

RA

8353 & 8505

ANTI-RAPE LAW
OF 1997

RAPE VICTIM
ASSISTANCE
AND PROTECTION
ACT OF 1998

IMPLEMENTING RULES AND
REGULATIONS OF RA 8505

Printed by

National Commission on the Role of Filipino Women

1145 J. P. Laurel Street, San Miguel

Manila, Philippines 1005

<http://www.ncrfw.gov.ph>

With assistance from UNFPA Project

“Strengthening Government Mechanism in Mainstreaming Gender in
the Reproductive Health, Population and Anti-VAW Programs”

October 2006

COMPLIMENTARY COPY. NOT FOR SALE.

REPUBLIC ACT NO. 8353

Anti-Rape Law of 1997

REPUBLIC ACT NO. 8505

*Rape Victim Assistance and
Protection Act of 1998*

**IMPLEMENTING RULES
AND REGULATIONS OF
REPUBLIC ACT 8505**

TABLE OF CONTENTS

REPUBLIC ACT NO. 8353	1-6
An Act Expanding the Definition of the Crime of Rape, Reclassifying the same as a Crime Against Persons, Amending for the Purpose Act No. 3815, as Amended, Otherwise known as the Revised Penal Code, and for Other Purposes	
REPUBLIC ACT NO. 8505	7-11
An Act Providing Assistance and Protection for Rape Victims, Establishing for the Purpose a Rape Crisis Center in Every Province and City, Authorizing the Appropriation of Funds Therefor, and for Other Purposes	
IMPLEMENTING RULES AND REGULATIONS	12-30
Republic Act No. 8505, otherwise known as the “ <i>Rape Victim Assistance and Protection Act of 1998</i> ”	

Republic of the Philippines
Congress of the Philippines

Metro Manila

Tenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-eighth day of July, nineteen hundred and ninety-seven.



[REPUBLIC ACT NO. 8353]

**AN ACT EXPANDING THE DEFINITION OF THE
CRIME OF RAPE, RECLASSIFYING THE SAME
AS A CRIME AGAINST PERSONS, AMENDING
FOR THE PURPOSE ACT NO. 3815, AS
AMENDED, OTHERWISE KNOWN AS THE
REVISED PENAL CODE, AND FOR OTHER
PURPOSES**

SECTION 1. *Short Title.* – This Act shall be known as
“*The Anti-Rape Law of 1997.*”

SEC. 2. *Rape as a Crime Against Persons.* – The crime
of rape shall hereafter be classified as a Crime Against Persons
under Title Eight of Act No. 3815, as amended, otherwise known as
the Revised Penal Code. Accordingly, there shall be incorporated

into Title Eight of the same Code a new chapter to be known as Chapter Three on Rape, to read as follows:

Chapter Three

“Rape

“Article 266-A. *Rape; When And How Committed.* – Rape Is Committed –

“1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

- “a) Through force, threat, or intimidation;
- “b) When the offended party is deprived of reason or otherwise unconscious;
- “c) By means of fraudulent machination or grave abuse of authority; and
- “d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

“2) By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit 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 anal orifice of another person.

“Article 266-B. *Penalties.* – Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

“Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* to death.

“When by reason or on the occasion of the rape, the victim has become insane, the penalty shall be *reclusion perpetua* to death.

“When the rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be *reclusion perpetua* to death.

“When by reason or on the occasion of the rape, homicide is committed, the penalty shall be death.

“The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

“1) When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim;

“2) When the victim is under the custody of the police or military authorities or any law enforcement or penal institution;

“3) When the rape is committed in full view of the spouse, parent, any of the children or other relatives within the third civil degree of consanguinity;

“4) When the victim is a religious engaged in legitimate religious vocation or calling and is personally known to be such by the offender before or at the time of the commission of the crime;

“5) When the victim is a child below seven (7) years old;

“6) When the offender knows that he is afflicted with Human Immuno-Deficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS) or any other sexually-transmissible disease and the virus or disease is transmitted to the victim;

“7) When committed by any member of the Armed Forces of the Philippines or para-military units thereof or the Philippine

National Police or any law enforcement agency or penal institution, when the offender took advantage of his position to facilitate the commission of the crime;

“8) When by reason or on the occasion of the rape, the victim has suffered permanent physical mutilation or disability;

“9) When the offender knew of the pregnancy of the offended party at the time of the commission of the crime; and

“10) When the offender knew of the mental disability, emotional disorder and/or physical handicap of the offended party at the time of the commission of the crime.

