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## **SDC RESOLUTION NO. 1-02**

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### **APPROVING THE IMPLEMENTING RULES AND REGULATIONS (IRR) OF REPUBLIC ACT (RA) 8505, PROVIDING ASSISTANCE AND PROTECTION FOR RAPE VICTIMS, ESTABLISHING FOR THE PURPOSE, 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, otherwise 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 and in their recovery;

WHEREAS, the government shall coordinate its various agencies and collaborate with non-government organizations (NGOs) 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 7<sup>th</sup> day of February 2002 at NEDA sa Pasig, Pasig City.***

## **RULES AND REGULATIONS IMPLEMENTING THE RAPE VICTIMS ASSISTANCE AND PROTECTION ACT**

Pursuant to Section 8 of 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. Purposes 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 machination 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.

b. 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.

- c. 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 incidence 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.
- d. Police Officer shall refer to any law enforcement agent of the Philippine 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. psychologist 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, DOJ, DOH, DILG and NGO lead agency shall perform the following function and responsibilities:

***Department of Social Welfare and Development***

- 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/survivor and their families,
- Conduct training to Social Workers and other service providers for the effective operation and management of the 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 form/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 offices/agencies.
- Provide support to LGUs to assist victim of rape and to ensure the sustainability of such services.
- Issue a memorandum order to LGUs to support the establishment of rape crisis center 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 and Children'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 Women's and Children'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 judgment in the rape case.
- b. prevent during trial, the admission of evidence of the victim's past sexual conduct, opinion thereof, or reputation;
- c. ensure that the inquest or 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 interest 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 only the 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 authorize 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 their families 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 Recovery and Reintegration 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 their 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 occurrence of incidence 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 of 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. media 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 broadcast, 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 Appropriations 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.

***Done in Quezon City this 7<sup>th</sup> day of February, 2002.***

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