



2023 International Forum on Legal Aid

November 13 – 15, 2023 Taipei, Taiwan

Discussion on the Protection of Victims of Crime





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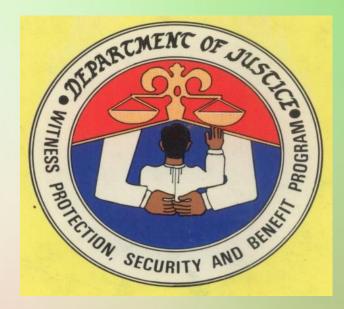
4th Placer, 1989 Philippine Bar Examinations

Professor, Manuel L. Quezon University School of Law

Former Professor, Ateneo de Manila University Law School, Law Schools of the University of the East, San Sebastian College, New Era University, and Bulacan State University

Witness Protection Program of the Department of Justice

- Was established under Republic Act (R.A.) No. 6981 (or the "Witness Protection, Security and Benefit Act").
- * R.A. No. 6981 was approved on April 24, 1991.
- ❖ Seeks to encourage a person who has witnessed or has knowledge of the commission of a crime to testify before a court or quasi-judicial body or before an investigating authority, by protecting him from reprisals and from economic dislocation (Witness Protection, Security and Benefit Program, doj.gov.ph)



R.A. No. 6981, Section 3 provides:

SEC. 3. Admission into the Program. — Any person who has witnessed or has knowledge or information on the commission of a crime and has testified or is testifying or about to testify before any judicial or quasi-judicial body, or before any investigating authority, may be admitted into the Program:

Provided, That:

a) The offense in which his testimony will be used is a grave felony as defined under the Revised Penal Code, or its equivalent under special laws;

(Continuation, R.A. No. 6981, Section 3)

- b) His testimony can be substantially corroborated in its material points;
- c) He or any member of his family within the second civil degree of consanguinity or affinity is subjected to threats to his life or bodily injury or there is a likelihood that he will be killed, forced, intimidated, harassed or corrupted to prevent him from testifying, or to testify falsely, or evasively, because or on account of his testimony; and,
- d) He is not a law enforcement officer, even if he would be testifying against the other law enforcement officers. In such a case, only the immediate members of his family may avail themselves of the protection provided for under this Act.

(Continuation, R.A. No. 6981, Section 3)

If the Department, after examination of said applicant and other relevant facts, is convinced that the requirements of this Act and its implementing rules and regulations have been complied with, it shall admit said applicant to the Program, require said witness to execute a sworn statement detailing his knowledge or information on the commission of the crime, and thereafter issue the proper certification. For purposes of this Act, any such person admitted to the Program shall be known as the Witness.

Witness Protection Program of the Department of Justice

R.A. No. 6981, Section 4 provides:

SEC. 4. Witness in Legislative Investigations. — In case of legislative investigations in aid of legislation, a witness, with his express consent, may be admitted into the Program upon the recommendation of the legislative committee where his testimony is needed when in its judgment there is pressing necessity therefor: Provided, That such recommendation is approved by the President of the Senate or the Speaker of the House of Representatives, as the case may be.







GUIDELINES AND PROCEDURES IN THE INVESTIGATION AND MONITORING OF HUMAN RIGHTS VIOLATIONS AND ABUSES, AND THE PROVISION OF CHR ASSISTANCE

April 2012

Witness Protection Program of the Commission on Human Rights

BOOK II

RULE 19

WITNESS PROTECTION PROGRAM

Section 1. The CHR Witness Protection Program.— The CHR shall maintain and strengthen a Witness Protection Program that is separate from the current program of the government.



GUIDELINES AND PROCEDURES IN THE INVESTIGATION AND MONITORING OF HUMAN RIGHTS VIOLATIONS AND ABUSES, AND THE PROVISION OF CHR ASSISTANCE

April 2012

Witness Protection Program of the Commission on Human Rights

Section 2. Scope of application of the CHR Witness Protection Program.— The CHR Witness Protection Program shall apply to cases involving human rights violations under investigation wherein the life and security of a vital witness is in actual, imminent or apparent danger or threat.