“Rape under paragraph 2 of the next preceding article shall be punished by *prision mayor*.

“Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *prision mayor* to *reclusion temporal*.

“When by reason or on the occasion of the rape, the victim has become insane, the penalty shall be *reclusion temporal*.

“When the rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be *reclusion temporal* to *reclusion perpetua*.

“When by reason or on the occasion of the rape, homicide is committed, the penalty shall be *reclusion perpetua*.

“*Reclusion temporal* shall also be imposed if the rape is committed with any of the ten aggravating/qualifying circumstances mentioned in this article.

“Article 266-C. *Effect of Pardon*. – The subsequent valid marriage between the offender and the offended party shall extinguish the criminal action or the penalty imposed.

“In case it is the legal husband who is the offender, the subsequent forgiveness by the wife as the offended party shall extinguish the criminal action or the penalty: *Provided*, That the crime shall not be extinguished or the penalty shall not be abated if the marriage is *void ab initio*.

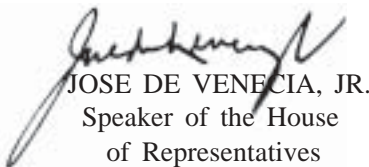
“Article 266-D. *Presumptions*. – Any physical overt act manifesting resistance against the act of rape in any degree from the offended party, or where the offended party is so situated as to render her/him incapable of giving valid consent, may be accepted as evidence in the prosecution of the acts punished under Article 266-A.”

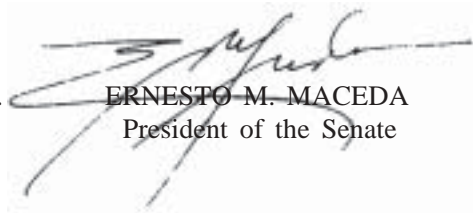
SEC. 3. *Separability Clause*. – If any part, section, or provision of this Act is declared invalid or unconstitutional, the other parts thereof not affected thereby shall remain valid.

SEC. 4. *Repealing Clause*. – Article 335 of Act No. 3815, as amended, and all laws, acts, presidential decrees, executive orders, administrative orders, rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.

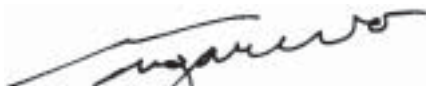
SEC. 5. *Effectivity*. – This Act shall take effect fifteen (15) days after completion of its publication in two (2) newspapers of general circulation.

Approved,



JOSE DE VENECIA, JR.
Speaker of the House
of Representatives


ERNESTO M. MACEDA
President of the Senate

This Act, which is a consolidation of Senate Bill No. 950 and House Bill No. 6265, was finally passed by the Senate and the House of Representatives on June 5, 1997 and September 3, 1997, respectively.

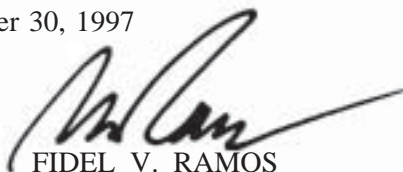


ROBERTO P. NAZARENO
Secretary General
House of Representatives



LORENZO E. LEYNES, JR.
Secretary of the Senate

Approved: September 30, 1997



FIDEL V. RAMOS
President of the Philippines

Republic of the Philippines
Congress of the Philippines

Metro Manila

Tenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-eighth day of July, nineteen hundred and ninety-seven.



[REPUBLIC ACT NO. 8505]

AN ACT PROVIDING ASSISTANCE AND PROTECTION FOR RAPE VICTIMS, ESTABLISHING FOR THE PURPOSE A RAPE CRISIS CENTER IN EVERY PROVINCE AND CITY, AUTHORIZING THE APPROPRIATION OF FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. *Title.* — This Act shall be known as the “Rape Victim Assistance and Protection Act of 1998.”

SEC. 2. *Declaration of Policy.* — It is hereby declared the policy of the State to provide necessary assistance and protection for rape victims. Toward 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.

SEC. 3. *Rape Crisis Center.* — 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-government organization (NGO) with proven track record or experience in handling sexual abuse cases, shall establish in every province and city a rape crisis center located in a government hospital or health clinic or in any other 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 counseling and medical services when necessary for the family of rape victims;

(f) Developing and undertaking a training program for law enforcement officers, public prosecutors, lawyers, medico-legal 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.

