGRAMS, AMONG OTHERS, THAT WILL ENHANCE PUBLIC AWARENESS OF ISSUES AND PROMOTE COMMUNITY PARTICIPATION;
- b. 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;

- c. TO PROVIDE FREE LEGAL SERVICES, MEDICAL ASSISTANCE INCLUDING MEDICO-LEGAL EXAMINATIONS AND PSYCHOLOGICAL COUNSELLING TO VICTIMS OF RAPE AND OTHER CASES OF VIOLENCE AGAINST WOMEN AND CHILDREN ENSURING THEIR PRIVACY AND SAFETY;
- d. TO UNDERTAKE ACTIVITIES RELATED TO MORAL RECOVERY AND GENDER-SENSITIVE VALUES FORMATION, COUNSELLING, REHABILITATION, AND PSYCHOSOCIAL PROGRAMS;
- e. TO PROVIDE TEMPORARY SHELTER TO ABUSED WOMEN AND THEIR CHILDREN;
- f. 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;
- g. TO PROVIDE PSYCHOLOGICAL COUNSELLING AND MEDICAL SERVICES WHEN NECESSARY FOR THE FAMILY OF RAPE VICTIMS OR VICTIMS OF OTHER FORMS AND ABUSES;
- h. TO PROVIDE SKILLS TRAINING OR LIVELIHOOD ASSISTANCE TO SURVIVORS OF VIOLENCE;
- i. 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 SUPPORT SERVICES FOR WOMEN AND CHILDREN AND ADVOCATE FOR THE PROTECTION AND ADVANCEMENT OF THEIR RIGHTS;
- j. 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
- k. 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:

- a. VICTIMS OF PROSTITUTION AND SEXUAL EXPLOITATION;
- b. VICTIMS OF DOMESTIC VIOLENCE, ABUSE AND BATTERY;
- c. VICTIMS OF RAPE, INCEST, SEXUAL ABUSE, HARASSMENT OR MOLESTATION;
- d. VICTIMS OF ILLEGAL RECRUITMENT, TRAFFICKING, AND/OR LABOR EXPLOITATION;
- e. 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;
- f. ABANDONED AND RUN-AWAY WOMEN AND CHILDREN;
- g. WOMEN AND CHILDREN IN DETENTION;
- h. VICTIMS OF ANY FORM OF VIOLENCE AND SUFFERING FROM ANY CRISIS SITUATION;
- i. VICTIMS SUFFERING FROM MENTAL, EMOTIONAL, PSYCHOLOGICAL AND PHYSICAL DISABILITIES NEEDING SPECIAL SUPPORT AND ASSISTANCE; AND
- j. 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 BACHELORS DEGREE IN 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 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 TRAININGS ON HOW BEST TO HANDLE THE DIFFERENT SITUATIONS OF THE BENEFICIARIES OF THE CENTERS.

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

SECTION 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) HERE OF THE COUNCIL SHALL ALSO OVERSEE THE EFFECTIVE IMPLEMENTATION OF THE PROGRAMS OF THE CENTERS 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.

SECTION 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 THE 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 Republic Act No. 8505 are hereby renumbered accordingly as Sections 6, 7 and 8.

SEC. 6. Sections 7 and 8 of Republic Act No. 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 shall be held unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

SEC. 10. *Repealing Clause.* – All laws, decrees, executive orders, proclamations, rules and regulations, and other issuances, or parts thereof which are inconsistent with or contrary to the provisions of this Act, are hereby repealed or modified accordingly.

SEC. 11. *Effectivity.* – This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,