

18 April 2018

REPRESENTATIVE DIVINA GRACE C. YU

Chairperson
Committee on the Welfare of Children
RVM Building, House of Representatives
Quezon City

Dear **Chairperson Yu**:

The Department of Social Welfare and Development supports House Bill No. 5004 entitled: An Act Increasing the Age for Determining Statutory Rape and Other Acts of Sexual Abuse and Exploitation to Provide Stronger Protection for Children and Amending for this Purpose Act No. 3815, as Amended, Also Known as the Revised Penal Code and Republic Act No. 7610, Also Known as the Special Protection of Children Against Abuse, Exploitation and Discriminatory Act or the **“Age of Statutory Rape and Other Sexual Abuse Act”**, introduced by Representative Cristina “Chiqui” Roa-Puno.

We believe that this proposed measure will **further strengthen the existing laws protecting children e.g., the Anti-Rape Law by increasing the minimum age of statutory rape.**

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

1. On the **Long Title**, to change the word **“Discriminatory”** to **“Discrimination”**.
2. On the **Age of Statutory Rape**, consider individuals who may be beyond 16 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 persons 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.”

3. **Sec. 3 – Article 337 (Qualified Seduction), Sec. 6 – Article 343 (Consented Abduction) and Sec. 4 – Article 338 (Simple Seduction)**

Removal of the qualifiers “virgin” in qualified seduction & 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 other domestic laws.

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

4. **Sec. 8 – Section 10 (Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child’s Development)**

To **revise letter (b)** which will be read as follows:

*“(b) Any person who shall keep or have in his/her company a minor, sixteen (16) years or under or who **is** ten (10) years or more his/her junior in any public or private place, hotel, motel, beer joint, discotheque, cabaret, pension house, sauna or massage parlor xxx”*

5. To consider **repealing the forgiveness clause** under Article 266-C (Effect of Pardon) of Republic Act No. 8353 or **“The Anti-Rape Law of 1997”** because this provision easily exonerates the offender and poses further danger to the victim.
6. The possible inclusion of these Sections in the bill:
 - 6.1 Conduct and Procedure in Court as well as Preliminary Investigation for Judges and Prosecutors;
 - 6.2 Protocol on Medical Provision and Standard Medico-Legal Examination and Reporting;
 - 6.3 Training of service providers i.e. on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocols, Magna Carta of Women, understanding rape and other sexual offenses in a gender-sensitive manner;
 - 6.4 Counseling for victim-survivor;
 - 6.5 Monitoring and Evaluation;
 - 6.6 Roles and responsibilities of concerned Government Agencies that will provide appropriate programs and services to victims-survivors of rape and their families; and
 - 6.7 Formulation of Implementing Rules and Regulations (IRR)
7. Highlight the **role of Local Social Welfare and Development Office (LSWDO)** in providing psychosocial support, counseling and debriefing sessions to victim-survivors since basic services have been devolved to the Local Government Units per Republic Act No. 7160 or the “Local Government Code of 1991”.
8. 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.

For consideration of the Committee.

Thank you.

Very truly yours,



EMMANUEL A. LEYCO
Officer-in-Charge