SEC. 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 services 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.

SEC. 5. *Protective Measures.* — At any stage of the investigation, prosecution and trial of a complaint for rape, the police officer, the prosecutor, the court and its officers, as well as the parties to the complaint shall recognize the right to privacy of the offended party and the accused. Towards this end, the police officer, prosecutor, or the court to whom the complaint has been referred may, whenever necessary to ensure fair and impartial proceedings, and after considering all circumstances for the best interest of the parties, order a closed-door investigation, prosecution or trial and that the name and personal circumstances of the offended party and/or the accused, or any other information tending to establish their identities,

and such circumstances or information on the complaint shall not be disclosed to the public.

The investigating officer or prosecutor shall inform the parties that the proceedings can be conducted in a language or dialect known or familiar to them.

SEC. 6. *Rape Shield.* — In prosecutions for rape, evidence of complainant's past sexual conduct, opinion thereof or of his/her reputation shall not be admitted unless, and only to the extent that the court finds, that such evidence is material and relevant to the case.

SEC. 7. *Appropriations.* — For the establishment and operation of the rape crisis centers during the first year of implementation of this Act, the amount of One hundred twenty million pesos (P120,000,000.00) shall be charged against the Organizational Adjustment Fund, as follows: Sixty million pesos (P60,000,000.00) for the DSWD; and Twenty million pesos (P20,000,000.00) each for the DOH, DILG, and DOJ, respectively. Thereafter, the necessary amount for the rape crisis centers shall be included in the budgetary allocations for the agencies concerned in the annual General Appropriations Act.

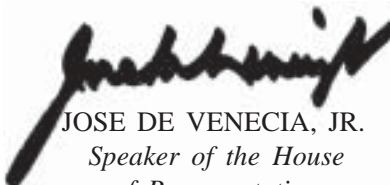
SEC. 8. *Implementing Rules and Regulations.* — Within ninety (90) days upon the approval of this Act, all concerned agencies shall formulate rules and regulations as may be necessary for the proper implementation thereof.

SEC. 9. *Separability Clause.* — If any part, section or provision of this Act is declared invalid or unconstitutional, the other parts thereof not affected thereby shall remain valid.

SEC. 10. *Repealing Clause.* — All laws, acts, presidential decrees, executive orders, administrative orders, rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.

SEC. 11. *Effectivity.* — This Act shall take effect fifteen (15) days after completion of its publication in at least two (2) newspapers of general circulation.

Approved,

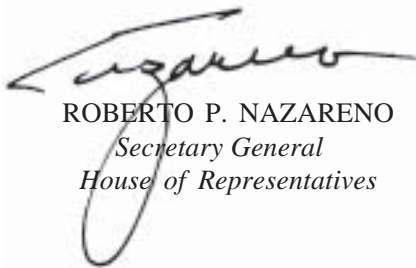


JOSE DE VENECIA, JR.
*Speaker of the House
of Representatives*



NEPTALI A. GONZALES
President of the Senate

This Act, which is a consolidation of Senate Bill No. 2280 and House Bill No. 9962 was finally passed by the Senate and the House of Representatives on February 4, 1998 and February 5, 1998, respectively.




ROBERTO P. NAZARENO
*Secretary General
House of Representatives*



HEZEL P. GACUTAN
Secretary of the Senate

Approved,

February 13, 1998



FIDEL V. RAMOS
President of the Philippines

Republic of the Philippines
NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY

Neda sa Pasig, 12 Blessed Josemaria Escriva Drive, Ortigas
Center, Pasig City 1605
P.O. Box 419, Greenhills - Tels. 631-0945 to 64
<http://www.neda.gov.ph>

SOCIAL DEVELOPMENT COMMITTEE
Resolution No. 1 (Series of 2002)

**Approving the Implementing Rules and Regulations (IRR) of
Republic Act (RA) 8505, Providing Assistance and Protection
for Rape Victims, Establishing for the Purposes, A Rape Crisis
Center in Every Province and City**

WHEREAS, the Philippine Constitution values the dignity of
the human being and guarantees full respect for human rights;

WHEREAS, RA 8353 has been enacted to expand the
definition of the crime of rape as a crime against persons, amending
for the purpose RA 3815, as amended, other known as the Revised
Penal Code;

