

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 5194



Introduced by Honorable Representatives
SARAH JANE I. ELAGO (Gabriela Women's Party),
ANTONIO L. TINIO (ACT Teachers Party-list), and
RENEE LOUISE M. CO (Kabataan Party-list)

**AN ACT PROVIDING MANDATORY SEXUAL ASSAULT FORENSIC
EXAMINATION (S.A.F.E.) KITS AND PROVIDING PSYCHOSOCIAL SERVICES
TO VICTIMS OF SEXUAL VIOLENCE**

EXPLANATORY NOTE

The Constitution of the Republic of the Philippines guarantees the protection of the rights and welfare of every individual, including victims of sexual violence. It recognizes the State's duty to promote gender equality and to ensure full respect for human rights.

However, sexual violence, particularly rape, is still prevalent in our country. In 2022, the number of reported victims of rape in the Philippines reached 8,360. While the official figures offer a glimpse into the scale of the problem, they fail to capture the true extent of the crisis. According to the Department of Local and Interior Government (DILG), rape is the number one crime in some parts of the Philippines.¹ Many victims suffer in silence, their voices silenced by shame, fear of reprisal, or a lack of faith in the justice system.

Sexual violence is a grave violation of human rights and a pervasive issue in our society. Victims of sexual violence often face physical, emotional, and psychological trauma, which can have long-lasting effects on their well-being and overall quality of life. The government must take proactive measures to address the needs of these victims and provide them with the necessary support.

¹ <https://mb.com.ph/2024/2/3/abalos-orders-more-police-efforts-as-rape-turns-out-to-be-number-one-crime-in-some-ph-areas>

This proposed bill aims to require Sexual Assault and Forensic Examination (S.A.F.E.) Kit testing and to provide psychosocial services to victims of sexual violence. It is a crucial step in the investigation and prosecution of sexual offenses, which involves the collection of physical evidence from the victim's body, which can then be used to identify perpetrators and strengthen legal cases.

This proposed legislation also targets to ensure that victims who have availed of legal remedies against their perpetrators have access to evidence that can strengthen their cases. The availability, even at a later date, of forensic evidence can also help and encourage future prosecution of sexual violence cases by the victim.

The provision of psychosocial services is equally important in addressing the holistic needs of sexual violence victims. These services encompass psychological counseling, emotional support, and other necessary interventions to help victims cope with the trauma they have experienced. By ensuring access to these services, government agencies can assist victims in their recovery and empower them to rebuild their lives.

This bill recognizes the importance of a comprehensive and victim-centered approach to addressing sexual violence. It seeks to institutionalize the rights of victims to undergo a forensic and physical test through the use of the S.A.F.E. Kit, regardless of their economic status, and to receive psychosocial services that are culturally sensitive and gender-responsive. It also calls for establishing specialized centers or units that will provide these services, ensuring that victims have a safe and supportive environment to seek help.

In view of the foregoing, the passage of this bill is earnestly sought. By enacting this legislation, we can take a significant step towards protecting the rights and well-being of victims of sexual violence and promoting a society free from gender-based violence.



REP. SARAH JANE I. ELAGO
Gabriela Women's Party



REP. ANTONIO L. TINIO
ACT Teachers Party-list



REP. RENEE LOUISE M. CO
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**AN ACT PROVIDING MANDATORY SEXUAL ASSAULT FORENSIC
EXAMINATION (S.A.F.E.) KITS AND PROVIDING PSYCHOSOCIAL SERVICES
TO VICTIMS OF SEXUAL VIOLENCE**

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 “S.A.F.E. Kit and Free Psychosocial Services Act.”

SECTION 2. *Declaration of policy.* – It is the policy of the State to protect the rights and welfare of victims of sexual violence and to ensure that they have access to appropriate medical and psychosocial services. The State recognizes that rape is a heinous crime that causes physical, emotional, and psychological trauma to the victim and that providing comprehensive services to the victim is essential to their recovery and rehabilitation.

SECTION 3. *Definition of terms.* –

(a) “*Public hospitals, health care clinics and facilities*” are all government owned or managed hospitals, clinics and facilities in the local or national level, including Department of Health (DOH)-controlled hospitals and provincial hospitals.

(b) “*Medical examination*” means a physical examination conducted by a trained medical professional to document any injuries or physical evidence of sexual assault for future legal prosecution. It also includes quick response examination of the victim to address any injuries sustained by, or other medical needs of, the victim.

(c) "*Psychosocial services*" means a range of services, including counseling, therapy, and support groups, provided to victims of sexual violence to address their emotional and psychological needs.

(d) "*Sexual Assault Forensic Examination (S.A.F.E.) Kit*" is a set of materials, as determined under Section 5 of this Act, to be used in the S.A.F.E. Kit Testing of a sexual assault patient to ensure that all forensic and physical evidence are fully obtained from the victim and are properly preserved for possible future prosecution.

(e) "*S.A.F.E. Kit Testing*" includes a comprehensive examination provided to a sexual assault patient by a health care provider who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.

(f) "*Sexual violence*" means any sexual activity or behavior that is non-consensual or occurs without the explicit consent of the victim, including rape as defined under applicable laws.

