

DEPARTMENT OF JUSTICE

# prosecution services

DOJ

PERFORMANCE STANDARDS AND ASSESSMENT TOOLS FOR SERVICES  
ADDRESSING VIOLENCE AGAINST WOMEN IN THE PHILIPPINES



**PERFORMANCE STANDARDS AND  
ASSESSMENT TOOL FOR**  
prosecution services for  
cases of violence against women

**Department of Justice  
National Commission on the Role of Filipino Women  
United Nations Population Fund  
2008**

**Performance Standards and  
Assessment Tool for  
Prosecution Services for  
Cases of Violence Against Women**

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# Acronyms

## Agencies/organizations

AMLC	Anti-Money Laundering Council
ANTHTRAD	Anti-Human Trafficking Division
CHR	Commission on Human Rights
CIDG	Criminal Investigation and Detection Group
DFA	Department of Foreign Affairs
DILG	Department of the Interior and Local Government
DMC	Davao Medical Center
DOJ	Department of Justice
DOJAC	DOJ Action Center
DOH	Department of Health
DSWD	Department of Social Welfare and Development
IACAT	Inter-Agency Council Against Trafficking
IACVAWC	Inter-Agency Council on Violence Against Women and Their Children
IBP	Integrated Bar of the Philippines
LGU	Local government unit
NBI	National Bureau of Investigation
NCIS	National Crime Information System
NCRFW	National Commission on the Role of Filipino Women
NPS	National Prosecution Service
PNP	Philippine National Police
TF-ATP	Task Force on Anti-Trafficking in Persons
TF-WCP	Task Force on Women and Children Protection
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
VAWCD	Violence against Women and Children Division
WCPD	Women and Children Protection Desk
WCPU	Women and Children Protection Unit

## Others

CSP	Chief State Prosecutor
GAA	Gender Appropriations Act
GAD	Gender and development
IEC	Information, education, communication
PPGD	Philippine Plan for Gender-Responsive Development
RA/IRR	Republic Act/Implementing Rules and Regulations
VAW/VAWC	Violence against women/violence against women and children

# Executive Summary

## Background

As signatory to international conventions and declarations upholding gender equality and women's human rights, the Philippines has passed several laws protecting women from that pervasive but hitherto unrecognized menace – gender-based violence, more specifically violence against women (VAW). As a result, the designated government agencies have begun to put up mechanisms to address VAW. Now the country is taking another step forward -- it has set a benchmark for addressing the problem by establishing performance standards on the delivery of anti-VAW services.

The development of the performance standards is a key component of the project of the National Commission on the Role of Filipino Women (NCRFW), "Strengthening Institutional Mechanisms in Mainstreaming Gender in Reproductive Health, Population and Anti-VAW Programs", funded by the United Nations Population Fund (UNFPA). Five priority agencies with anti-VAW services were enlisted for the first year of implementation – the Philippine National Police (PNP), Department of Social Welfare and Development (DSWD), Department of Health (DOH), Department of Justice (DOJ) and Department of Interior and Local Government (DILG),

Developing the standards took almost a year. Extensive research -- with review of existing literature including agency mandates -- along with fieldwork and consultations preceded the actual drafting. A consultant for each agency was engaged to review protocols and facilities, facilitate the assessment of services rendered to VAW victims/survivors, and draft the performance standards and assessment tools. To validate the consultant's baseline report and the draft standards and tools, focused group discussions were conducted by the NCRFW with the participation of direct service providers from each agency and some local government units (LGUs). The drafts were then endorsed to the individual agencies, through their respective focal persons, for review and adoption.

The result of the painstaking process described is this information package. The package consists of five sets of documents for each of the five service categories, represented by the government agency tasked primarily to render such type of service, as follows:

- PNP for investigatory services or procedures
- DOH for medical or hospital-based services
- DSWD for psychosocial services
- DOJ for legal/prosecution services
- DILG and the LGUs for anti-VAW services at the barangay, municipal, city and provincial levels

Each set is introduced by an Overview, followed by the Performance Standards and an Assessment Tool to guide compliance with the standards as well generate data for monitoring and evaluation purposes. The data generated is also a tool for prioritization and planning particularly in the use of the GAD budget. A Baseline Report is also included to put the standards in context.

The Overview points out that although one doesn't have to go far to confirm that VAW is a reality for many Filipino women, official data available on the subject do not present a coherent picture that can be used to



formulate more effective responses to the problem. Thus the need for systematized data gathering that would show not only the prevalence but also the nature of VAW cases and the impact in economic and psychosocial terms on individuals, families and the nation.

## Benchmark for gender-responsive service

The Performance Standards form the centerpiece of the information package. The standards were developed (1) as a tool for direct service providers to respond effectively to cases of VAW, (2) as a means to gauge the level of compliance with national policies, (3) as basis for generating concrete data needed for program development and policy formulation, and (4) as advocacy tool for protecting women's human rights especially of VAW victims.

The standards specify what gender-responsive service to VAW victims/survivors entails, within the following parameters: policy; physical facilities; personnel; services; monitoring, evaluation and research; information and advocacy; and resources.

Anti-VAW initiatives, unless grounded on policy specific to the issue, are difficult to sustain especially with the persistence of values favoring male dominance and women's subordination. The standards require agencies to institute policies that provide for gender-responsive services to victims/survivors of VAW. This policy should be reflected in the vision, mission and goals of the agency.

The standards on physical facilities specify the structures, equipment and supplies needed to ensure that the confidentiality of VAW cases is maintained, that the required procedures are accomplished without delay, and that the special needs of the victim/survivor are met. Provision is also made for creating an atmosphere where complainants would feel safe and at ease, and not be discouraged from seeking help for their problem.

Enough personnel (and the corresponding plantilla positions) equipped with the right attitudes, ethical practices and habits of work, and trained in gender sensitivity/responsiveness as well as the particular aspects of their work related to the handling of VAW cases, comprise the basic standards on personnel. Other standards cover staff development, stress management activities, and pay incentives, among others.

The test of performance is in the effective delivery of the appropriate services. The standards on services not only detail the interventions needed – many of which are provided for by law, such as some protocols – but also emphasize that these should avoid causing further trauma to the victim/survivor. As with the other parameters, the standards on services seek to protect the privacy of the victim and the confidentiality of the case, and to provide for the victim's special needs. Note should be made of the importance of having a system of referrals to other service providers, since this helps to ensure that clients are given the assistance they need as soon as they need it.

As earlier pointed out, reliable data that would reveal the extent, nature and faces of VAW and provide direction to policy and program responses are currently lacking. Moreover, case monitoring goes a long way in ensuring that protocols are observed, services are delivered, and VAW cases are given priority. The performance standards on monitoring, research and evaluation provide for such fundamentals as a database of reported cases including client/offender profiles, database on interventions and their outcomes, a feedback mechanism, and a mechanism for monitoring compliance with procedures and protocols.

The prevention of VAW is given emphasis in the standards on information and advocacy, which enjoin awareness raising on women's human rights and VAW-related issues, both with clients and service providers as well as the general public. Budget provision for VAW services and the development of linkages with anti-VAW partners are the focus of the standards on resources.

## Legal bases

The performance standards proceed from legal mandates provided by national laws as well as various international conventions and declarations. These legal mandates and the existing services and operations of the agency relating to VAW are presented in the baseline report as the context in which the performance standards were developed.

Among the international instruments that have influenced national policy on the issue of women's human rights and VAW are the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the Declaration on the Elimination of Violence Against Women and the Beijing Platform for Action. Philippine legislation pursuing these covenants include Republic Act (RA) 9262 (Anti-Violence Against Women and their Children Act), RA 9208 (Anti-Trafficking in Persons Act), RA 8353 (Anti-Rape Law) and RA 8505 (Rape Victim's Assistance Act), and RA 7877 (Anti-Sexual Harassment Act). The agencies involved have accordingly come up with administrative issuances to carry out the provisions specific to them.

It may be noted from the discussion of services and operations that agencies have in different degrees started implementing the performance standards, since the protection of women's human rights is implicit in the Constitution and the laws against VAW have been in force for some time. Nonetheless, gaps exist between intended and actual services at the same time that these both fall short of the minimum ideal. Moreover, the mechanisms for systematized data gathering provided for in the standards still have to be put in place.

## Making headway

An area where some headway has been made in complying with the legal mandate – apart from the policy-setting required to get things moving-- is the establishment of structures and mechanisms for dealing with VAW cases.

For instance, the PNP has a division for women and children complaints, and a quick-response unit – the Women Crisis and Child Protection Center (WCCPC) -- at the PNP General Hospital to attend to women and children victims of abuse and violence. It has also established the Women and Children Protection Desk (WCPD) in almost all police stations throughout the country.

Categorized into community-based and center-based, the DSWD's responses to VAW – family violence and maltreatment of children in particular – cover prevention, recovery and after-care. Center-based services include the operation of residential care facilities throughout the country. In Metro Manila these are Marillac Hills for young women and HAVEN for all VAW victims/survivors including women with children.

The DOJ created a task force on women and children protection and another on anti-trafficking in persons, to handle the preliminary investigation and prosecution of relevant cases. As for the DOH, 44 of 77 DOH-retained

hospitals have set up a Women and Children Protection Unit (WCPU) although these are in varying stages of operation.

As legally mandated, protocols for the issuance of barangay protection orders have been established. Functional anti-VAW desks/ centers have been set up in some LGUs.

### Assessment tool, user's guide

Where the agency stands in its anti-VAW effort can be readily seen through the Assessment Tool. The five tools are: Investigation and Handling of VAW Cases (PNP), Assessment of a Hospital-Based WCPU (DOH), Assessment of Temporary Shelter or Residential Care Facility (DSWD), Prosecution and Handling of VAW cases (DOJ), and Services Addressing VAW for barangays, municipalities and cities, and provinces and highly urbanized cities.

A User's Guide explains the purpose of the assessment, the parameters and indicators, and the procedure for filling in the form. A scoring system makes it possible for the agency to rate the adequacy of its present anti-VAW efforts in percentage points. Users are also asked to comment on the tool as to clarity, relevance, and others.

