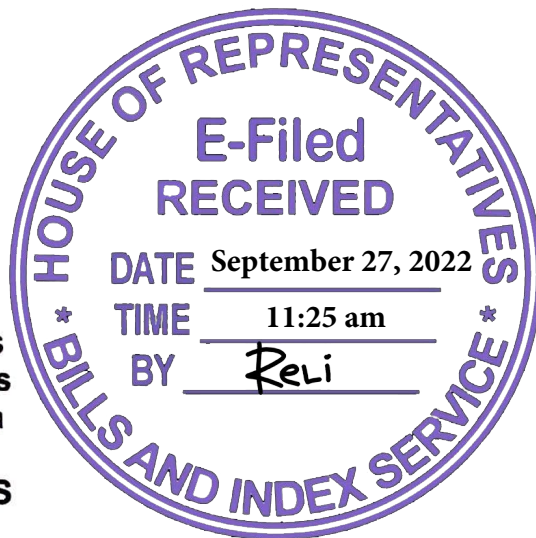




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL No. 5186



Introduced by **HONORABLE ERNESTO "ERNIX" M. DIONISIO, JR.**

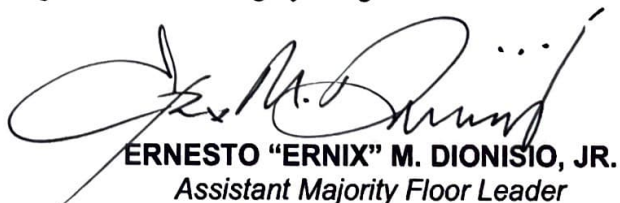
AN ACT
AMENDING SECTION 4 OF REPUBLIC ACT NO. 8505, OTHERWISE KNOWN AS
THE "RAPE VICTIM ASSISTANCE AND PROTECTION ACT OF 1998", BY
MANDATING THE AVAILABILITY OF RAPE AND SEXUAL ASSAULT KITS IN
POLICE PRECINCTS

EXPLANATORY NOTE

The Philippine Statistics Authority (PSA) released data that cases of rape increased by 30.6% in the year 2019 as compared to 2018.¹ In the year 2020, there are 2,168 reported rape cases in the Philippines.² Unfortunately, there is a possibility that these numbers do not reflect the grim reality faced by rape and sexual assault victims. There are reasons for women to not report the heinous crime of rape, but for those chose to do so, measures must be enacted in order to aid the prosecution of their tormentors.

In order to support the criminal prosecution of perpetrators of rape, this bill seeks to aid and strengthen the collection of physical evidence through the provision of rape and sexual assault kits with the ultimate goal of dispensing justice. Guidelines and implementing rules and regulations shall also be implemented to guide the medical personnel and authorities on how to properly gather and preserve the physical evidence collected.

In view of the foregoing, the passage of this bill is highly sought.


ERNESTO "ERNIX" M. DIONISIO, JR.
Assistant Majority Floor Leader
Congressman
First Congressional District of Manila

¹ https://psa.gov.ph/system/files/2020%20Infographics%20on%20VAW%20Statistics_signed.pdf?width

² <https://www.statista.com/statistics/1170653/philippines-number-of-cases/>



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Be it enacted by the Senate and the House of Representatives of 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 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 service 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. Guidelines and Implementing Rules and Regulations. – The Philippine National Police (PNP) in coordination with the Department of Health (DOH) shall create the guidelines for the selection, procurement, distribution and proper handling and storage of the rape and sexual kits sixty (60) days upon the effectivity of this Act.

The implementing rules and regulations of this Act shall also be formulated sixty (60) days upon the effectivity of this Act.

SECTION 3. Repealing Clause. – All laws, decrees, orders, rules and regulations, or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 4. Separability Clause. – If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SECTION 5. Effectivity. – This Act shall take effect after fifteen (15) days following the completion of its publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,