GUIDELINES AND PROCEDURES IN THE INVESTIGATION AND MONITORING OF HUMAN RIGHTS VIOLATIONS AND ABUSES, AND THE PROVISION OF CHR ASSISTANCE

April 2012

Witness Protection Program of the Commission on Human Rights

(Continuation, Section 2)

The protection services and benefits under the program may be extended to the witness' family, guardian or ward, provided it is established that they are likewise under danger and/or threat.



Witness Protection Program of the Commission on Human Rights

Section 6. Who may be admitted to the CHR Witness Protection Program.— Any of the following persons may be admitted into the CHR Witness Protection Program:

- a) A survivor of a human rights violation whose life is in actual or imminent danger or under serious threat;
- b) Any member of the family or guardian of the victim of human rights violation whose life is in actual or imminent danger or under serious threat due to their relation to the victim and/or vital information, knowledge or evidence they know of or may have in possession in relation to the human rights violation committed against the victim;

Witness Protection Program of the Commission on Human Rights

(Continuation, Section 6)

c) Any person who witnessed the human rights (violation) against the victim/s who is willing to provide and make available such information;







d) A person who has been granted immunity by the Commission pursuant to Rule 18 hereof, and whose life and security has been placed in actual or imminent danger due to his or her testimony or evidence given before the Commission.



ARTICLE 1. Legal Assistance to Women and Children Subjected to Abuse. - The Public Attorney's Office extends free legal assistance to victims of violence against women and their children regardless of the indigency requirement.

Pursuant to the provisions of Sections 13 and 35 of R.A. No. 9262, the woman or victim may avail of the services of PAO in the filing of an application/petition for protection order and/or civil action for damages. Where the applicant is already represented by a counsel *de parte*, the PAO may represent the other party. (Chapter V, Article 1, 2021 Revised Public Attorney's Office [PAO] Operations Manual)

Memorandum of Agreement: Public Attorney's Office and the Department of Social Work and Development

- Signed on 19 September 2022 and supplements an earlier Memorandum of Agreement (MOA), dated 9 October 2013.
- Covers provision of legal assistance to victims of violence against women and children (VAWC), children in conflict with the law (CICL), and local prospective adoptive parents who wish to adopt their own child or step-child in order to improve the latter's status.
- ❖With this MOA, single parents who wish to ask for legal support for themselves or their child/ren were focused, and the assignment of an on-site duty public attorney to to the Department of Social Work and Development Central Office was instituted.



Republic Act No. 9745 (Anti-Torture Act of 2009)

SEC. 11. Assistance in Filing a Complaint. — The CHR and the PAO shall render legal assistance in the investigation and monitoring and/or filing of the complaint for a person who suffers torture and other cruel, inhuman and degrading treatment or punishment, or for any interested party thereto.

The victim or interested party may also seek legal assistance from the Barangay Human Rights Action Center (BHRAC) nearest him/her as well as from human rights nongovernment organizations (NGOs).





PAO Victims' Assistance Unit

- Created on July 12, 2012
- Addresses the needs of:
 - victims of violence against women and their children;
 - victims of torture, massacres and killings;
 - mass disasters and natural calamities;
 - and children in conflict with the law and other similar cases

PAO FORENSIC LABORATORY DIVISION

- Provides medico-legal and forensic assistance:
 - To clients of PAO Victims' Assistance Unit
 - Was launched on January 27, 2010









PAO Forensic Laboratory Division



REPUBLIC OF THE PHILIPPINES DEPARTMENT OF BUDGET AND MANAGEMENT BONCODIN HALL, GENERAL SOLANO STREET, SAN MIGUEL, MANHA

JAN 1 4 2019

CHIEF PUBLIC ATTORNEY PERSIDA V. RUEDA-ACOSTA Public Attorney's Office (PAO) DOJ Agencies Building, NIA Road cor. East Avenue Dilman, Quezon City

Dear Chief Public Attorney Acosta:

We are pleased to inform you of the creation of a Forensic Laboratory Division in the PAO; which will be lodged under the Office of the Chief Public Attorney, to be primarily responsible for undertaking medico-legal and forensic-related functions and activities of the agency.