The standards have much room for improvement and shall evolve as needs and capabilities change. What is important is that the components of responsive public service – policy mandate, the right perspectives and attitudes, concrete mechanisms and budgetary support, among others – are now in place.

And with such, the outlook for the VAW victim/survivor can finally shift from despair to hopefulness.

## Part 1

# Overview

Violence against women, or VAW, takes many forms and affects women in varying degrees. But one thing has become clear to those advocating for its eradication – VAW is gender-based, that is, it results from as well as perpetuates male privilege and power. Women, in short, are attacked simply because they are women.

Because male supremacy has been the norm, VAW for a long time was not visible, it remained unnamed. If someone went to the police to report that a man was hitting his wife, the matter would have been dismissed as “away mag-asawa” which police officers would rather not dip their noses into, other than giving the offender a stern reprimand. A male supervisor demanding sexual favors from a female subordinate was likely shrugged off as merely naughty -- the woman should even be flattered by the attention. There was no such thing as date rape, much less marital rape. It took a lot of lobbying to even have certain forms of VAW classified as “crimes against persons.”

Despite strides made in consciousness-raising, VAW and the issues surrounding it remain a gray area for most Filipinos. This is seen in the sketchy data on VAW, reflecting not just the reluctance of victims/survivors to report their situation partly because of ambivalence about the matter, but also the lack of responsive mechanisms – including systematized gathering and processing of data -- for dealing with VAW cases.

Just the same, a picture comes out from available statistics. The National Commission on the Role of Filipino Women (NCRFW) in a 2005 publication says 2004 records of the Philippine National Police (PNP) show VAW cases reported to be mostly wife battering and rape. For the first three quarters of 2005 alone, 4,240 VAW cases were reported to the PNP.

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The same publication notes a sevenfold rise in the number of VAW cases reported to the police from 1996 to 2004 -- 1,100 and 7,383 respectively, with the highest number (10,343) reported in 2001. Physical injury cases that include wife battering complaints also went up during 1996 to 2001; however, these declined in 2002-2004. Similarly, rape complaints received by the police, including incestuous rape and attempted rape, climbed from 1996 to 2000 but declined in 2001-2004.

Evidently it is difficult if not impossible to draw conclusions from the available statistics, thus the need to undertake more systematic data gathering as an essential part of the anti-VAW services of each agency involved.

Seen in economic terms, the cost of domestic violence is far from negligible. For the Latin American region, this is 14.2 percent of the gross domestic product representing loss of productivity, medical and legal costs, and the associated stress on families, says the Inter-America Development Bank.

The World Bank in its 1993 annual report has no doubt that VAW retards human development:

- VAW is responsible for one out of every five healthy days of life lost to women of reproductive age. Rape and domestic violence are a major cause of death and disability among these women, and account for 5 percent of healthy years of life lost to women of reproductive age in demographically developing countries.
- The health burden from gender-based victimization among women 15-44 years old is comparable with that from HIV infection, tuberculosis, sepsis during childbirth, cancer and cardiovascular diseases.
- Violence is a risk factor for disease conditions such as sexually transmitted infections (STIs), depression and injuries, which makes women more vulnerable compared with men.

The 1995 Human Development Report of the United Nations Development Programme (UNDP) puts it another way: "If development is meant to widen opportunities for all people, then (the) continuing exclusion of women from many opportunities of life totally warps the process of development... There is no rationale for such continuing exclusion. Women are essential agents of political and economic change."

The Philippine Plan for Gender-Responsive Development (PPGD), 1995-2025, sums up VAW's impact on women: "(It) is in direct contradiction to national and social development goals. It exacts grave consequences on women's lives as individuals, and denies them options... It jeopardizes their health, human rights and capacity to participate, as well as contribute freely in society."

Certainly, much has changed since the concept of VAW – notably sexual victimization and wife battering – began to take shape with the emergence of the global women's movement in the 1970s. International instruments protecting the human rights of women and children provided the basis for countries like the Philippines to adopt policies establishing VAW as a health, economic and human rights concern. As a result, not only have existing services been re-oriented and enhanced to respond to VAW, ways to address the problem more effectively and systematically continue to be explored.

However, the lack of gender sensitivity in general, combined with such problems as resource lack, operational difficulties and the need for coordinated action against VAW, have prevented agencies from providing more responsive services to VAW victims/survivors, much less mapping out strategies to eliminate VAW.

In 2005, the NCRFW and its primary partner agencies in the anti-VAW effort – the Department of the Interior and Local Government (DILG), Department of Social Welfare and Development (DSWD), Department of Health (DOH), Department of Justice (DOJ) and the Philippine National Police (PNP) – took the concrete step of developing performance standards for the service category they represent, so as to set a benchmark for anti-VAW services. The standards are anchored on international and national instruments promoting women's human rights, in particular the Anti-Violence Against Women and their Children Act of 2004 or Republic Act (RA) 9262 and the Anti-Trafficking in Persons Act of 2003 (RA 9208), along with the Anti-Rape Law (RA 8353) and its twin Rape Victim's Assistance Act (RA 8505).

This landmark step is what this publication is all about. The performance standards, along with the tools for assessing compliance with these standards, are presented for the ready reference primarily of those directly involved in serving victims/survivors. The standards have provision for data gathering and feedback that are invaluable to developing more effective responses to the VAW issue.

Furthermore, the standards are set against the backdrop of what facilities and services exist for responding to VAW complaints and what problems are encountered. Anti-VAW policies and mandates as found in legislation and administrative issuances are also discussed to substantiate the basis for such standards.

At the least, this publication should eliminate the guesswork that all too frequently hampers effective delivery of services. It should also give specific direction to the anti-VAW effort, and serve as framework for the data gathering that is so vital to obtaining an accurate picture of VAW.

Of the 12 offices of the DOJ, the National Prosecution Service (NPS) has the specific mandate to investigate and prosecute all criminal offenses under the Revised Penal Code and special penal laws. It therefore has the greatest involvement in matters relating to VAW cases and is the primary focus of this report.

For the baseline report, personal as well as telephone interviews with the prosecutors were conducted, among them representatives of the task forces in the DOJ and local prosecutors from the National Capital Region (Quezon City, Manila, Makati City) and Luzon (Cavite and Camarines Sur). Information from the DOJ website and a diagnostic study on the DOJ were used as secondary references.



## Part 2

# The Performance Standards

The DOJ through the NPS has set benchmarks or minimum standards to guide its work in relation to VAW particularly the prosecution of VAW cases, pursuant to relevant international instruments and national policies contained in laws and various administrative issuances. The standards are as follows:

## A. Policy-Related

Policy support is important in institutionalizing anti-VAW services and programs in the DOJ. At the very least, the mandate to ensure that women are protected by the justice system from gender-based violence and other forms of gender-based discrimination must be clearly reflected in the vision, mission, goal and objectives of the agency.

- DOJ policies and procedures comply with international standards of women's human rights as well as domestic laws on VAW.
- Policies and measures are reviewed and recommendations made to enhance the protection of victims of VAWC and trafficking (Sec. 61g, Implementing Rules and Regulations (IRR) of RA 9262/RA 9208).
- Policy provision is made for the adoption of gender-responsive procedures in the handling of VAWC and trafficking cases, for these procedures to be checked periodically and improved, and for mechanisms to be institutionalized.
- Existing policies are reviewed and updated to ensure gender sensitivity and gender responsiveness in the administration of the Witness Protection and Benefit Program (Sec. 61g IRR of RA 9262).
- Provision is made for revising the NPS Rules to ensure that cases of VAWC under the Act shall have priority over all other pending cases (Sec. 61g, IRR of RA 9262).
- Policy provision is made to ensure the prosecution of persons accused of trafficking. Special prosecutors are designated and trained to handle and prosecute cases of trafficking. A mechanism for free legal assistance for trafficked persons, in coordination with the DSWD, Integrated Bar of the Philippines (IBP) and other NGOs and volunteer groups, is in place.

## B. Facilities

Facilities refer to minimum structures needed for the proper handling of VAW cases, especially maintaining confidentiality and safeguarding the privacy of the victim/survivor.

- Facilities, such as a separate room for closed-door investigation, are provided to protect the privacy of the victim/survivor and confidentiality of proceedings during the investigation, prosecution and trial of an offense under RA 9262, as provided for under the same Act.
- There is a separate room for interviews and inquest proceedings, with facilities for documenting the interviews/proceedings.
- There are adequate filing and storage facilities for all records of VAW and trafficking cases, which should be filed separately from other case categories to safeguard their confidentiality (RA 9262).
- The victim/survivor is assured of humane and gender-sensitive treatment through facilities that protect her privacy and afford her physical comfort.



- A facility is provided for the children of victims/survivors, including a playroom, toys and a certified caregiver.
- There are referral and information facilities at the local level, namely the DOJ Action Center (DOJAC).

## C. Personnel

Officials and staff directly involved in providing service to VAW survivors must be equal to the task in terms of qualifications, habits and ethics of work, and must have undergone training in gender awareness, particularly issues related to gender-based violence.

### C.1 Number

- There are enough prosecutors to handle VAW cases. A prosecutor-client ratio is set to ensure that each case receives sufficient time and attention.
- A ratio of VAW cases to regular cases is set to ensure that VAW cases are not neglected.

### C.2. Training

- Provision is made for state and city prosecutors to undergo continuous awareness training in VAW and gender issues to equip them with the sensitivity needed to handle VAW cases.
- Provision is made for the sustained education and training of DOJ officers and personnel on the prevention of VAWC and trafficking (Sec. 32, RA 9262/RA 9208).
- DOJ officers and personnel undergo education and training to acquaint them with
  - » the nature, extent and causes of violence against women and their children;
  - » the legal rights of, and remedies available to, VAWC victims;
  - » the services and facilities available to victims or survivors;
  - » the legal duties imposed on police officers to make arrests and to offer protection and assistance;
  - » techniques for handling VAWC incidents that minimize the likelihood of injury to the officer and promote the safety of the victim or survivor (Sec. 42, RA 9262); and
  - » basic medico-legal information.
- Special prosecutors are designated and trained to investigate and prosecute VAWC and trafficking cases (Sec. 61g, IRR of RA 9262/RA 9208).
- Prosecutors are trained to be knowledgeable about the human rights of victims/survivors of VAW and trafficking cases, and to protect these rights.
- There are prosecution-led training activities for law enforcement personnel as to evidence collection and gathering.
- Prosecutors are trained to communicate with the victim in a language understood by the woman or her child.