(g) "*Trained Medical professional*" means a medical professional who has undergone additional formal training or education in forensic examination of sexual violence victims.

SECTION 4. *Mandatory Provision of S.A.F.E. Kit Testing.* – All public hospitals, health care clinics and facilities shall be required to administer free S.A.F.E. Kit to any victim of sexual violence who seeks medical attention and who requests such an examination. The examination shall be conducted by a trained medical professional and shall include the use of a S.A.F.E. kit, the collection and analysis of forensic and physical evidence gathered from the victim.

SECTION 5. *Contents of S.A.F.E. Kit Testing.* - The S.A.F.E. Kit shall include, among other items, the following:

- a. Bags and paper sheets for evidence collection;
- b. Comb;
- c. Disposable gloves;
- d. Documentation forms;
- e. Envelopes;
- f. Instructions;
- g. Materials for blood samples
 - i. Test tube
 - ii. Cotton
 - iii. Syringes and needles
 - iv. Cotton; and
- h. Swabs.

The Department of Health (DOH) shall include additional items as they may deem necessary and effective in ensuring that the victim is fully tested.

SECTION 6. *S.A.F.E. Kit Testing Process.* - The trained medical professional who shall conduct S.A.F.E. Kit Testing shall:

- (1) gather information from the patient for the medical forensic history;
- (2) make a medical examination of the patient;
- (3) coordinate treatment of injuries, documentation of biological and physical findings, and collection and preservation of evidence from the patient;
- (4) document findings;
- (5) provide information, treatment, and referrals for sexually transmitted infections, pregnancy, suicidal ideation, alcohol and substance abuse, and other non-acute medical concerns; and
- (6) provide follow-up/s as needed to provide additional healing, treatment, or collection of evidence.

SECTION 7. *Analysis of the S.A.F.E. Kit Testing.* - Immediately after administering the S.A.F.E. Kit test and so as not to contaminate the specimens, the hospital or health care clinic/facility shall analyze the specimens gathered from the victim.

SECTION 8. *Preservation of S.A.F.E. Kit Specimens and Results.* - The DOH, in coordination with the Local Government Unit (LGU), shall ensure that all S.A.F.E. Kit specimens and findings are preserved and stored in a proper manner conducive to their safekeeping.

The DOH shall ensure that all major public hospitals in every city and municipality shall have proper storage facilities to house the S.A.F.E. Kit specimens. In case the examination was taken in a private hospital or health care facility/clinic, the private hospital or health care facility/clinic shall coordinate with the nearest public hospital for the immediate transfer of the specimens and results.

The transferring facility shall ensure that all S.A.F.E. Kit specimens and results transported to the storage facility maintain their integrity and are tamper-proof. The DOH, in consultation with the Department of Justice, shall determine the proper procedure to ensure the proper transfer and preservation of the specimens and results, in accordance with existing laws, Supreme Court issuances, and the Rules on Evidence.

SECTION 9. *Access to Psychosocial Services.* – All victims of sexual violence shall have access to psychosocial services, including counselling, therapy, and support groups, to address their emotional and psychological needs. These services shall be provided free of charge by the government through the Department of Social Welfare and Development (DSWD), local

government units (LGUs), and other concerned agencies. Rape crisis centers, as defined under Republic Act No. 8505, shall also be required to provide the psychosocial services in this section, when such services are availed of by the victim.

SECTION 10. *Training for Medical Professionals.* – All medical professionals per hospital shall be required to attend a comprehensive capacity-building program aimed at enhancing their skills and knowledge in conducting medical forensic examinations and gender-sensitivity training in handling sexual violence victims. The program shall be conducted by the DOH.

SECTION 11. *Confidentiality and Privacy.* – All persons involved in the administration of the S.A.F.E kit examination and the psychosocial services shall ensure the confidentiality and privacy of the victim. The victim's identity shall be protected, and any information gathered during the examination or the provision of services shall be kept confidential, except as required by law, subject to the R.A. No. 10173.

SECTION 12. *Access to Information.* - Information gathered during the examination, including the specimens and results of the S.A.F.E. kit testing, can only be accessed by the victim, or by any of his/her authorized representative/s through written consent, or by court order in a pending case involving the victim.

SECTION 13. *Appropriations.* – the amount necessary for the implementation of this Act shall be charged to the current appropriations for the DOH, DSWD, DILG, and the DOJ. Therefore, such sum as may be necessary for the continued implementation of this act, shall be included in the annual General Appropriations Act.

SECTION 14. *Implementing Rules and Regulations.* – The DOH, in consultation with the DOJ, the DSWD, the DILG, the Philippine Commission on Women (PCW), and non-government organizations and civil society groups, shall promulgate not later than thirty (30) days upon the effectivity of this Act, the necessary Implementing Rules and Regulations.

SECTION 15. *Separability Clause.* – Any provision or portion of this Act that may be declared unconstitutional shall not have the effect of nullifying other parts thereof.

SECTION 16. *Repealing Clause.* – All laws, acts, decrees, executive orders, issuances, and rules and regulations or parts thereof which are contrary to, and inconsistent with any provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 17. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in a newspaper of general circulation.

Approved,