Likewise, the creation of the following eight (8) positions is considered to serve as the staffing complement of said Division:

Position Title/Salary Grade (SG)	No. of Positions
Medico-Legal Officer V/SG-25	1
Medical Specialist II/SG-23	1
Medical Specialist I/SG-22	1
Medico-Legal Officer III/SG-22	i
Dentist III/SG-20	i
Medical Technologist II/SG-15	i
Nurse II/SG-15	1
Laboratory Aide II/SG-4	1
Total	8 -

In addition, the abolition of the following 10 positions, which are no longer needed by the PAO, is considered to fund the creation of said approved positions:

Position Title/SG	No. of Positions	Item Number
Associate Public Attorney II/SG-22	1	ASPA2-1-1998
	1	ASPA2-2-1998
Associate Public Attorney I/SG-18 Associate Public Attorney I/SG-18	1	ASPA1-1-1998
	1	ASPA1-2-1998
	1	ASPA1-3-1998
	1	ASPA1-6-1998
	1	ASPA1-7-1998
	1	ASPA1-10-1998

[With eight (8) positions]

Position Title/SG	No. of Positions	Item Number
	1	ASPA1-11-1998
	1	ASPA1-12-1998
Total	10	

On the other hand, the creation of the other proposed positions is not considered since the appointees to those items for creation will undertake the proposed tasks.

In this regard, attached is the Notice of Organization, Staffing and Compensation Action Series. No. 0002019-01-010 reflecting said approved actions.

It is understood that this approval is subject to existing budgeting, civil service, accounting, and auditing rules and regulations.

Very truly yours,

Hen

BENJAMIN E. DIOKNO Secretary

repertment of Budget and Management

The Public Attorney's Office

Rendered legal assistance to:

- Bonita Baran former domestic helper who was maltreated by her former employers until she lost her right eyesight.
 - Her case helped in the approval of Republic Act (R. A.) No. 10361 or the Domestic Workers Act.
 - R. A. No. 10361 was approved on January 18, 2013.
 - With PAO's assistance, Bonita won her case against her former employers.





Bonita Baran Case

❖On July 14, 2017 – Bonita's former employers were convicted of the crime of Serious Illegal Detention. The wife was the principal, her husband was her accomplice.

- On March 7, 2019 Bonita's former female employer (who died on June 22, 2020) was found guilty of seven (7) counts of Serious Physical Injuries and two (2) counts of Attempted Homicide.
- ❖On June 1, 2021 PAO received a copy of the Notice of the Decision dated 10 February 2021 rendered by the Supreme Court (SC) in G.R. No. 248905 (Annaliza Marzan and Reynold Marzan versus People of the Philippines), dismissing the appeal filed by her former employers.

Bonita Baran Case

- ❖ The assailed Decision, dated January 31, 2019, and Resolution, dated July 29, 2019 of the Court of Appeals in CA-G.R. CR HC No. 10132, was affirmed by the Supreme Court with modification, thus:
- (1) The case insofar as her former female employer is concerned is dismissed in view of her death; and
- (2) Her former male employer is **guilty** as principal in the Serious Illegal Detention of Bonita, and accordingly, sentenced to reclusion perpetua. He is further ordered to pay Bonita P75,000.00 as moral damages, P75,000.00 as exemplary damages, and P75,000.00 as civil indemnity.

M/V Princess of the Stars Maritime Tragedy

❖ PAO − Lawyer of the cases of the relatives of the victims of the *M/V Princess of the Stars* maritime tragedy (Pursuant to Department Order No. 439, Series of 2008). The vessel was owned by Sulpicio Lines, Inc., renamed to Philippine Span Asia Carrier Corporation (PSACC).