### C.3. Attitudes, ethics and habits of work

- Prosecutors handling VAW cases possess the appropriate attitude, ethics and habits of work.
  - » Accepting and non-judgmental
  - » Sensitive and sincere
  - » Patient and understanding

- » Emphatic
- » Firmly committed to ending VAW and advocating for change
- Prosecutors maintain confidentiality and protect the privacy of the victim/survivor. All records pertaining to cases of violence against women and their children as well as trafficking shall be confidential (Sec. 44, RA 9262). During the investigation, prosecution and trial of an offense under the Act, prosecutors conduct the investigations behind closed doors and do not allow the media to have access to any information regarding the victim/survivor. (An adult victim, however, may choose to speak with the media, preferably with the assistance of her counsel.) The prosecutor does not disclose the name and personal circumstances of the victim/survivor or complainant or any other information that might reveal her identity to the media or the public, or take any action that might compromise her privacy (IRR of RA 9262/RA 9208).
- In all cases, the rights of the person arrested, investigated or detained as provided for by the Philippine Constitution and under RA 7438 are respected at all times (Sec. 45, IRR of RA 9262).
- When dealing with a victim/survivor under the Act, the prosecutor
  - » communicates with the victim/survivor in a language understood by her or her child/children, bearing in mind their educational attainment.
  - » informs the victim/survivor of her rights including legal remedies available, the procedures involved, and privileges for indigent litigants.
- (Sec. 46, IRR of RA 9262)

## D. Services

### D.1. Filing of complaint

- a. Department of Justice Action Center (DOJAC)
  - The DOJAC has a VAW point/focal person or desk to readily provide free legal assistance/referral to walk-in clients.
  - The VAW point person is capable of determining whether or not the complainant needs non-legal services.
  - During consultation, the VAW client/complainant is informed of her rights and the legal remedies available.
  - The client/complainant is assisted in a kind, friendly and sensitive manner.
  - The complainant is informed of non-legal services available such as referral to a crisis center, public hospital, or local shelter.
  - The complainant is given a referral form to facilitate her access to the crisis center, public hospital and other local facilities.
  - A DOJAC exists at the local level.
  - The DOJAC informs clients of the privileges for indigent litigants, for instance under RA 7309 (Victim's Compensation Act).
  - The DOJAC is located near the docket section or in an area readily visible to walk-in clients.
  - A list of providers of non-legal services is available.
- b. Docket Section
  - A department order has been issued certifying the need to give priority to trafficking and VAWC cases pursuant to RA 9208/9262.
  - In compliance with the department order, VAWC complaints are given priority over other cases.

- Cases are entered into the database for VAWC cases to keep track of them and enable parties to easily check on the status of a case.
  - All records pertaining to cases of violence against women and their children as well as trafficking are kept confidential.
- c. Task force chair (NPS and local)
- The task force chair does monthly monitoring of all the trafficking and VAWC cases handled by task force members to ensure that each case is resolved in the shortest possible time.
  - Case conferences are conducted regularly to discuss difficulties in handling trafficking and VAWC cases and to provide learning opportunities for task force members who may encounter similar problems.
  - Database of the docket section is updated based on the monthly conferences and monitoring
- d. Task force member
- Pursuant to a department order on the matter, the complainant is given the option to request a female prosecutor in case a male prosecutor is assigned to her.
  - The legal process as well as legal effects of the prosecution are explained to complainant.
  - The prosecutor has the competence to apply other modes of investigation such as role-playing should the victim be unable to express herself in the usual manner.
  - Trafficking and VAWC cases are given priority by prosecutors handling the cases.

## D.2. Investigation

### D.2.1. Preliminary investigation

- There is an established protocol for the conduct of preliminary investigation of trafficking and VAWC cases.
- The prosecutor makes sure that
- the complainant is informed of her rights.
  - » the complainant is informed of the legal procedures (preliminary investigation).
  - » crimes charged are adequately explained to both parties.
  - » the complainant and the witnesses are informed of the witness protection program for trafficking cases.
- The complainant is informed that she can request for a female prosecutor or a prosecutor she is comfortable with.
- The complainant is provided with female prosecutor if this is requested.
- The complainant is interviewed in a gender-sensitive manner:
  - » Terms used in the interview are gender-neutral.
  - » Prosecutor is open and encouraging in asking questions.
  - » Interview is done in a private environment where confidentiality is assured.
  - » The complainant's comfort is considered during the interview.
- The complainant is referred for medical and neuro-psychological examination for possible health problems (e.g. malnutrition, STD, signs of rape, bruising, broken bones, critical illness, post-traumatic stress disorders).
- All case-related documentation are properly obtained, reviewed and kept confidential.
- Information filed alleges all the elements of the crime committed against the trafficking / VAWC complainant.

- There are facilities to ensure confidentiality and the safety of the complainant/witness during the interviews/investigation:
  - » A specific room is assigned for interviewing complainants and witnesses.
  - » Interview rooms are secured, i.e. locked to ensure privacy.
  - » The room contains gender-neutral furnishings, comfortable chairs, a table, and documentation equipment such as a computer, a recorder or a typewriter.
- The prosecutor conducts the investigations behind closed doors and does not allow the media to have access to any information regarding the victim/survivor. (An adult victim, however, may choose to speak with the media, preferably with the assistance of her counsel.) The prosecutor does not disclose the name and personal circumstances of the victim/survivor or complainant or any other information that might reveal her identity to the media or the public, or take any action that might compromise her privacy (IRR of RA 9262/RA 9208).
- The prosecutor conducts the interview in a language understood by the complainant, with sensitivity to the ordeal she is facing, and employing creative tools for investigation.
- The prosecutor is capable of determining whether or not the complainant needs other support services for the investigation or litigation of the case.
- A gender-sensitive and trained counselor is present during interviews to support the victim/survivor.
- The complainant is notified of the results of the case.

#### **D.2.2. Inquest**

- The assigned inquest officer is available/on call.

#### **D.2.3. Evidence gathering/case buildup**

- The prosecutor checks the conduct of the surveillance needed to support the filing of a case. (police/NBI agents/investigators conduct the necessary surveillance for sex trafficking cases, e.g. in massage parlors, bar strips, modeling studios, escort services).

### **D.3. Prosecution**

- There is an existing protocol in the conduct of prosecution of trafficking and VAWC cases.
- The case is resolved in the shortest possible time with minimal continuances.
- The 'Speedy Trial Act' is followed.
- Rules on child examination are applied in handling VAWC and trafficking cases involving children.
- Examination of the victim is conducted in a gender-sensitive manner. Investigators and prosecutors have the following attitudes:
  - » accepting and non-judgmental
  - » sincere
  - » patient and understanding
  - » emphatic
  - » committed to observing and safeguarding confidentiality.
- The case is handled by one prosecutor throughout the proceedings, as far as practicable.

- Confidentiality of the proceedings is maintained. Prosecutors do not allow the media to have access to any information regarding the victim/survivor. (An adult victim, however, may choose to speak with the media, preferably with the assistance of her counsel.) The prosecutor does not disclose the name and personal circumstances of the victim/survivor or complainant or any other information that might reveal her identity to the media or the public, or take any action that might compromise her privacy.
- The complainant's opinion, decisions, and expectations are considered by the prosecutor in determining the next course of action to take regarding the case.
- Updates and other information related to the case are made available and provided to the complainant on a regular basis.
- The complainant is accompanied by or referred to a trained gender-sensitive counselor during trial, if necessary.

#### D.4. Referral system

- The DOJ has an established mechanism with the DSWD, Commission on Human Rights (CHR), IBP, and non-government/volunteer groups for free legal assistance for VAW survivors.
- There is an existing MOA between agencies for the referral of support services to victims of VAW and trafficking.
- There is a directory of GO and NGO contact persons linking agencies and institutions, who are available and known to the prosecutors.
- There are identified point person/s for each agency/institution involved.
- A standard referral form for referral to other agencies exists.
- The prosecutor ensures that the complainant/victim is made aware of such a referral mechanism.
- The referral mechanism is simple enough so that the complainant will not be discouraged from availing of the service.
- The referral mechanism is institutionalized at the local level.

### E. Monitoring, evaluation and research

- The DOJ has a database of all filed trafficking and VAWC cases at the national and local levels.
- The database is being utilized to ensure that trafficking and VAWC cases are being given priority.
- There is a consolidated monitoring form for trafficking and VAWC cases.
- An efficient system of mechanism for getting client feedback is in place.
- A mechanism exists to monitor compliance with the protocols for investigation and prosecution.
- The DOJ utilizes the data for policy advocacy and evaluation of services.
- There is a mechanism to monitor the referral system.
- Status reports/updates are made available to the law enforcement and other agencies to inform them of the progress of the case.

### F. Information and advocacy

- The DOJ has updated information, education and communication (IEC) materials on the rights of VAW victims/survivors and children.

- The availability of manuals, pamphlets and other handouts on women’s rights and gender issues is ensured.
- Manuals, pamphlets and other handouts are in popular form easily understood by the reader.
- There are sufficient copies for distribution.
- Modern technology is utilized for quick response to legal queries.

## G. Resources

Resources are generally classified into three – financial resources, networks and referrals, and protocols.

- The DOJ has a budget for implementing its VAW services.
- It has a mechanism for extending free legal assistance to indigents in coordination with other agencies.
  - » The amount necessary to implement RA 9262 shall be included in the annual General Appropriations Act (GAA). The Gender and Development (GAD) Budget of the DOJ shall be used to implement services for VAWC victims (Sec. 45, RA 9262).
  - » A mechanism shall be put up to give free legal assistance to VAWC and trafficking cases, in coordination with the DSWD, CHR, IBP, and NGOs/ volunteer groups (Sec. 61g, IRR of RA 9262/ RA 9208).



### Part 3

## The Assessment Tool

The benchmark assessment tools for prosecution services for VAW lay out in detail the performance standards described. It deals with the parameters and indicators – policy related, physical facilities, personnel, resources, services and protocols, monitoring and evaluation, information and advocacy and resources.