WHEREAS, RA 8505 has been enacted to establish and
operate a rape crisis center in every province and city that shall
protect and assist rape survivors in the litigation of their cases in their
recovery;

WHEREAS, the government shall coordinate its various
agencies and collaborate with non-government organizations (NGO's)
to work hand in hand for the establishment and operation of such
centers;

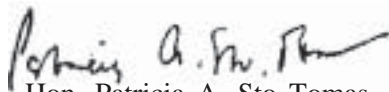
WHEREAS, the draft IRR on RA 8505 was formulated by
a Committee headed by the Department of Social Welfare and
Development (DSWD), and participated in by the Department of
Health (DOH), Department of Interior and Local Government (DILG),

Department of Justice (DOJ), National Commission on the Role of Filipino Women (NCRFW), Philippine National Police (PNP), Women's Legal Bureau, Third World Movement Against the Exploitation of Women, Women Crisis Center and the Kalakasan Foundation Incorporated;

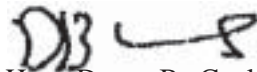
WHEREAS, the comments of the members of the Social Development Committee were already considered in the attached draft IRR;

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, by the Chairman and the members of the NEDA Board's Social Development Committee (SDC) - Cabinet Level, to approve and adopt the Implementing Rules and Regulations (IRR) of RA 8505.

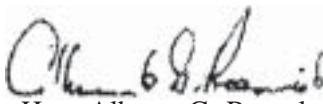
Approved this 7th day of February 2002 at NEDA sa Pasig, Pasig City.



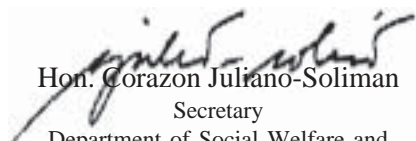
Hon. Patricia A. Sto Tomas
Secretary, Department of Labor
and Employment
Chairman, Social Development Committee-
Cabinet Level/Cabinet Cluster C



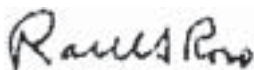
Hon. Dante B. Canlas
Secretary for Socio-Economic
Planning Co-Chair, Social
Development Committee-Cabinet
Level/Cabinet Cluster C



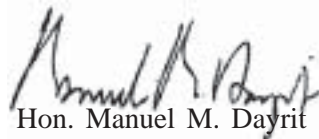
Hon. Alberto G. Romulo
Executive Secretary



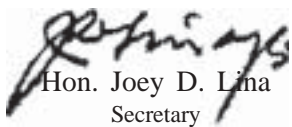
Hon. Corazon Juliano-Soliman
Secretary
Department of Social Welfare and
Development



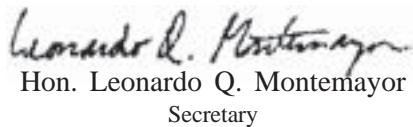
Hon. Raul S. Roco
Secretary
Department of Education



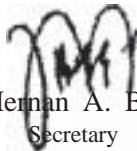
Hon. Manuel M. Dayrit
Secretary
Department of Health



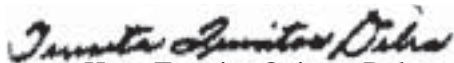
Hon. Joey D. Lina
Secretary
Department of Interior and Local
Government



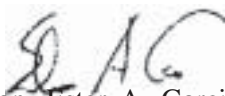
Hon. Leonardo Q. Montemayor
Secretary
Department of Agriculture



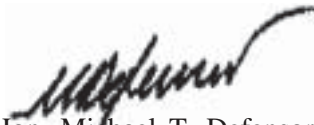
Hon. Hernan A. Braganza
Secretary
Department of Agrarian Reform



Hon. Teresita Quintos-Deles
Secretary
National Anti-Poverty Commission



Hon. Ester A. Garcia
Chairperson
Commission on Higher Education



Hon. Michael T. Defensor
Chairperson
Housing and Urban Development
Coordinating Council



Hon. Lucita S. Lazo
Deputy Director-General
Technical Education and Skills Development Authority

**RULES AND REGULATIONS IMPLEMENTING
REPUBLIC ACT. NO. 8505,
OTHERWISE KNOWN AS
THE “RAPE VICTIMS ASSISTANCE
AND PROTECTION ACT OF 1998”**

Pursuant to Section 8 or RA No. 8505, An Act Providing Assistance and Protection for Rape Victims, Establishing for the Purpose, a Rape Crisis Center in every province and city, the following rules and regulations are hereby issued:

RULE 1

POLICY AND APPLICATION

Section 1. **PURPOSE AND OBJECTIVES.** These rules and regulations seek to implement the declared policy of the State to provide necessary assistance and protection for rape survivors by the establishment and operation of a rape crisis center in every province and city that shall protect and assist rape survivors in the litigation of their cases and in their recovery.

