



September 04, 2019

**Honorable CHERYL P. DELOSO-MONTALLA**  
Chairperson  
Committee on Revision of Laws  
House of Representatives  
Quezon City

Dear **Representative Deloso-Montalla**:

The Department of Social Welfare and Development (DSWD) **supports House Bill No. 480** entitled: "**An Act Amending Chapter 3 of Republic Act 8353, also known as the Anti-Rape Law of 1997**", introduced by Representatives Arlene Brosas, France Castro, Sarah Jane Elago, Eufemia Cullamat, Carlos Isagani Zarate, and Ferdinand Gaite and **House Bill No. 4160** entitled: "**An Act Providing Stronger Protection to Children by Increasing the Age for Determining Statutory Rape and Other Acts of Sexual Abuse and Exploitation and Amending for this Purpose Act No. 3815, as Amended, also known as the Revised Penal Code, Republic Act No. 8353, otherwise known as the Anti-Rape Law of 1997 and Republic Act No. 7610, also known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act**", introduced by Representatives Yedda Marie Romualdez and Ferdinand Martin Romualdez.

We believe that these proposed measures will provide greater protection for women and children from different forms of sexual violence, as it will **strengthen the provisions of the Anti-Rape Law** by putting the **element of lack of consent at its center, increasing the minimum age of statutory rape, and repealing the forgiveness clause.**

Further, we are also pleased to inform the Chairperson that these bills are the DSWD's supported legislations since the 16<sup>th</sup> Congress, as the amendments will promote women's and children's rights and gender equality. Also, it responds to the International Commitments particularly on Article 2 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which calls on the States Parties to condemn discrimination against women in all its forms and agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.

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

1. **Consolidate the proposed measures into one.**
2. On **HBN 4160**, Section 6, Article 338 (Simple Seduction) of the Revised Penal Code, as amended

To delete the words "**of good reputation**" because this qualifier is 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.

3. **Include these Sections** in the consolidated bill:
  - 3.1 Conduct and Procedure in Court and Preliminary Investigation for Judges and Prosecutors;
  - 3.2 Protocol on Medical Provision and Standard Medico-Legal Examination and Reporting;
  - 3.3 Training of service providers i.e. on CEDAW and its Optional Protocols, understanding rape and other sexual offenses in a gender-sensitive manner;
  - 3.4 Counseling for victim-survivor;
  - 3.5 Roles of Government Agencies in the implementation of this Act; and
  - 3.6 Drafting of the Implementing Rules and Regulations (IRR)
4. 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".
5. 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 is a copy of the **DSWD's Official Position Paper in the 17<sup>th</sup> Congress**, which was received by the House Committee on the Welfare of Children on April 24, 2018 for reference.

For the Committee's consideration.

Very truly yours,



**ROLANDO JOSELITO D. BAUTISTA**

Secretary

Date: \_\_\_\_\_