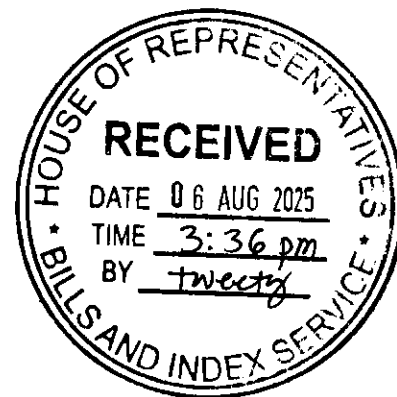


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

House Bill No. 3287



INTRODUCED BY HONORABLE JANICE V. DEGAMO

EXPLANATORY NOTE

In 2024, there were 18,089 cases of violence against children recorded in the Philippines according to the Council for the Welfare of Children while data from the National Demographic and Health Survey 2022 showed that 18.6 percent of women age 15-49 years old from Region VII who have ever had a husband or intimate partner experienced emotional, physical, or sexual violence committed by their current or most recent husband or intimate partner.

In Negros Oriental alone, the Philippine National Police Negros Oriental Women and Children's Protection Desk recorded 363 cases of violence against women from January to November 2023, which was almost double the number of cases recorded in the same period in 2022.

With only one functional Women's Crisis Center in the Province located in Dumaguete City, women and children victims-survivors of violence and abuse from other towns and municipalities are confronted with many barriers to access to justice which may discourage them from pursuing cases against perpetrators and availing existing services for the victims.

This bill aims to address the necessity of bringing accessible, reliable, and comprehensive services and protection to women and children victim-survivors of violence in the third district of Negros Oriental and neighboring municipalities and cities by establishing a Women and Children Protection Center in the Municipality of Siaton .

Approval of this bill is earnestly sought


JANICE V. DEGAMO
Representative, 3rd District of Negros Oriental

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HOUSE OF REPRESENTATIVES
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TWENTIETH CONGRESS
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House Bill No. 3287

Introduced by **HONORABLE JANICE V. DEGAMO**

AN ACT
ESTABLISHING THE MUNICIPALITY OF SIATON WOMEN AND
CHILDREN PROTECTION CENTER, ADOPTING AN AGE-APPROPRIATE,
GENDER-SENSITIVE, AND TRAUMA-INFORMED PROGRAM, AND
APPROPRIATING FUNDS THEREFOR

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 “Municipality of Siaton Women and Children Protection Center Act.”

SEC. 2. *Declaration of Policy.* The following State policies shall be observed at all times:

(a) The State recognizes the value of the dignity of every human person and guarantee full respect for human rights and likewise recognizes the need to protect women and children, as members of the vulnerable sector, from all forms of gender-based violence;

(b) The State recognize and promote the right to health of the people and shall support the elimination of all forms of gender-based violence;

(c) Pursuant to Article 19 of the UN Convention on the Rights of the Child, State Parties shall take all appropriate measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Towards this end, the State shall exert efforts to address gender-based violence committed against women and children consistent with the fundamental freedoms guaranteed under the 1987 Philippine Constitution, the Universal Declaration of Human Rights, the Convention on The Rights of the Child, the Convention on the Elimination of all forms of Discrimination Against Women, and other international human rights instruments of which the Philippines is a party.

SEC. 3. *Definition of Terms.* As used in this Act:

- a) **“Child”** refers to person below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition;
- b) **“Child Abuse”** refers to the maltreatment, whether habitual or not, of the child which includes any of the following:
 - 1) Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
 - 2) Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
 - 3) Unreasonable deprivation of his basic needs for survival, such as food and shelter; or
 - 4) Failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or in his permanent incapacity or death.
- c) **“Online sexual abuse or exploitation of children (OSAEC)”** refers to the use of ICT as a means to abuse and/or exploit children sexually, which includes cases in which offline child abuse and/or exploitation is combined with an online component. This can also include, but is not limited to, the production, dissemination and possession of CSAEM; online grooming of children for sexual purposes; sexual extortion of children, sharing image-based sexual abuse; commercial sexual exploitation of children; exploitation of children through online prostitution; and live-streaming of sexual abuse, with or without the consent of the victim.
- d) **“Violence against women”** refers to any act or a series of acts committed by any person against a woman which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It shall also include the definitions under Republic Act No. 9262.
- e) **“Best Interest of the Child”** refers to the totality of the circumstances and conditions which are most congenial to the survival, protection and feelings of security of the child and most encouraging to the child's physical, psychological and emotional development.

SEC. 4. *Women and Children Protection Center.* The Women and Children Protection Center shall be established in the Municipality of Siaton which shall respond to the needs of women and children victims-survivors of violence and abuse in an age-appropriate, gender-sensitive, and trauma-informed approach. It shall be composed of a multidisciplinary team equipped to provide comprehensive medical and psycho-social services to women and children victims of violence.

SEC. 5. *Services.* The Center shall provide the following services as may be necessary:

- a) *Medical services* such as but not limited to routine check-up, screening and treatment of Sexually Transmitted Diseases (STD), mental health screening, development assessment;
- b) *Forensic Services* such as but not limited to medico-legal evaluation, videotaped forensic interview, forensic social work;
- c) *Legal services* such as but not limited to legal counseling to the victim-survivor and their family, preparation of legal documents, assistance in the filing of cases or claims from the Department of Justice Board of Claims and Commission on Human Rights;
- d) *Social services* such as risk and security assessment of the victim-survivor and referral to agencies, non government organizations, civil society organizations for other support services necessary for the recovery and well-being of the victim-survivor.

