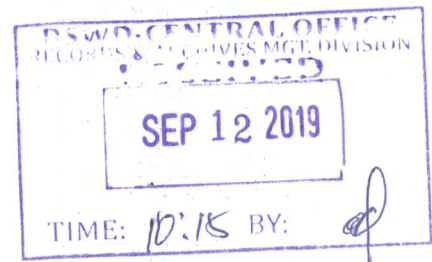


September 04, 2019

Honorable RICHARD J. GORDON
Chairperson
Committee on Justice and Human Rights
Senate of the Philippines
Diokno Blvd., Pasay City



Dear **Senator Gordon**:

The Department of Social Welfare and Development (DSWD) **supports Senate Bill No. 305** entitled: *"An Act **Increasing the Age for Determining Statutory Rape** to Provide Stronger Protection for Children, and Amending for this Purpose Act No. 3815, Otherwise Known as the Revised Penal Code, as Amended by Republic Act 8353, Otherwise Known as the Anti-Rape Law of 1997"*, introduced by Senator Juan Miguel F. Zubiri.

We believe that increasing the minimum age of statutory rape will provide greater protection for children from different forms of sexual violence.

Further, we are also pleased to inform the Chairperson that this proposed bill is one of the DSWD's supported legislations since the 16th Congress because the amendments will protect and promote children's rights and gender equality.

To contribute to the bill's enhancement, we are recommending the following:

1. On the **Age of Statutory Rape**, consider individuals who may be beyond 18 but have a disability pursuant to Republic Act No. 7610 or the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act" which defines

"Children 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."

2. To include amendments to **Article 337** (Qualified Seduction), **Article 343** (Consented Abduction), and **Article 338** (Simple Seduction) of the Revised Penal Code, as amended by RA 8353

Removal of the qualifiers "virgin" in qualified seduction and consented abduction and **"single or a widow of good reputation"** in simple seduction. These qualifiers are discriminatory and inconsistent with the child-and-gender sensitive-approach guaranteed under the UN Convention and domestic laws.


The character of the victim being a child should not be a factor in defining the crime of seduction committed against them. Further, the act of seduction is already traumatizing to the victim more so the need to prove if a child is still a virgin at the time of the commission of crime.

3. To consider **repealing the forgiveness clause** under Article 266-C (Effect of Pardon) of RA 8353 because this provision easily exonerates the offender and poses further danger to the victim.
4. **Include these Sections** in the bill:
 - 4.1 Conduct and Procedure in Court and Preliminary Investigation for Judges and Prosecutors;
 - 4.2 Protocol on Medical Provision and Standard Medico-Legal Examination and Reporting;
 - 4.3 Training of service providers i.e. on Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its Optional Protocols, understanding rape and other sexual offenses in a gender-sensitive manner;
 - 4.4 Counseling for victim-survivor;
 - 4.5 Monitoring and Evaluation;
 - 4.6 Roles of Government Agencies in the implementation of this Act; and
 - 4.7 Drafting of the Implementing Rules and Regulations (IRR)
5. Highlight the **role of the Local Government Units (LGUs) through the Local Social Welfare and Development Office (LSWDO)** in providing psychosocial support, counseling, and debriefing sessions to victim-survivors since basic services has been devolved to the LGUs per Republic Act No. 7160 or the "Local Government Code of 1991".
6. To **develop a database system for rape cases to be managed by the Philippine Commission on Women (PCW)** and shall be linked with concerned government agencies to ensure efficient and effective coordination and sharing of updated information.

Attached here is a copy of the **DSWD's Official Position Paper in the 17th Congress**, which was provided to the Senate Committee on Women, Children, Family Relations and Gender Equality thru our Records Unit on May 15, 2017 for reference.

For the Committee's consideration.

Very truly yours,


ROLANDO JOSELITO D. BAUTISTA
Secretary
Date: _____

Enclosure: As stated