The Assessment tool is preceded by a User's Guide. Since the tool is self administered, the Guide will help the respondent answer each question more clearly. It also describes how responses will be used in determining the level of services.

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### The User's Guide

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#### Introduction

The Philippines is a state signatory to several international agreements, instruments and covenants that recognize basic women and children's rights. A state-party is mandated to institute and create internal mechanisms under its authority to enhance recognition of said rights through the passage of laws, rules and regulations aligned with international instruments and covenants. Based on these laws, administrative institutions are directed to craft positive and forward-looking responses to further address concerns on violence against women and children.

The National Commission on the Role of Filipino Women, in partnership with frontline agencies conceptualized and developed performance standards to serve as indicators for the delivery of anti-VAW services of government agencies and LGUs.

Partner agencies are DOJ, PNP, DOH, DILG, DSWD and the LGUs. Each of the performance standards is accompanied by an Assessment Tool. The Assessment Tool, which has the same parameters and indicators as the performance standards, aims to determine the degree that the set standards are adhered to.

#### Purpose of the assessment

A baseline application of the Assessment Tool was initially administered to partners in 2006 to serve as a basis for comparing improvements in services for VAW victims over time. A second administration of the Tool is expected to be done two-years after the initial baseline application and periodically thereafter.

Assessment will determine the adequacy and responsiveness of programs and services for victims of violence by concerned agencies and local government units. Results will inform planning, policy or program interventions required to meet the standards. Planned activities to achieve the standards could be included in the preparation of the agency's/LGU's/facility's GAD plan and budget.



### The assessment tool

The assessment tool measures the extent of achievement of the performance standards set for government agencies providing services to victims of violence against women (VAW). The tool is one of a set of five different but parallel assessment tools intended for various services for victims provided by government agencies and local government units: a) medical/hospital-based services through the Women and Children Protection Units (WCPUs) in DOH-retained or supervised hospitals; b) psychosocial services through residential and community based facilities supervised or accredited by DSWD; c) investigation of cases of VAW conducted by the Philippine National Police; d) filing and prosecution services of VAW cases undertaken by the Department of Justice; and e) services provided by local government units at provincial down to barangay level.

The Assessment Tool is meant to be self-administered. The respondent can complete the questionnaire when convenient, work at his or her own pace and clarify certain information appearing to be confusing or vague. Additional information may be sought through research or further inquiry.

The accompanying User's Guide includes easy to follow instructions to guide the respondent/s in providing specific responses to the questions. It is also generic, i.e., it will be used for all the four assessment tools (excluding the DSWD's standard which has its own set of guidelines).

### The assessment focus

Each of the performance standards has a corresponding assessment tool; one for each type of service for VAW victims mentioned above. Each tool specifies the parameters and indicators per service type.

The parameters include:

1. POLICY – the existence of a policy that articulates the legal or administrative basis, purpose and guidelines in providing the services to victims of violence;
2. PHYSICAL FACILITIES - the presence, quality and appropriateness of physical facilities used in the provision of services;
3. PERSONNEL - the presence or availability of competent service providers;
4. SERVICES - the presence or availability of services required, clear procedures and protocols and referral system;
5. MONITORING and EVALUATION SYSTEM - presence of a monitoring and evaluation system particularly the maintenance of a data base on case served;
6. ADVOCACY and INFORMATION - presence of advocacy and information materials on VAW, including leaflets, flowcharts, charts and other information materials that explain the services and ensure that service providers and clients understand and are able to execute proper procedures; and
7. RESOURCES - the presence and sustainability of resources, especially financial resources that ensure continuing provision of responsive service for victims.

### Procedures in answering the tool

1. Respondent selection criteria. The assessment tool is self-administered. This means that all information shall come from the agency/LGU/facility representative tasked to answer the tool. This person should thus have a comprehensive knowledge of and is directly involved in the provision of services to victims/survivors in such capacity as supervisor, technical level officer, coordinator, etc, and/or has direct access to information or to persons in the best position to answer the questions. As needed, the respondent shall consult with other personnel in the best position to provide the most accurate and reliable information.
2. Before answering, respondent should read through the information requested by the tool and obtain relevant documents or references to answer the questions substantively and accurately. For instance, to answer the indicators in the first parameter (policy-related), the agency or facility's enabling policy should be available for review. For questions related to training, agency or facility records on training attended by service providers should be retrieved for reference. The respondent is given a period of one to two weeks to complete the assessment tool.
3. Fill in the information on name of agency, unit or facility being assessed as well as details about the respondent's name, position and contact numbers.
4. The tool consists of 7 columns:

Column 1: Main parameters for assessment;

Column 2-3: Indicators pertaining to the parameters;

Column 4-6: Modes of responses to each indicator;

Column 7: Remarks or additional information to further explain the answer.

5. Answer each indicator according to the 3 modes of responses:

**Yes** – if respondent believes and has sufficient information and evidence to prove that the agency already **fully complies** with what is being asked;

**Partly** – if respondent believes and has sufficient information and evidence to prove that the agency **in some degree already complies** with what is being asked;

**No** – if respondent believes and has sufficient information and evidence to prove that the agency **has not complied** in any degree to what is being asked.

In case where trainings or skills of service provider is concerned, a "Yes" response means that **all** officers/personnel have the required skills; "Partly" means that **not all or only some** officers/personnel have the required skill or training; and "No" means **no one** of the service providers has any of the required skill or training.

6. Whether the answer is **Yes, No** or **Partly**, use Column 6 to explain the answers or provide details. For example, for training undertaken by service providers, please provide names of trained service providers, title of training, duration and trainer. If the answer is "Partly" to the indicator on "presence

of a separate room for interviewing”, respondent can add, for example, that the room is also used as meeting room and is not always available for use. Use additional sheets if necessary to substantiate responses.

The local IACATVAWC may also spearhead the assessment of the VAW services using the tools and may follow a time frame for conducting the assessment. Assessment is an evolving and enabling process. The conduct of the assessment shall be made at regular intervals every three to four years. At the initial stage or on the first year of the implementation of the assessment tool, dissemination of the tool and assessment may be conducted for an estimated period of four (4) months from the time of the implementation. A period of one to two weeks shall be allotted to the respondents for completion of the tool. Review and validation of the data shall be made within the first and second months after receipt of completed forms. Report preparation and eventual presentation to stakeholders of the results of the data shall be made within the year.

Once an assessment tool is completed and submitted it shall undergo the following processes:

- a. Review of the completed assessment tools;
- b. Assessment tools that appear to be confusing, vague and unsubstantiated shall be validated.
- c. Validation will mean contacting the respondents, requesting for additional information and as needed visiting the area to substantiate or clarify responses.

For the succeeding assessment (or at least once every 3-4 years), the same procedure will be followed, taking into consideration the experience or lessons learned from the initial application. Assessment will be made until full compliance is achieved of the set performance standards by line agencies and LGUs involved in providing services for VAW victims.

### **Weight and scoring of responses**

The parameters and indicators are considered as minimum requirements for an adequate and responsive service delivery for victims/survivors of VAW. They are thus given equal weights. This means that the 7 parameters are given equal points of 14.29% each to total 100%. Scoring shall be as follows:

- Yes** - 1 point  
**Partly** - .5 points  
**No** - 0 points

Maximum number of points corresponds to the number of indicators per tool. For each government agency, the number of indicators varies per set parameter. The computation of the rating is hereby represented in the following formula:

#### **Aggregate points obtained**

**Maximum no. of points x 14.29 = Weighted score**

**Total of all weighted scores = Rating**

The total score is the sum of all “YES” and “PARTLY” answers. Compute rating by dividing the total score by the maximum number of points obtained per parameter. For example: Total raw score- 20/33=.61 x 14.29%=8.72 is the weighted score. The weighted scores of the 7 parameters are then added up to obtain the rating. The rating description is found below.

Rating	Description	What this means
90-100% of maximum points	Almost full compliance with standards: Outstanding	Full compliance opens new areas for innovation and further enhancement of services; basis for replication and for raising the level of standards
80.-89.99%	Very satisfactory	Opportunities for fine tuning of services towards full compliance
70-79.99%	Satisfactory	Vast opportunities for improvement; basis in proposing programs and projects for funding from the GAD budget
50-69.99%	Promising	
Below 50%	Needs strengthening	

*(Weighting of scores will be considered in view of the different expectations on agencies/LGUs. For example, since LGUs are expected to be strong on service delivery, more weights may be assigned to parameters and indicators on services)*

### Discussion of results

The framework of the discussion and analysis of results will be along identifying gaps in implementation with the end view of upgrading or standardizing programs and services. After the review and validation of the responses, assessment results should be discussed with the agency/LGU/facility. Possible action proposals, on an annual basis will be prepared and discussed to address identified gaps and to gradually move towards meeting the standards. These proposals may be incorporated in the agencies/LGU’s GAD plan and budget.

Once agency/LGU concurs with the results, observations and recommendations, a summary report will be submitted to the national and local interagency councils on violence against women and their children (IACVAWC) and interagency councils against trafficking (IACAT).

On the whole, the results of this assessment will be used to-

1. identify the strong and weak points in the provision of services for victims
2. provide a basis in planning gender responsive programs and in prioritizing resources to meet the standards; and
3. serve as basis in improving or raising existing standards
4. promote and ensure more standardized and reliable services for victims of violence throughout the country.

### Comments on the tool

Since this tool will be administered periodically, it will be continuously improved to increase its effectiveness in measuring the level of services for victims. The respondent is thus requested to express general or specific

comments on the tool and on the experience gained in answering it. Respondent is encouraged to provide a specific comment if an indicator is unclear, too broad, or it is difficult to provide a simple “yes”, “no” or “partly” response. If an indicator is irrelevant, unnecessary, or if the respondent wants to suggest an alternative indicator, etc. use the space provided for remarks, or separate a sheet(s) as needed.

