

24 April 2017

REPRESENTATIVE MARLYN L. PRIMICIAS-AGABAS

Chairperson
Committee on Revision of Laws
House of Representatives
Quezon City

Dear Chairperson Primicias-Agabas:

The Department of Social Welfare and Development supports **House Bill Nos. 97: An Act Amending Chapter 3 of Republic Act 8353**, Also Known as the Anti-Rape Law of 1997 (Reps. Emmi A. De Jesus and Arlene Brosas), **4050: An Act Amending Republic Act 8353**, Also Known as the Anti-Rape Law of 1997 (Rep. Emmeline Aglipay-Villar), and **4148: An Act Revising the Definition of the Crime of Rape and Its Penalties** Amending for the Purpose Republic Act No. 8353 Otherwise Known as the Anti-Rape Law of 1997 (Rep. Teddy Brawner Baguilat).

We believe that these proposed measures will **further 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**.

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

1. **Consolidate the proposed measures into one.**
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 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."

3. **On HB No. 4148, Article 266-H (Counseling)**
 - ↓ **On letter (c), instead of the DSWD, the Department of Health (DOH) should be the primary responsible agency** to conduct pre-test and post-test counseling for medical tests on sexually transmitted infections (STIs), reproductive tract infections (RTIs), and Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome (HIV/AIDS). **Sec. 20** (Pre-test and post-test counselling) of **Republic Act No. 8504** or the "**Philippine AIDS Prevention and Control Act of 1998**" states:

"All testing centers, clinics, or laboratories which perform any HIV test shall be required to provide and conduct free pre-test counselling and post-test counselling for persons who avail of their HIV/AIDS testing services. However, such counselling services must be provided only by persons who meet the standards set by the DOH."

- ↓ To include the **role of Local Social Welfare and Development Office (LSWDO)** in providing psychosocial support, counseling and debriefing sessions to victim-survivors since the basic services have been devolved to the Local Government Units per Republic Act No. 7160 or the "Local Government Code of 1991".

3.1 Article 266-K (Roles of Government Agencies)

On **Monitoring and Evaluation**: To include as one of the functions of the Philippine Commission on Women (PCW) the development of a database system for rape cases that shall be linked with concerned government agencies to ensure efficient and effective coordination and sharing of updated information.

- 4. To include a Section for the Implementing Rules and Regulations.

For consideration of the Committee.

Thank you.

Very truly yours,


JUDY M. TAGUIWALO
Secretary