For this purpose, the government shall coordinate its various agencies and collaborate with non-government organizations to work hand in hand for the establishment and operation of such centers.

Section 2. **MANDATE AND RESPONSIBLE AGENCIES.** 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-government organization (NGO) with proven track record or experience in handling sexual abuse cases, shall establish in every province and city a rape crisis center located in any suitable place, or in a government hospital or health clinic.

The DSWD shall be the lead agency in the establishment and operation of a rape crisis center.

Section 3. DEFINITION OF TERMS

- a. Rape* shall be defined pursuant to Article 266-A of the Revised Penal Code, **as amended by RA 8353**, as a crime against persons committed **as follows**:
1. by a man who shall have carnal knowledge of a woman under any of the following circumstances:
 - i. through force, threat, or intimidation;
 - ii. when the offended party is deprived of reason or otherwise unconscious;
 - iii. by means of fraudulent machinations or grave abuse of authority; and
 - iv. when the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.
 2. by any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into genital or anal orifice of another person.
- a. Rape Victim* shall refer to the offended party, male or female, minor or adult who has been a victim of rape as defined above. Rape victim shall also be known as rape survivor.
- b. Rape Crisis Center* shall refer to a facility where a comprehensive network of services and support activities are available in a particular province or city to victims of rape and other forms of sexual abuse, their family and

the community, in general, including programs for sexual assault awareness and prevention. The Rape Crisis Center **will be established in areas where there are high incidences of rape cases.** It may be located in any suitable place or government hospital or health clinic and will be established by creating or upgrading existing facilities or by establishing or building upon existing networks providing support and assistance to victims of rape (and other forms of sexual abuse). The center may be known by some other name to prevent stigmatization of the survivor.

- c. *Police Officer* shall refer to any law enforcement agent of the Philippines National Police (PNP), the National Bureau of Investigation (NBI) or other law enforcement agencies.

RULE 2

ESTABLISHMENT AND OPERATION OF RAPE CRISIS CENTERS

Section 4. FUNCTIONS OF A RAPE CRISIS CENTER.

A rape crisis center shall have the following functions:

- a. provide victims of rape and other forms of sexual abuse with psychological counseling, medical and health services, including their medico-legal examination;
- b. secure free legal assistance or service, when necessary, for victims of rape and other forms of sexual abuse;
- c. assist victims of rape and other forms of sexual abuse in evidence gathering and in the investigation to hasten the arrest of offenders and filing of cases in court;
- d. ensure the privacy and safety of victims of rape;

- e. provide psychological counseling and medical services whenever necessary for the family of victims of rape and other forms of sexual abuse;
- f. adopt and implement programs that are survivor-sensitive for the recovery of victims of rape and other forms of sexual abuse;
- g. assist the government in raising public awareness on rape and other forms of sexual abuse and encourage volunteerism and the participation of the various sectors of the country for increased individual and community safety awareness;
- h. develop a referral system that would be made available based on need of the survivors, such as temporary shelter, education and skills training;

Section 5. COMPOSITION OF STAFF AT RAPE CRISIS CENTER. As a network of services, the rape crisis center shall be comprised of the following who will form the core staff of the network who shall be on call and shall act jointly in providing full support and assistance to rape survivors at any time and in every step of the process, namely:

- a. social workers or crisis workers who shall respond to the counseling and psycho-social needs of survivors, among others, who may be drawn from the DSWD, LGUs or from any participating NGO;
- b. physicians who shall conduct medico-legal examinations and provide treatment to injuries and diseases related to the rape;
- c. psychologists or psychiatrists who shall provide psychological counseling and psychiatric services, whenever necessary, to the victims;

- d. police officers who shall conduct the investigation, ensure the gathering of evidence material to the case, ensure the speedy arrest of offenders and the filing of cases in court as well as provide security to victims, witnesses, counselors and social workers, where the circumstances of threat merit such police security. The barangay wherein the threatened victim, witnesses, counselors and social workers reside may also assist in providing such security;
- e. prosecutors or lawyers who shall facilitate the litigation of the rape cases that are filed;
- f. NGO representatives who shall, among others, conduct awareness raising and advocacy activities.