**ASSESSMENT TOOL  
PROSECUTION AND HANDLING OF VAW CASES**

Name of agency: \_\_\_\_\_ Name of respondent: \_\_\_\_\_  
 Name of specific unit or facility being assessed: \_\_\_\_\_ Position: \_\_\_\_\_  
 Contact number/s: \_\_\_\_\_

<u>PARAMETERS</u>	<u>I #</u>	<u>INDICATORS</u>	<u>Yes</u>	<u>Partly</u>	<u>No</u>	<u>Remarks</u>
<b>A. POLICY-RELATED N=10</b>	A.1	Agency mandate clearly articulates and integrates international standards and principles of women’s human rights.				
	A.2	Agency has a Department Order on the adherence to and implementation of RA 9208, RA 9262 and other laws on VAW (i.e., clear policy on giving priority to VAW cases, on assigning a female prosecutor to the case).				List DO.
	A.3	Agency has guidelines, circulars and issuances and memoranda upholding women’s human rights and supporting anti-VAW and anti-trafficking initiatives.				Specify guidelines.
	A.4	Policies and measures are reviewed and recommendations are made to enhance the protection of victims of VAWC and trafficking. (Sec 61g, IRR of RA 9262/9208)				
	A.5	Policy provision is made for the adoption of gender-responsive procedures in the handling of VAWC and trafficking cases, for these procedures to be checked periodically and improved, and for mechanisms to be institutionalized.				
	A.6	Existing policies are reviewed and updated to ensure gender sensitivity and gender responsiveness in the administration of the Witness Protection and Benefit Program (Sec. 61g IRR of RA 9262).				
	A.7	Provision is made for revising the Rules of the National Prosecution Service (NPS) to ensure that cases of VAWC under RA 9262 shall have priority over all other pending cases (Sec. 61g, IRR of RA 9262).				
	A.8	Policy provision is made to ensure the prosecution of persons accused of trafficking, with measures such as				
	A.9	<ul style="list-style-type: none"> <li>▪ designating and training special prosecutors to handle cases of trafficking</li> </ul>				
	A.10	<ul style="list-style-type: none"> <li>▪ setting-up a mechanism for free legal assistance for trafficked persons.</li> </ul>				



<u>PARAMETERS</u>	<u>I #</u>	<u>INDICATORS</u>	<u>Yes</u>	<u>Partly</u>	<u>No</u>	<u>Remarks</u>
<b>B. FACILITIES (Physical) N=5</b>	B.1	The agency has private rooms for conducting investigations, to protect the privacy of the victim/survivor and safeguard the confidentiality of proceedings (for local prosecutors, at least 1 room for this purpose).				
	B.2	It has a facility for the children of victims/clients, including a playroom.				
	B.3	It has a separate room for interviews and inquest proceedings, with facilities for documenting these interviews/proceedings.				
	B.4	The agency has adequate filing and storage facilities for all records of VAWC and trafficking cases, which should be filed separately from other cases categories to safeguard their confidentiality.				
	B.5	There are referral and information facilities at the local level (DOJ local action center)				
<b>C. PERSONNEL C.1. Number N=25</b>	C.1	A prosecutor client -ratio is set to ensure that prosecutors can give sufficient time to all cases handled				
	C.2	A ratio of VAW cases to regular cases is set to ensure that VAW cases are not neglected				<u>State ratio.</u>
<b>C.2. Training</b>	C.3	State and city prosecutors have undergone basic training in gender sensitivity and VAW issues.				
	C.4	There are qualified well-trained lawyers and prosecutors to handle cases of VAWC and trafficking (this also entails being gender/women sensitive and children-centered).				List total number of SP/ACP who have undergone training.
	C.5	Prosecutor handling VAWC and trafficking cases is equipped with the necessary training, including but not limited to the following:  a. Gender analysis of the nature and causes of VAW. Minimum of 30 hours (Topics to include power dynamics, gender sensitivity, analysis of the different forms of VAW)  b. Gender-responsive approaches to crisis intervention. Minimum of 30 hours (Topic in the context of violence against women and their children (crisis theory, crisis intervention methods))  c. Medical and legal literacy. Minimum of 30 hours ( Laws and procedures on women and children (Republic Acts 9262, 9208, 7877, 8353 and other VAW-related laws), Basic medico-legal information )				
	C.6					
	C.7					





<u>PARAMETERS</u>	<u>I #</u>	<u>INDICATORS</u>	<u>Yes</u>	<u>Partly</u>	<u>No</u>	<u>Remarks</u>	
	C.8	d. Self-care. Minimum of 15 hours (Stress management techniques)					
	C.9	Prosecutors are trained in child-friendly/sensitive investigation techniques.					
	C.10	Prosecutors are trained in the sensitive management of VAW victims.					
	C.11	Prosecutors are trained to be knowledgeable about the human rights of victims/survivors of VAW and trafficking cases, and to protect these rights.					
	C.12	Agency has a program for the continuing education of prosecutors/investigators				List all training activities conducted.	
	C.13	Prosecutors regularly participate in training offered by outside groups/organizations.				List all training activities conducted.	
	C.14	There are prosecution-led training activities for law enforcement personnel as to evidence collection and gathering.					
	C.15	Trainings attended are accredited to MCLE.					
	<b>C.3. Attitudes, ethics and habits</b>	C.16	Prosecutors handling VAWC and trafficking cases possess the following attitudes, ethics and habits of work of work <ul style="list-style-type: none"> <li>▪ Accepting and non-judgmental</li> <li>▪ Sensitive and sincere</li> <li>▪ Patient and understanding</li> <li>▪ Emphatic</li> </ul>				
		C.17					
		C.18					
		C.19					
		C.20	▪ Firmly committed to ending VAW by advocating for change				
	C.21	Prosecutors maintain confidentiality and protect the privacy of the victim/survivors					
	C.22	Prosecutors communicate with the victims/survivors in a language understood by her or her child/children, being sensitive to their educational attainment.					
C.23	Prosecutors inform the victims/survivors of her rights including legal remedies available, the procedures involved, and privileges for indigent litigants.						
<b>C.4. Others</b>	C.24	Prosecutors are given transportation allowance and training incentives for handling VAWC and trafficking cases					
	C.25	Mechanism exists for information dissemination among prosecutors on relevant laws on VAWC and trafficking					



<u>PARAMETERS</u>	<u>I #</u>	<u>INDICATORS</u>	<u>Yes</u>	<u>Partly</u>	<u>No</u>	<u>Remarks</u>	
<b>D. SERVICES</b> <b>D.1. Filing of complaint</b> <b>N=66</b>		<u>Department of Justice Action Center (DOJAC)</u>					
	D.1	The Center has a VAW point/focal person or desk to readily provide free legal assistance/referral to walk-in clients					
	D.2	The VAW point person is capable of determining whether or not the complainant needs non-legal services					
	D.3	During consultation, the VAW client/complainant is informed of her rights and the legal remedies available					
	D.4	The client/complainant is assisted in a kind, friendly and sensitive manner.					
	D.5	The complainants is informed of non-legal services available to her such as referral to a crisis center, public hospital or local shelter					
	D.6	The complainant is given a referral form to facilitate her access to a crisis center, public hospital or other facility					
	D.7	A DOJAC exists at the local level.					
	D.8	The DOJAC informs clients of the privileges for indigent litigants, for instance under RA 7309 (Victim's Compensation Act).					
	D.9	The DOJAC is located near the docket section or in an area readily visible to walk-in clients.					
	D.10	A list of providers of non-legal services is available.					
			Docket Section				
	D.11	A department order has been issued certifying the need to give priority to trafficking and VAWC cases pursuant to RA 9208/9262.					
	D.12	In compliance with the department order, VAW complaints are given priority.					
D.13	Cases are entered into the database for VAW cases to keep track of them and enable parties to easily check on the status of a case.						
D.14	Confidentiality of cases is maintained by the staff.						



<u>PARAMETERS</u>	<u>I #</u>	<u>INDICATORS</u>	<u>Yes</u>	<u>Partly</u>	<u>No</u>	<u>Remarks</u>
		Task force chair (NPS and local)				
	D.15	The task force chair does monthly monitoring of all the trafficking and VAWC cases handled by task force members to ensure that each case is resolved in the shortest possible time.				
	D.16	Case conferences are conducted regularly to discuss difficulties in handling trafficking and VAWC cases and to provide learning opportunities for task force members who may encounter similar problems				
	D.17	Database of the docket section is updated based on the monthly conferences and monitoring.				
		Task force member				
	D.18	Complainant is given the option to request a female prosecutor in case a male prosecutor is assigned to her.				
	D.19	The legal process as well as legal effects of the prosecution are explained to complainant				
	D.20	The prosecutor has the competence to apply other modes of investigation such as role-playing should the victim be unable to express herself in the usual manner.				
	D.21	Trafficking and VAWC cases are given priority by prosecutors handling the cases.				
<b>D.2.</b>	D.22	There is an established protocol for the conduct of preliminary investigation of trafficking and VAWC cases				
<b>Investigation</b>	D.23	The prosecutor makes sure that: <ul style="list-style-type: none"> <li>▪ the complainant is informed of her rights</li> </ul>				
<b>D.2.1.</b>	D.24	<ul style="list-style-type: none"> <li>▪ the complainant is informed of the legal procedures (preliminary investigation)</li> </ul>				
<b>Preliminary investigation</b>	D.25	<ul style="list-style-type: none"> <li>▪ crimes charged are adequately explained to both parties</li> <li>▪ the complainant and the witnesses are informed of the witness protection program for trafficking cases</li> </ul>				
	D.26	The complainant is provided with a female prosecutor if this is requested				



<u>PARAMETERS</u>	<u>I #</u>	<u>INDICATORS</u>	<u>Yes</u>	<u>Partly</u>	<u>No</u>	<u>Remarks</u>
	D.27	The complainant is interviewed in a gender-sensitive manner: <ul style="list-style-type: none"> <li>▪ Terms used in the interview are gender-neutral</li> </ul>				
	D.28	<ul style="list-style-type: none"> <li>▪ Prosecutor is open and encouraging in asking questions</li> </ul>				
	D.29	<ul style="list-style-type: none"> <li>▪ Interview is done in a private environment where confidentiality is assured.</li> </ul>				
	D.30	<ul style="list-style-type: none"> <li>▪ The complainant's comfort is considered during the interview.</li> </ul>				
	D.31	The complainant is referred for medical and neuro-psychological examination for possible health problems (e.g. malnutrition, STD, signs of rape, bruising, broken bones, critical illness, post-traumatic stress disorders).				
	D.32	All case-related documentation are properly obtained, reviewed and kept confidential				
	D.33	Information filed alleges all the elements of the crime committed against the trafficking and VAWC complainant.				
	D.34	There are facilities to ensure confidentiality and the safety of the complainant/witness during the interviews/investigation: <ul style="list-style-type: none"> <li>▪ specific room is assigned for interviewing complainants and witnesses.</li> </ul>				
	D.35	<ul style="list-style-type: none"> <li>▪ Interview rooms are secured, i.e. locked to ensure privacy.</li> </ul>				
	D.36	<ul style="list-style-type: none"> <li>▪ The room contains gender-neutral furnishings, comfortable chairs, a table, and documentation equipment such as a computer, a recorder or a typewriter.</li> </ul>				
	D.37	The prosecutor conducts the investigations behind closed doors and does not allow the media to have access to any information regarding the victim/survivor. (An adult victim, however, may choose to speak with the media, preferably with the assistance of her counsel.)				





