

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

NINETEENTH CONGRESS  
2<sup>nd</sup> Regular Session

House Bill No. 8986



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**Introduced by Representative ERIC G. YAP**

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### **EXPLANATORY NOTE**

Gender-based violence remains persistent in the country. According to the 2017 National Demographic and Health Survey conducted by the Philippine Statistics Authority one in four Filipino women aged 15-49 has experienced physical, emotional or sexual violence. Notwithstanding that most cases of gender-based violence such as domestic abuse and rape remain unreported due to imminent fear of the victims.

In the province of Benguet alone, violence against women and children continues. The Cordillera Regional Peace and Order Council (RPOC) reports that Benguet has the highest number of rape cases in 2023 in the Cordillera region—twenty-four (24) in just the first two (2) quarters of the year. Notably, while there is a decline in rape cases in the first quarters of 2023 in the region, it is troubling that women victims are relatively younger.

Hence, while several government mechanisms are employed to address the issues of gender-based violence which includes physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty, there is a need to provide an establishment that will immediately accommodate and lend reintegration, protection, support, and treatment to the victims. Haven for Women of the Department of Social Welfare and Development is a similar facility which provides temporary shelter and protective custody to women ages 18-59 years old who are victims of involuntary or forced prostitution, illegal recruitment, battered or abused women, victims of sexual abuse, women in detention, women victims of armed conflicts and others. It is in this regard that this bill seeks to institutionalize similar facilities, which initially are building and administering halfway houses the victims of domestic abuse and rape across the country.

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

  
**HON. ERIC G. YAP**

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**AN ACT**  
**ESTABLISHING HALFWAY HOUSES FOR THE ABUSED WOMEN AND**  
**CHILDREN AND RAPE VICTIMS**

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

**SECTION 1. *Short Title.*** – This Act shall be known as the “Halfway Houses for the Abused Women and Children and Rape Victims Act” of the Philippines.

**SEC. 2. *Declaration of Policy.*** – It is the declared policy of the State to recognize the role of women in nation-building and shall ensure the fundamental equality before the law of women and men. As such, the State shall foster an empowering environment and the most appropriate equipment and infrastructure that will enable women, especially those in difficult circumstances, to resolve their problems and restore their normal social functioning, and thus regain self-worth and dignity through the provision of protective and rehabilitative services.

**SEC. 3. *Definition of Terms.*** – The following terms as used in this Act shall be referred to as the following:

- a. **Abused Women and Children** refers to a woman who is the wife, former wife, or a woman with whom the person has or had a sexual or dating relationship, or with whom the person has a common child, and a child whether legitimate or illegitimate, within or without the family abode, which the person has exhibited physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty;
- b. **Child** refers to a person under eighteen (18) years of age or a person 18 years or over but is unable to fully take care or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of physical or psycho-social disability or condition;
- c. **Custody** refers to an aspect of exercising parental authority over a child;

- d. **Halfway Houses** refers to a facility that provides temporary shelter and protective custody to abused women and children. The facility shall include, but not limited to, the following services: residential care, medical services, psychological testing, maternal and child care skills development, self-enhancement skills development, livelihood skills development, spiritual development or renewal, social communication skills development, legal services, case work, group work, community participation skills development, and others services such as education, transportation, and after care;
- e. **Rape** refers to any acts committed by a man who shall have sexual intercourse with a woman under any of the following circumstances, namely: (1) Through force, threat, or intimidation, (2) When the victim is deprived of reason or is unconscious, (3) Through fraudulent machination or grave abuse of authority; and (4) When the victim is under twelve (12) years of age or is demented, even if none of the above circumstances are present. It can also be committed any person who, under any of the above circumstances, commits an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or oral orifice of another person.

**SEC. 4. *Creation of Halfway Houses for the Abused Women and Children and Rape Victims.*** - The Department of Social Welfare (DSWD) shall procure, build, install, operate, manage, and/or maintain at least one (1) Halfway House for every province in the country which is geographically accessible to every municipality in the province.

The respective local government unit (LGU) of any highly urbanized cities, independent cities, and component cities is hereby mandated to have at least one (1) Halfway House in their own city.

Halfway Houses shall be used by the DSWD and the LGUs solely to accommodate abused women and children and rape victims in pursuit of the victim's immediate relief, reintegration, protection, support, and treatment, with a maximum of ninety (90) days of accommodation.

**SEC. 4. *Custody or Legal Guardianship of the Abused Women and Children.*** - Republic Act No. 9262 or the *Anti-Violence Against Women and Their Children Act of 2004* states that the woman victim of violence shall be entitled to the custody and support of her child/children, while children under seven (7) years old or those older but with mental or physical disabilities shall automatically be given to the mother, with right to support, unless there are compelling reasons that the court finds. Furthermore, a victim who is suffering from battered woman syndrome shall not be disqualified from having custody of her children and in no case shall custody of minor children be given to the perpetrator of a woman who is suffering from Battered woman syndrome.

Accordingly, after the ninety-day (90) period of stay in the facility or less and upon the concurrence of the abused women and children or the rape victim, their custody shall be entrusted to their most immediate family member, or in their absence, a qualified legal guardian to be determined by the Registered Social Worker of that particular Halfway House. *Provided*, that such custody shall be exercised in accordance to the Family Code and Republic Act No. 9262 or *Anti-Violence Against Women and Their Children Act of 2004*.

**SEC. 5. *Composition and Qualifications of Halfway Houses Personnel.*** - Every Halfway House shall have at least two (2) personnel from the Department of Social Welfare (DSWD), one of whom is a Registered Social Worker who shall not have been found guilty by final judgment of moral turpitude by any competent court or tribunal.

**SEC. 6. *Appropriations.*** - The funds necessary to carry out the initial implementation of this Act for the current year shall be charged against the respective budget of concerned agencies, particularly the Department of Social Welfare (DSWD) for Halfway Houses in the provinces and the respective local government units (LGUs) of the highly urbanized, independent, and component cities for the Halfway Houses in the cities, particularly the Gender and Development (GAD) Budget of the LGUs' mandated agencies. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act and the annual Local Government Unit (LGU) Budget respectively.

**SEC. 7. *Implementing Rules and Regulations.*** - The Department of Social Welfare and Development, as head of the Inter-Agency Council on Violence Against Women and Their Children (IAC-VAWC), shall coordinate with the Department of Interior and Local Government and other relevant agencies in promulgating the rules and regulations for the effective enforcement of the provisions of this Act.

**SEC. 8. *Separability Clause.*** - Should any part of this Act be declared unconstitutional or invalid, the other provisions hereof that are not affected thereby shall continue to be in full force and effect.

**SEC. 9. *Repealing Clause.*** - All laws, decrees, executive orders, proclamations, rules and regulations, and issuances, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

**SEC. 10. *Effectivity.*** This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper or general circulation.

Approved,