Section 6. DUTIES AND RESPONSIBILITIES OF MANDATED AGENCIES AND NGO PARTNERS. The mandated agencies such as DSWD, DOH, DOH, DILG, and NGO lead agency shall perform the following functions and responsibilities:

Department of Social Welfare and Development (DSWD)

- Provide support services to rape victims and their families such as residential service (e.g. Haven for Women, Substitute Home Care for Women and Group Home for Girls) and community-based service.
- Establish linkage with the academe and all NGOs for the necessary support services to rape victims/survivors and their families.
- Conduct training to Social Workers **and other service providers** for the effective operation and management of Rape Crisis Centers.
- Conduct of training for counselors on basic approaches in dealing with victims of rape.

- Provide technical assistance to local government units for the operation and maintenance of Rape Crisis Center.
- Develop programs that facilitate the recovery of rape survivors and other support interventions.

Department of Health (DOH)

- Provide a space at the Regional Hospitals for the Rape Crisis Centers.
- Provide immediate medical assistance to victims of rape.
- Develop and adopt uniform medical examination procedures including the accomplishment of forms/report, such as the conduct of physical examination within 48 hours.
- Conduct training to examining physicians and other health workers on gender sensitivity core messages in the training of medical and health professionals.
- Ensure both the validity and confidentiality of the medical records required in cases of litigation.

Department of Interior and Local Government (DILG)

- Establish Women's Desk in every precinct throughout the country authorized among others to conduct investigation of rape cases through the Philippine National Police (PNP).
- Conduct training to law enforcement officers and barangay officials on human rights, gender sensitivity and legal management of rape cases in coordination with appropriate officer/agencies.

- Provide support to LGUs to assist victims of rape and to ensure the sustainability of such services.
- Issue a memorandum order to LGUs to support the establishment of rape crisis centers in every province/city.

Department of Justice (DOJ)

- Ensure speedy disposition of rape cases.
- Ensure the efficiency of legal services supporting the free legal assistance to victims of rape.
- Conduct training of prosecutors and other officers at the justice system

Lead Non-Government Agency

- Conduct public information/dissemination.
- Assist in the development and implementation of training programs for law enforcers, prosecutors, social workers, physicians and other health workers, barangay officials, etc.
- Advocate for community-based programs supporting for victims of rape and their families.
- Advocate for the elimination of all forms of violence against women and children

RULE 3

DUTIES AND RESPONSIBILITIES OF THE INVESTIGATING POLICE OFFICER, EXAMINING PHYSICIAN, PROSECUTOR AND SOCIAL WORKER OR CRISIS WORKERS

Section 7. COMMON DUTIES AND RESPONSIBILITIES OF THE INVESTIGATING POLICE OFFICER, EXAMINING PHYSICIAN, PROSECUTOR, SOCIAL WORKERS, OR CRISIS WORKERS;

- a. respect the rights and dignity of the survivors as a person;
- b. arrange for psychological counseling of rape victims and survivors by a trained and qualified counselor;
- c. arrange for the medical examination of the offended party by a trained and qualified physician and further medical services;
- d. refer the case to the Women's Desk of a precinct or agency;
- e. refer the survivor for legal services if he or she decides to file a case;
- f. inform the survivor of the range of his or her options;
- g. ensure the information regarding the survivor and his/her circumstances are kept confidential; and
- h. undergo training and other capacity development programs on, but not limited to, the following: trainings on gender sensitivity, gender sensitive counseling, human rights and women and children rights and legal management of rape cases.

Section 8. SPECIFIC DUTIES AND RESPONSIBILITIES
OF THE INVESTIGATING POLICE OFFICER.

- a. immediately refer the case to the Women's Desk of the precinct, or any other concerned agency such as **Local DSWD, DOJ, and NGO handling the cases**;
- b. immediately refer the case to a prosecutor for inquest, if the accused is detained or for preliminary investigation, if the accused is at large;
- c. provide security to the survivors of rape, witnesses and service providers; and
- d. ensure that the evidence gathered on the case are safeguarded.