<u>PARAMETERS</u>	<u>I #</u>	<u>INDICATORS</u>	<u>Yes</u>	<u>Partly</u>	<u>No</u>	<u>Remarks</u>
	D.38	The prosecutor does not disclose the name and personal circumstances of the victim/survivor or complainant or any other information that might reveal her identity to the media or the public, or take any action that might compromise her privacy (IRR of RA 9262/9208)				
	D.39	The prosecutor conducts the interview in a language understood by the complainant, with sensitivity to the ordeal the victim/survivor is facing, and employing creative tools for investigation				
	D.40	The prosecutor is capable of determining whether or not the complainant needs other support services for the investigation or litigation of the case.				
	D.41	A gender-sensitive and trained counselor is present during interviews to support the victim/survivor				
	D.42	The complainant is notified of the results of the case.				
	D.43	The assigned inquest officer is available/on call.				
	D.44	The prosecutor checks the conduct of the surveillance needed to support the filing of a case.				
<b>D.3. Prosecution</b>	D.45	There is an existing protocol in the conduct of prosecution of trafficking and VAWC cases.				
	D.46	Case is resolved in the shortest possible time with minimal continuances.				
	D.47	The 'Speedy Trial Act' is followed.				
	D.48	Rules on child examination are applied in handling VAWC and trafficking cases involving children				
	D.49	Examination of the victim is conducted in a gender-sensitive manner. Investigators and prosecutors have the following attitudes <ul style="list-style-type: none"> <li>▪ accepting and non-judgmental</li> </ul>				



<u>PARAMETERS</u>	<u>I #</u>	<u>INDICATORS</u>	<u>Yes</u>	<u>Partly</u>	<u>No</u>	<u>Remarks</u>
	D.50	<ul style="list-style-type: none"> <li>▪ sincere</li> </ul>				
	D.51	<ul style="list-style-type: none"> <li>▪ patient and understanding</li> </ul>				
	D.52	<ul style="list-style-type: none"> <li>▪ emphatic</li> </ul>				
	D.53	<ul style="list-style-type: none"> <li>▪ committed to observing and safeguarding confidentiality</li> </ul>				
	D.54	The case is handled by one prosecutor throughout the proceedings, as far as practicable.				
	D.55	Confidentiality of the proceedings is maintained.				
	D.56	The complainant's opinion, decisions, and expectations are considered by the prosecutor in determining the next course of action to take regarding the case.				
	D.57	Updates and other information related to the case are made available and provided to the complainant on a regular basis.				
	D.58	The complainant is accompanied by or referred to a trained gender-sensitive counselor during trial, if necessary.				
<b>D. 4. Referral system</b>	D.59	The DOJ has an established mechanism with the DSWD, CHR, IBP, NGOs and volunteer groups for free legal assistance for VAW victims/survivors				
	D.60	There is an existing MOA between agencies for the referral of support services to victims of VAWC and trafficking.				
	D.61	There is a directory of GO and NGO contact persons linking agencies and institutions, who are available and known to the prosecutors.				
	D.62	There is identified point person/s for each agency/institution involved.				
	D.63	A standard referral form for referral to other agencies exists.				
	D.64	The prosecutor ensures that the complainant/victim is made aware of such a referral mechanism.				
	D.65	The referral mechanism is simple enough so that the complainant will not be discouraged from availing of the service.				
	D.66	The referral mechanism is institutionalized at the local level.				



<u>PARAMETERS</u>	<u>I #</u>	<u>INDICATORS</u>	<u>Yes</u>	<u>Partly</u>	<u>No</u>	<u>Remarks</u>
<b>E. MONITORING, EVALUATION AND RESEARCH N=8</b>	E.1	The DOJ has a database of all filed trafficking and VAWC cases at the national and local levels.				
	E.2	The database is being utilized to ensure that trafficking and VAWC cases are given priority.				
	E.3	There is a consolidated monitoring form for trafficking and VAWC cases.				
	E.4	An efficient system for getting client feedback is in place.				
	E.5	A mechanism exists to monitor compliance with the protocols for investigation and prosecution.				
	E.6	The DOJ utilizes the data for policy advocacy and evaluation of services.				
	E.7	There is a mechanism to monitor the referral system.				
	E.8	Status reports/updates are made available to the law enforcement and other agencies to inform them of the progress of the case.				
<b>F. INFORMATION AND ADVOCACY N=5</b>	F.1	The DOJ has updated IECs on the rights of VAW victims/survivors and children.				
	F.2	The availability of manuals, pamphlets and other handouts on women's rights and gender issues is ensured.				
	F.3	The manuals, pamphlets and other handouts are in popular form easily understood by the reader.				
	F.4	There are sufficient copies for distribution.				
	F.5	Modern technology is utilized for quick response to legal queries.				
<b>G. RESOURCES N=4</b>	G.1	The agency GAD Plan and Budget is endorsed by the head of agency and updated on a yearly basis.				
	G.2	A budget is set aside for VAW concerns.				
	G.3	The GAD budget is utilized properly.				
	G.4	The GAD plan and budget accomplishment reports are prepared and submitted by the agency.				

**Comments on the Assessment Tool:**



## Part 4

# The Baseline Report

## Legal Bases for Setting Performance Benchmarks

### International instruments

The Convention on the Elimination of All Forms of Discrimination Against Women adopted by the United Nations General Assembly on December 19, 1979 and ratified by the Philippines on August 5, 1981, is considered the “bill of women’s rights” and contains State obligations to adopt policies, laws and programs that uphold women’s right to enjoy fundamental freedoms and equal status with men.

The Beijing Platform for Action, adopted by the 1995 United Nations Fourth World Conference on Women, identifies violence as one of the 12 critical areas of concern for women, and the strategies that member States should adopt in order to address these areas.

### Agency mandate

The DOJ’s mandate is to uphold the rule of law. Its mission is to establish and maintain a just and orderly society through the effective, speedy and compassionate administration of justice. This makes it a primary agent in the effort to put an end to the various forms of violence that a woman may suffer especially in the hands of an abusive partner.

The Revised Administrative Code of 1987 gives the responsibilities of the DOJ as follows:

1. Serve as the legal counsel and prosecution arm of the government.
2. Administer the criminal justice system in the investigation of crimes, prosecution of offenders, and the administration of the correctional system.
3. Implement laws in the admission and stay of aliens, citizenship, land titling, and settlement of land problems as to small landowners and members of the indigenous cultural minorities.
4. Provide free legal service to indigent members of society.

In the frontline for the tasks of investigation and prosecution is the NPS, directly supervised by the Justice Secretary. It is headed by the chief state prosecutor (CSP) assisted by five assistant chief prosecutors. Under the jurisdiction of the CSP are the state prosecutors, regional prosecutors, city prosecutors, provincial prosecutors and assistant prosecutors.

The NPS conducts preliminary investigations and prosecutes cases involving violations of penal laws or municipal ordinances. Preliminary investigations of criminal complaints include the drafting of resolutions which are submitted to the CSP for approval. The state prosecutors course their resolutions to the chair or the task forces before submitting these to the CSP, while local prosecutors submit the resolutions to the provincial or city prosecutor. Another component of the prosecutor’s work is the review of appealed resolutions of the provincial or city prosecutor to the regional state prosecutor or to the Justice Secretary. The other major component is the prosecution of criminal cases filed in the municipal or regional trial courts.



The NPS may also assist the Office of the Solicitor General, the Ombudsman, and the Commission on Elections, when requested. Prosecutors may also act as legal advisers to provincial and city governments and their officers.<sup>1</sup>

### Specific mandates for responding to cases of violence against women and children

The 1987 Constitution affirms the vital role of women in nation-building and fundamental equality before the law of men and women (Sec. 14, Art. II). This provision forms the basis for legislation protecting women's human rights and seeking to remove the obstacles to women's participation as productive members of society.

The functions of the DOJ with regard to cases involving violence against women and children are specified in the **Anti-Violence Against Women and their Children Act of 2004 (RA 9262)** as follows:

1. Ensure the immediate prosecution of violators of the Act.
2. Designate and train special prosecutors who shall investigate and prosecute VAWC cases.
3. Establish a mechanism for free legal assistance for VAWC cases, in coordination with the DSWD, CHR, IBP, and NGOs/volunteer groups.
4. Conduct training and continuing education programs specifically for prosecutors, public attorneys and those involved in VAWC cases.
5. Review and recommend policies and measures to enhance protection of VAWC victims/survivors.
6. Develop/adopt gender-responsive procedures in handling VAWC cases; institutionalize mechanisms; and review and update existing policies to ensure the gender sensitivity and gender responsiveness of the Witness Protection and Benefit Program.
7. If necessary, revise the Rules of the NPS to ensure that cases of VAWC under the Act shall have priority over all other pending cases.
8. Ensure appropriate and speedy disposition of VAWC cases within 45 days.
9. See to it that regional directors or regional state prosecutors undertake monthly monitoring of VAWC cases to ensure the speedy disposition of cases.