SEC. 6. *Facilities.* In order to provide a safe space for victims-survivors and to ensure the efficient and effective service, the Center shall have the following facilities:

- a) Reception or Intake Area;
- b) Counseling Room;
- c) Medical Examination Room;
- d) Interview/Investigation Room (with one-way mirror, video recorder, etc.);
- e) Database or Records Section;
- f) Child-friendly Room.

SEC. 7. *Personnel.* The Center shall be operated by a multi-disciplinary team composed of the following:

- 1) *Executive Director* with bachelor's degree preferably with medical license, at least four (4) years work experience in Gender And Development (GAD) or related programs and advocacies relating to women and children rights particularly women and children in crisis situations;
- 2) *Social Welfare Officer* with at least one (1) year work experience in GAD or or related programs and advocacies relating to women and children rights particularly women and children in crisis situations, and registered as a social worker;
- 3) *Two (2) Administrative Officers* with bachelor's degree, at least one (1) year work experience in GAD or related programs and advocacies relating to women and children rights particularly women and children in crisis situations;

The following professionals and consultants who will be employed or detailed in the Center shall receive honoraria, allowances and other such emoluments in accordance with budgetary limitations prescribed by law:

- 1) *Psychologist or child psychologist* — Registered Psychologist with at least two (2) years experience in handling cases of violence against women and children;
- 2) *Medico-Legal Officer* — Doctor of Medicine with one (1) year experience in medico-legal;
- 3) *Police Officer* to be detailed and recommended by the Philippine National Police;
- 4) *Legal Officer* — Member of the Integrated Bar of the Philippines who specializes and has experience in handling cases of violence against women and children.

SEC. 8. *Operations.* The Center shall be under the Provincial Health Office of Negros Oriental which shall act as the lead agency in its operations, until such time that the budget for the Center shall be included in the appropriation of the Provincial Office of Negros Oriental.

SEC. 9. *Role of the Police Officer.* The full time police officer detailed at the Center is expected to handle the conduct of investigation of complaints with utmost care and sensitivity.

Upon the receipt of the complaint, the police officer shall:

- (a) Immediately refer the case to the prosecutor for inquest if the accused is detained otherwise the rules of court shall apply;
- (b) Arrange for counseling and medical services for the victim-survivor;
- (c) Assist the family in the preparation of documents and requirements in the filing of claims for compensation before the Department of Justice- Board of Claims and Commission on Human Rights if applicable;
- (d) Prepare a written report of the actions taken.

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

SEC. 10. *Protocol in handling cases of violence against women and children.* The Center shall develop a comprehensive protocol in handling cases of violence against women and children, taking in consideration the sensitive nature of the cases before the Center.

It shall adopt the provisions of Republic Act No. 8505 or the Rape Victim Assistance and Protection Act of 1998, Republic Act No. 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act, Republic Act No. 11930 or the Anti-Online Sexual Abuse or Exploitation of Children and Anti-Child Sexual Abuse or Exploitation Materials Act, Republic Act No 9208 or the Anti-Trafficking in Persons Act of 2003, Republic Act No. 9344 or the Juvenile Justice and Welfare Act as amended, and Administrative Matter (A.M.) No. 00-4-07-SC or the Examination of Child Witness Rule, as far as practicable.

The Center's personnel shall also be trained to recognize signs of abuse or violence as well as mental health issues that arise in survivors of violence and shall employ a compassionate and nonjudgmental approach when dealing with the victim-survivor and their family.

SEC. 11. *Legal assistance.* The Center shall create a legal support network specializing in cases of violence against women and children. It shall include members of the Integrated Bar of the Philippines, Legal Aid offices, non government organizations and civil society organizations with an advocacy for the promotion and protection of the rights of women and children.

SEC. 12. *Centralized Database on Violence Against Children and Women Cases.* The Center shall keep a database of all cases assisted and filed before it for proper monitoring and reporting purposes only. The collection and processing of data shall be in compliance with Republic Act No. 10173 or the Data Privacy Act of 2012.

SEC. 13. *Confidentiality of Records.* All records shall be considered privileged and confidential. The records shall not be disclosed directly or indirectly to anyone and all public officers and employees and public or public or private clinics or hospitals shall respect the right to privacy of the victim.

Any person, who without the consent of the victim-survivor, causes the publication, or broadcast of any information pertaining to the victim-survivor, their family, or the case, without the consent of the victim-survivor shall be held liable to the contempt power of the court.

SEC. 14. *Appropriations.* The amount necessary for the establishment and operation of the Municipality of Siaton Women and Children Protection Center shall be charged against the Budget of the DSWD for the following year's appropriation. Thereafter such sums as may be necessary for the continued implementation of this Act shall be included in the budget the Provincial Social Welfare Office of Negros Oriental.

In addition, the Center may accept donations, grants, and contributions, from various sources, in cash or in kind, for purposes relevant to its functions, subject to the usual government accounting and auditing regulations.

SEC. 15. *Implementing Rules and Regulations.* Within (90) days upon the approval of this Act, all concerned agencies shall formulate rules and regulations as may be necessary. Provided, That the failure of the concerned agencies to promulgate the said rules and regulations shall not prevent the implementation of this Act upon its effectivity.

SEC. 16. *Separability Clause.* If any provision or part hereof is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain valid and subsisting.

SEC. 17. *Repealing Clause.* Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 18. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

Approved,