Section 9. SPECIFIC DUTIES AND RESPONSIBILITIES
OF THE PROSECUTOR

- a. A prosecutor who is preferably of the same sex as the victim or to a gender sensitive prosecutor if the former is not present or available, shall conduct the inquest or preliminary investigation.
 - Informing the rape survivor of his or her rights and what to expect in the legal process;
 - Filing of the information against the offender including the discharge of a suspected offender to become a state witness;
 - Informing the rape survivor of the detention status of the accused pending trial, i.e., the rape survivor shall be informed beforehand of the release of the accused;
 - Scheduling of each court proceeding that the rape survivor is required to attend; and

- Accepting a plea of guilt by the accused or the promulgation of judgement in the rape case;
- b. Present during trial, the admission of evidence of the victim's past sexual conduct, opinion thereof, or reputation;
- c. Ensure that the inquest of preliminary investigation and trial shall be conducted in a language or dialect that is known or familiar to the victim;
- d. Exert utmost efforts to prevent delay in the preliminary investigation and trial of the rape case; and
- e. Not to divulge to the public the name, address and any other information or circumstances tending to establish the identity of the victim. Moreover, the public shall be barred during the conduct of the inquest or preliminary investigation if it will serve the best interests of the victim

Section 10. SPECIFIC DUTIES AND RESPONSIBILITIES OF THE EXAMINING PHYSICIAN.

- a. Before Examination:
 - Ensure that the medico-legal examination shall be conducted by a woman, or if unavailable, in the presence of a duly authorized woman;
 - Ensure that the only person(s) expressly authorized by the rape survivor are allowed inside the examination room.
- b. During Examination:
 - Conduct a speedy and thorough examination of the survivor so that humiliation as a result of repetitious procedures may be minimized; and
 - Treat the victim with gentleness and utmost respect.

c. After Examination:

- Prepare an official Medico-Legal Report based on the findings of the examination ensuring that it is duly endorsed by the Chief and the Director of the Medico-Legal Division **or duly authorized representative** with its corresponding case number. The Medico-Legal Report is prepared within two or three days unless other requirements are requested like x-ray, pregnancy test, ultrasound and others which would take a longer period of medical analysis; and
- Prepare and issue an initial report if there is an immediate need for the Medico-Legal Report, e.g. the suspect is detained.

d. Post Examination Assistance

- Refer all cases of rape to the rape crisis center or other government organization concerned, or to the hospital of choice for medical attention and counseling **if not yet referred**; and
- Appear and testify in court as an expert witness on the case.

Section 11. SPECIFIC DUTIES AND RESPONSIBILITIES
OF THE SOCIAL WORKER OR CRISIS WORKER

- a. Assess the cases of rape survivors received in the center;
- b. Define the problems to be worked on and set an agreement with the survivors consistent with the functions of the rape crisis centers;
- c. Formulate treatment plans with the rape survivors **including her family** consistent with the functions of the rape crisis centers;

- d. Organize and direct the interdisciplinary team in the center towards a holistic approach for the healing, recovery and reintegration of the rape survivors;
- e. Conduct stress management and other appropriate interventions to the rape survivors towards resolving trauma brought about by the experience;
- f. Network with the five pillars of the justice system to link the survivors to appropriate resources in response to identified needs;
- g. Evaluate the progress of the rape survivors according to the treatment plans formulated;
- h. Terminate the helping relationship after attainment of the treatment plans; and
- i. Ensure social reintegration of rape survivors in their family and community.

RULE 4

ASSISTANCE FOR THE RECOVERY OF RAPE SURVIVORS

Section 12. HEALING, RECOVER, AND REINTEGRAITON OF RAPE SURVIVORS

- a. A healing recovery, and reintegration program for rape survivors shall be adopted and consistently implemented by all rape crisis centers. Underlying said program should be the following:
 - that rape is a stress **causing circumstance** that tests the capacity of the individual, and therefore, rape survivors should be provided full support and understanding. It shall be a policy that the credibility

and character of the survivor shall not be questioned as the victim should never be blamed for the rape that occurred;