Prosecutors/court personnel shall

1. assist victims/survivors in the preparation of applications for protection orders;
2. communicate with the victim/survivor in a language understood by the woman or her child;
3. inform the victim/survivor of her rights, including legal remedies and the procedure, as well as privileges, for indigent litigants;
4. undergo training on VAWC; and
5. treat VAWC cases with confidentiality.

Also, the **Anti-Trafficking in Persons Act of 2003 (RA 9208)** provides:“(The DOJ) shall ensure the prosecution of persons accused of trafficking and designate and train special prosecutors who shall handle and prosecute cases of trafficking. It shall also establish a mechanism for free legal assistance for trafficked persons, in coordination with the DSWD, Integrated Bar of the Philippines and other NGOs and volunteer groups.”

Pursuant to this, the DOJ shall

1. ensure the prosecution of persons in violation of this Act;
2. designate and train special prosecutors who shall investigate and prosecute cases of trafficking;

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<sup>1</sup> *Strengthening the Other Pillars of Justice through Reforms in the DOJ, Diagnostic Report, UNDP, 2003, page 64, citing Sec 11, PD 1275.*

3. establish a mechanism for free legal assistance for trafficked persons, in coordination with DSWD, CHR, IBP and NGOs and volunteer groups;
4. provide witness protection to trafficked victims and their witnesses;
5. conduct training and continuing education program on the investigation and prosecution of trafficking in persons cases and other related offenses for the prosecutors and law enforcement officers;
6. receive, evaluate, process and investigate claims for compensation by trafficked victims, when applicable, pursuant to RA 7309 (Victims Compensation Act);
7. review and recommend policies and measures to enhance protection against trafficking in persons;
8. recommend the negotiation of mutual legal assistance and extradition treaties with other countries in coordination with the Department of Foreign Affairs (DFA); and
9. coordinate with and/or provide assistance to the Anti-Money Laundering Council (AMLC) on cases of trafficking in persons with possible money laundering underpinnings.

Pursuant to legal mandates or as determined by the Justice Secretary, task forces are created in the national/main office through issuances of Department Orders. Each task force has a chair, a vice-chair and members. The number of members may vary depending on the discretion of the Secretary whose decision may be based on the gravity of the issues and possible volume of cases. The life of each task force is also left to the Secretary's good judgment.

An action center (DOJAC) is established in the main office where people with legal queries or needs may seek legal counseling, referrals to other government agencies or legal documents.

## Services and Operations

### Process or flow of assignment of cases

The DOJ is the agency in the national prosecution system with preliminary investigation and litigation/prosecution services. Any person who complains of being an injured party under penal laws or municipal ordinances can file a case directly with the DOJ or the Office of the Provincial/City Prosecutors, or through the police, the Criminal Investigation and Detection Group (CIDG), or the National Bureau of Investigation (NBI).

Cases filed through the NBI are coursed through a specific division assigned to handle VAW cases. The **Violence Against Women & Children Division (VAWCD)** is a special investigative unit created in 1996 to serve as a one stop-shop, woman and child friendly investigation facility mandated to protect women and children from abuse and violence and to take care of the victim's legal, medical, psychological and rehabilitation needs. The unit not only refers cases to the DOJ but also conducts investigation and assists the prosecutors in gathering evidence. The NBI also has the Anti-Human Trafficking Division (ANTHTRAD) that investigates cases on human trafficking referred by the DFA and the DOJ.

Cases assigned to members of the task forces can come either through the docket system of the DOJ or from the Secretary. The task force chair decides who among the members will be assigned to a case. The chair also manages the load of the state prosecutors, ensuring, as much as possible, equal distribution of cases among the members.

Complaints are filed through the docket section where the cases are categorized and referred to the appropriate task force. The task force chair assigns the cases to members and endorses the files of the case to the assigned prosecutor. The files for a case are kept in a folder, with important data on the case written on the front cover.

The prosecutor proceeds to conduct the preliminary investigation in accordance with the Rules of Court. Once a resolution is made, the prosecutor submits the same to the task force vice-chair and chair for review, before the same is submitted to the CSP for approval.

At the local level, cases for preliminary investigation are also filed at the docket section, which assigns the information sheet number of the cases and raffles them for assignment to the prosecutors. While no preference is given to any prosecutor in the handling of VAWC-related cases, some prosecutors can be tasked to handle the preliminary investigation of these cases when they have attended training on the subject, have previous experience as task force member in the DOJ, or simply because they are female.

The cases, with a cover document called Memorandum of Investigation, are sent to the prosecutor assigned to handle the preliminary investigation. The Memorandum of Investigation contains basic information about each case, that is, the information sheet number, name of parties, nature of the case, etc. The prosecutor then proceeds to the conduct of the investigation as specified in the Rules.

### **Time frame**

The Manual for Prosecutors provides that if the accused is charged with an offense punishable by death or life imprisonment, the complaint has to be resolved within 90 days from assignment to the prosecutor. In all other cases, it has to be resolved within 60 days from assignment. In RA 9262, however, prosecutors are mandated to complete their investigation within 45 days from assignment.

There is no specified time to resolve appeals. Likewise, the prosecution of cases does not have a time frame for completion or resolution. Actual results from cases filed would vary depending on a number of external factors mostly determined by the judge handling the case, i.e. the number of witnesses/evidence presented, motion for postponement/continuances filed, presence or absence of the judges, the local prosecutors, and the parties involved in the case. However, there are legal mandates provided to ensure the speedy disposition of cases, among them the Speedy Trial Act and the Manual for Prosecution.

The Speedy Trial Act provides for the following time frame:

- 30 days – from filing of information to arraignment
- 30 days – from arraignment to the first trial date
- 180 days – from the first trial day to termination of trial
- 90 days – from termination of trial to issuance of the decision

### **Functions of the prosecutors**

The national prosecution service is tasked to

1. investigate and prosecute all criminal offenses under the Revised Penal Code and other special laws;
2. resolve appeals from petitions for review of the final resolutions of state prosecutors and provincial/city prosecutors in all preliminary investigations conducted by them; and

3. render opinions on queries from prosecutors regarding violations of the Revised Penal Code and other special laws.

State and local prosecutors conduct preliminary investigations<sup>2</sup> and prosecute criminal cases for and in behalf of the State. In Family Courts, the prosecutors also conduct investigations to ensure that no collusion exists between litigants who want to sever their marital ties. Procedures to conduct of investigations and prosecution of cases are provided by the Rules of Court (Revised Rules on Criminal Procedure), circulars from the Supreme Court, and department orders/circulars from the DOJ (e.g. Rule on Appeal contained in DC 70, 70-A, series 2000) and Manual for Prosecutors.

In the DOJ as well as in local jurisdictions, prosecutors are also assigned to conduct inquest proceedings daily, including weekends.<sup>3</sup> Members of each task force may be assigned to conduct inquests from 8 am to 5 pm (Monday to Friday). The day and night schedules vary per jurisdiction, for example: Manila City 8 am to 12 mn (Monday to Sunday), Las Pinas City 8 am to 5 pm (Monday to Sunday), Pasay City 8 to 10 pm (Monday to Sunday).

While specific hours for day and night inquests are followed as a general rule, inquests after the designated time can be conducted. In Camarines Sur, for example, prosecutors who live in Naga City are assigned to night inquests, and from time to time respond to requests for inquest past the regular schedule. In other areas, there have been instances when the CIDG or NBI would call the inquest prosecutor to inform her or him that they are bringing a suspect for inquest at a particular time, which may be past the regular schedule for holding inquests.

RA 9262 and RA 9208 provide duties for the DOJ to comply with -- among others, that VAWC cases shall be given priority. However, the prosecutors interviewed for this report admit that no priority treatment is given to cases under RA 9262 or any other VAWC cases. In some instances, the Secretary determines the cases that the state prosecutors should give priority attention to.

## Personnel

State prosecutors and provincial/city prosecutors comprise the personnel complement of the NPS, numbering as of 2004 as follows:

- 1 chief state prosecutor
- 5 assistant chief state prosecutors
- 119 state prosecutors
- 14 regional state prosecutors
- 96 city prosecutors
- 79 provincial prosecutors
- 1,801 assistant city and provincial prosecutor

<sup>2</sup> A preliminary investigation is an inquiry or proceeding to determine whether there is sufficient ground to engender a well-founded belief that a crime has been committed and the respondent is probably guilty thereof, and should be held for trial (Sec. 1, Rule 112, Revised Rules of Criminal Procedure).

<sup>3</sup> Inquest is an informal and summary investigation conducted by a public prosecutor in criminal cases involving persons arrested and detained without the benefit of a warrant of arrest issued by the court for the purpose of determining whether or not said person should remain under custody and correspondingly be charged in court. (Manual for Prosecutors, DOJ).

Quezon City has around 90 prosecutors with about 77 percent of them conducting investigations; Manila, about 126; Camarines Sur, about 23; Makati City, 45 and Cavite, 12.

### **Structure for VAW cases**

The DOJ created two task forces to handle investigation and prosecution of cases covered by RA 9262 and RA 9208. The Task Force on Anti-Trafficking in Persons (TF-ATP) handles the preliminary investigation and prosecution of cases filed for violation of RA 9208 (DO 23, series 2005) while the Task Force on Women and Children Protection (TF-WCP) handles the preliminary investigation and prosecution of cases filed for violation of RA 7610 and RA 8353 in relation to the provisions of the RPC as amended and other related laws (DO 395, s2004). Cases under RA 9262 are also handled by the TF-WCP.

Each task force has a chair, a vice-chair and members (12 for TF-ATP and 20 for TF-WCP). The Secretary has the discretion to assign state prosecutors to the task forces; however, state prosecutors are not precluded from volunteering to be part of any task force, subject to the approval of the task force chair and the Secretary.

There is no special team or unit organized at the regional, provincial or city level to handle investigations and prosecutions of VAW-related cases. Preliminary investigations are handled randomly while prosecutors who are assigned to Family Courts handle the prosecution of cases involving children, RA 9262 and other laws affecting women as they may fall under the jurisdiction of Family Courts.

### **Training and capacity building**

Despite the provisions of RA 9262 and RA 9208 on the responsibilities of the DOJ in the implementation of the laws, no special training or capability building program for prosecutors to address the needs of VAW victims has been developed whether at the national or the local level. Prosecutors take part in training on gender or child sensitivity or new laws such as RA 9262 from invitations of other agencies or NGOs. At the national level, training opportunities are usually coursed through the two task forces. At the local level, prosecutors assigned to the Family Courts are usually invited or sent for training.