- that the therapeutic **applications** should focus on helping the survivor's return to her or his previous level of adaptation. The primary goal of interventions therefore facilitate the survivor's reintegration;
 - that the therapeutic **applications** should increase the survivor's capacity to adopt and maintain control since rape produces helplessness, feelings of vulnerability, fear, deception and humiliation;
 - that confidentiality should be maintained by the service providers. They should **assure** the survivors that they can withhold information and feelings about the abuse from significant persons in their lives for this may disrupt relationships;
 - that the service providers should sensitize the family and friends of rape survivors to the meaning of rape so they can support the survivor; and
 - that counseling for the immediate family members of the survivors is necessary to avoid criticizing or blaming the survivor.
- b. Upon the assessment of a duly authorized psychologist or psychiatrist, psycho-therapy shall be provided to the victim; and
- c. Rape survivors should be informed of the range of their options, the advantages and disadvantages of each one of their options, the challenges and all the possible

consequences of their options so that they could make sound decisions.

Section 13. REHABILITATION OF PERPETRATORS. A referral system shall be established for services to the perpetrators to prevent occurrences of incidences of rape.

RULE 5

CONFIDENTIALITY AND THE PRIVACY OF RAPE SURVIVORS

Section 14. CONFIDENTIALITY OF RAPE CASES.

- a. Only persons expressly authorized by the offended party shall be allowed inside the room where the investigation, medical or physical examination is being conducted. Appropriate protocols shall be developed and observed at any stage of the investigation, prosecution and trial of rape cases;
- b. The police officer, prosecutor and the court shall ensure fair and impartial proceedings, and in consideration of the best interest of both parties, shall order closed door investigation, prosecution or trial;
- c. All hearings in rape cases shall be made confidential and shall not be open to the public unless ordered by the court. All records, books and papers relating to the case in the files of the court, of the mandated agencies and of any other agency or institution participating in the rape case proceedings shall be kept strictly confidential; and
- d. Service providers or other personnel involved in the handling or rape cases who have been found guilty of violating any provision of RA 8505 and its IRR shall be subject to administrative and/or criminal liability

Section 15. RIGHT TO PRIVACY.

- a. At any stage of the investigation, prosecution and trial of a complaint for rape, the police officer, prosecutor, and the court and its officers, shall recognize the right to privacy of the offended party and the accused as guaranteed by the Constitution;
- b. The name or personal circumstance of the offended party and the accused or any information which would tend to establish the identity of the rape victim shall not be disclosed to the public; and
- c. Medical reporting of rape cases shall be limited to the basic facts of the case and devoid of sensationalism. The name and address of the survivor and other information tending to establish her or his identity shall not be included in the report unless the survivor gives his or her consent in writing. Any violation of this provision shall render the reporter or columnist as well as the editor and publisher, in the case of printed material, or the newscaster or reporter, or director and producer, in the case of television and radio broadcasts, solidarily liable for damages.

RULE 6

BUDGET AND FINAL PROVISIONS

Section 16. BUDGET APPROPRIATIONS

- a. Each of the mandated agencies shall be provided with a budget for the implementation and operation of the rape crisis centers, which shall be included in the budgetary allocations for the agencies concerned in the annual General Appropriations Act.

- b. For the first year of implementation, any of the following may be considered for priority funding:
- advocacy and public information on RA 8505 and related laws e.g. RA 8353, PNP Law, speedy Trial Law;
 - orientation among concerned government officials including local government executives on RA 8505 and its program requirements;
 - gender sensitivity and other related training on violence against women and children to have a common framework in addressing violence against women and children;
 - training for service providers to acquire necessary skills to handle rape cases; and
 - assessment and improvement of existing service facilities and resources and determining the requirements for upgrading them into Rape Crisis Centers.
- c. Succeeding appropriations shall be based on the specific duties and responsibilities, goals and targets of mandated agencies for the operation and maintenance of rape crisis centers. Priority of funding requirements shall be based on sustainability, incidence of cases, and existence of centers. Such shall also be included in the agency budget allocations to be covered by the annual General Appropriation Act (GAA).
- d. Consistent with existing government regulations, funds support to partner non-government organizations shall be provided for the operation and maintenance of Rape Crisis Center.

Section 17. EFFECTIVITY. These rules and regulations shall take effect fifteen (15) days after publication.



The National Commission on the Role of Filipino Women acknowledges with appreciation the assistance of the United Nations Population Fund in the production of this publication.



United Nations Population Fund
<http://www.unfpa.org>