### **Linkages with other agencies**

The DOJ sits as the chair of the Inter-Agency Council Against Trafficking (IACAT) and is a member of the Inter-Agency Council on VAWC in accordance with RA 9208 and RA 9262, respectively. These inter-agency bodies, among others, provide for policy decisions and coordination among members.

Based on her/his evaluation, the state prosecutor assigned to a case determines the need to refer a client to other agencies for support services (e.g. DSWD for shelter or counseling).

There is no predetermined system in linking with other agencies. The prosecutor may initiate the referral by determining which unit/division or program of another agency best responds to the needs of the client. At this stage, the prosecutor's efficiency and determination to provide utmost support to the client is very important, as the search for appropriate help may be tedious.

The prosecutor will formally refer the case to other agencies through an endorsement letter from the task force chair addressed to the agency concerned.

## Facilities

Prosecutors have no separate room for conducting preliminary investigation and interview of complainants and witnesses of VAWC cases. They normally do these activities in their offices.

The offices that prosecutors occupy vary from jurisdiction to jurisdiction. In the DOJ, some prosecutors have their own rooms (such as senior state prosecutors or heads of task forces), while others are assigned cubicles or share rooms (two or three in a room). There is a common hearing room that prosecutors can use on a first-come-first-served basis for interviewing clients. However, since this room is in one of the buildings within the DOJ compound, prosecutors who do not hold offices in the building do not usually use the hearing room.

Provincial/city prosecutors assigned to trial courts do not keep offices in the DOJ. Thus, the available facilities for the conduct of preliminary investigation or interviews with complainants or witnesses vary depending on the spaces and logistics provided by the local government units. In Quezon City, division chiefs and superiors occupy solo offices while other assistant city prosecutors share common rooms but have separate cubicles. In these rooms, the halls can be crowded with litigants. In Naga City, wood partitions separate the cubicle-offices that are without doors, but these partitions cannot prevent the proceedings from being heard in the next cubicle. In Manila and Cavite, some prosecutors share rooms (sometimes three in a room). In these situations, it is up to the prosecutor to find a way to conduct the investigation in private. For “sensitive” cases (e.g. rape, child abuse or RA 9262 cases), some prosecutors schedule them last in the calendar, or exclude from the room other litigants that are not party to the particular case, or schedule the cases solo for a particular morning or afternoon, while others use the library when this is available.

## IEC materials

No information or educational materials on crimes or legal procedures for the public are produced by the DOJ for the main office or for the local fiscals. The prosecutors rely mainly on the Revised Penal Law, special laws, Rules of Court, decisions and circulars from the Supreme Court, and DOJ opinions and orders in conducting the preliminary investigation and prosecution. In addition, there is a Manual for Prosecutors provided for the prosecutors’ use.

## Information/ documentation system

The state prosecutors keep the cases assigned to them in a case folder. Assignment of cases or any form of transfer within the task forces and to other prosecutors come with a referral or transmittal slip.

Each case folder contains the following information:

1. Information sheet number
2. Title of case
3. Code
4. Date received
5. Complainants
6. Respondents
7. Respective counsels
8. Prosecutor assigned

Every month, each state prosecutor submits an accomplishment report to the task force chair stating the number of cases carried over, assigned, disposed of, or pending in her/his portfolio. The chair forwards the accomplishment report of the task force to the DOJ's National Crime Information System (NCIS). The TF-WCP received a total of 261 and resolved 128 cases, while the TF-ATP has 13 cases for preliminary investigation and 12 cases received for inquest proceedings in 2005.

The NCIS is a special project designed to link the NBI, the Parole and Probation Administration, the Bureau of Corrections and the NPS through a computer-based system that will generate data relating to crimes and criminals. At present however, the NCIS merely monitors the cases received and disposed of by the respective agencies. Its mandate to create databases was temporarily suspended in 2004.

Local prosecutors keep track of their own load and each jurisdiction has a different practice in reporting cases. The Memorandum of Investigation serves as the cover page of the cases. Reporting of load on a regular basis is not a regular practice, but depends on orders coming from the provincial prosecutor or the Secretary. In Camarines Sur, however, prosecutors submit a monthly status report to the provincial office and a quarterly status report to the regional office. The reports do not categorize the cases as to nature, but lists these in the order they came into the prosecutor's workload.

## General Assessment

The mandate and mission of DOJ are general statements; they are timeless and do not reflect a demand of or response to a particular situation or issue.

The main duties of the prosecutors are to conduct preliminary investigation and to prosecute criminal cases in first and second level courts. These functions can also be considered the programs of the NPS. The task forces in the national office are created to respond to needed services, as determined either by law or by the Secretary.

Assignments of state prosecutors are given mainly, but not limited, through task force membership. The Secretary has the prerogative to give assignments to any state prosecutor. Thus, it is possible that a prosecutor without special skills on VAW may be assigned to a VAW-related case.

As stated above, training or capability building on VAWC are usually given to local prosecutors assigned in Family Courts. However, cases are raffled and randomly assigned and thus, the same probability of a prosecutor with no sufficient exposure or sensitivity to gender and children's concerns or to the new laws may be assigned to conduct the preliminary investigation on VAWC-related cases.

The reliance of the prosecutors on training/skills development outside DOJ results in uneven capacities in the handling of VAW-related cases. Each prosecutor is left to develop her/his own style in managing clients. As to duties identified in RA 9262 and RA 9208, there are, as yet, no gender-sensitive procedures/mechanisms developed, and no continuing training for prosecutors or law enforcers as mandated by the laws. While the rules state that the prosecutors should resolve investigations within 90 or 60 days from assignment, the prosecutors admit that this is difficult to comply with not only due to their load but also because the rules provide for processes which will require the use of very slow postal services.

Moreover, other facilities that the DOJ is mandated to make use of such as the Witness Protection Program or the Board of Claims have not been availed of. One reason given for this is that RA 9208 and RA 9262 are relatively new laws, and no cases related to these have prospered in court much less resulted in convictions.

Privacy in the conduct of the investigation or interview and confidentiality of information relative to the cases cannot be assured in all instances. In the DOJ, there is considerable space for conducting the investigations, although some state prosecutors share rooms and have no access to a separate hearing/interview room. Likewise, the manner of conducting the interview is left to the discretion of the handling prosecutor. There may be prosecutors who are more gender- and child-sensitive than others as a result of personal experience or training received. Sometimes, it is left to these kinds of prosecutors to “educate” their colleagues on gender and child sensitivity.

The manner of conducting preliminary investigations, interviews, trials, as well as capacity building for these prosecutors are not formally monitored by the DOJ. The data collection is also unreliable as not all local prosecutors submit regular reports, and the VAWC-related cases are not categorized as such. Thus, a researcher would have a hard time determining from the reports the volume of VAWC cases at any given time.

Sharing of information with the provincial/city prosecutors comes from department orders issued by the Secretary; there is no direct coordination with the task forces on the sharing of skills, knowledge, etc.

The prosecutors interact with members of the community and other agencies only to the extent that these support the investigation and prosecution. The initiative to refer clients to other agencies for other support services (such as counseling, shelter) rests on the diligence, sensitivity and exposure to VAW of the prosecutor. There is no established linkage between DOJ and other agencies.

The lack of information or education materials on the laws and procedures prevents the community from participating meaningfully in the legal process, and the lack of knowledge can mean even more work for the prosecutor.

Management of cases through case folders and monthly status reports enables easy access to information. However, information on the status of VAWC cases is not easy to obtain because reports are not categorized as to the nature of cases. The NCIS would be the source of this information.

Task force members and local prosecutors are unaware as to how the information is made useful after submission to the NCIS. There is no direct information provided to the prosecutors on the impact of their work on the parties involved and the community in general.

The general lack of accessible data is aggravated by the shelving of the databank project of the NCIS.

#### **SOURCES:**

*Interviews with Senior State Prosecutor Elizabeth Santos, State Prosecutor Anjanette Ortile (DOJ), ACP Dindo Venturanza (Quezon City), Atty. Maria Honoria Sison (Manila), ACP Zhelle Manrique (Camarines Sur), ACP Marlyn Agama (Makati City), ACP Vivian Monzon-Rajo (Cavite), Mr. Al Quintos (NCIS-DOJ).*

*Diagnostic Report, “Strengthening the Other Pillars of Justice through Reforms in the Department of Justice, UNDP, June 2003.*

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## PERFORMANCE STANDARDS AND ASSESSMENT TOOLS FOR SERVICES ADDRESSING VIOLENCE AGAINST WOMEN IN THE PHILIPPINES:

### Prosecution of VAW cases for Department of Justice (DOJ)

The DOJ standards developed through the National Prosecution Services (NPS) will guide its work in relation to VAW and human trafficking particularly the prosecution and gender-sensitive handling of VAW cases.

This publication is part of a package consisting of five sets of performance standards for each of the five service categories, represented by government agencies tasked primarily to render such type of service, as follows:

Administrative Order No. 04 s. 2006 is the official policy issuance adopting the performance standards in the implementation of psycho-social services for VAW in centers and residential facilities. The DSWD standards will be used in accreditation of national, regional, and local VAW centers.

Medical and medico legal services for victims-survivors of VAW referred or handled by the women and children protection units (WCPUs) in Department of Health (DOH) retained hospitals. The WCPU PS aims to set the standards for the operation of hospital based WCPUs all over the country.

Investigation, rescue and handling of victims-survivors of VAW provided by the Philippine National Police (PNP) through its Women and Children Protection Desks (WCPD). The WCPD is a principal component of the different police stations nationwide mandated to attend to cases of violence against women and children, including minors who violate the law and those at risk of danger, harm and exploitation.

LGU-based services, developed with the Department of the Interior and Local Government-National Barangay Operations Office (DILG-NBOO) sets the standards for, among others, the provision of devolved social welfare and health services for VAW in local government units. It contains three types of standards and assessment tools for the three different levels of LGUs Barangays, Municipal and Provincial/Highly Urbanized Cities.

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