Favorable Judgments From the Supreme Court On 15 April 2019

- The PAO received the decision of the Supreme Court ordering the reinstatement of the criminal case for Reckless Imprudence Resulting in Homicide against one of the officers of the PSACC.
- The Supreme Court concluded that the resolution of the DOJ supports a prima facie finding that the crime charged was committed.

M/V Princess of the Stars Maritime Tragedy







(Continuation)

Favorable Judgments From the Supreme Court

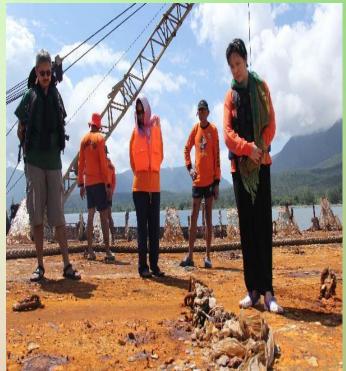
On 18 September 2019

- The Supreme Court denied the petition filed by the PSACC concerning the decision of the Maritime Industry Authority (MARINA) revoking its franchise to transport and carry human passengers.
- Thus, the cancellation of the franchise of the PSACC insofar as transporting or carrying of human passengers is concerned stands.

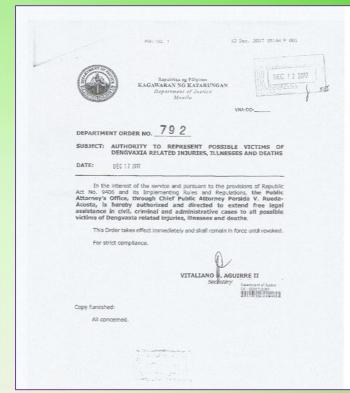
PAO Forensic Laboratory Division

- Conducted retrieval operations and exhumation activities in connection with the M/V Princess of the Stars maritime tragedy
- Vessel sunk on June 21, 2008 in the deep waters of San Fernando, Sibuyan Island, in the province of Romblon
- Philippine Coast Guard, Royal Jessan Petromin Resources, Inc., and the PAO Forensic Team retrieved and exhumed:
 - 133 human remains (Yr. 2010)
 - 15 human remains (May and July 2011)
 - 11 had been positively identified, and turned-over to families/relatives of the victims.









The victims had undergone a thorough forensic analysis and examination by the PAO Forensic Laboratory Division with the assistance of external pathologists from the University of the East Ramon Magsaysay Memorial Medical Center (UERMMMC), and Ospital ng Manila Medical Center (OMMC).

Dengvaxia Cases Filed



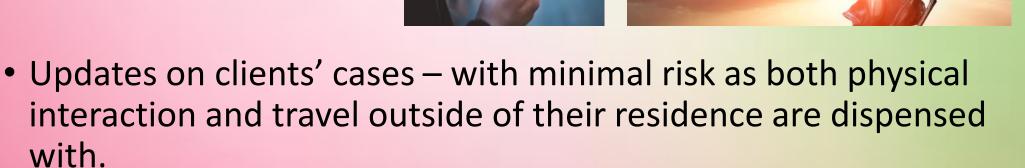
CRIMINAL	CIVIL
One hundred fifty-eight (158) cases	One hundred fifty-four (154) cases
As of 03 July 2023	As of 28 July 2023

Adjustments made during the COVID-19 pandemic in handling cases (mentioned in this presentation)

Public Attorneys were instructed to give their official work cellphone numbers to their clients (PAO Office Order No. 012, s. 2021, dated 26 January 2021, re: Submission of Permanent Cellular

Phone/Mobile Number).

with.



Adjustments made during the COVID-19 pandemic in handling cases (mentioned in this presentation) [Continuation]

- ❖ PAO authorized the conduct of home visitation to certain clients with special needs (e.g. persons with disability, senior citizens who need urgent legal assistance but could not come to the Office), with strict instruction to Public Attorneys to comply with duly issued health and safety standards.
 - Authorized for case conference, preparation for trial, and execution of affidavits and other legal documents, among others (PAO Office Order No. 053, s. 2021, dated 27 May 2021, re: Personal Visit to Handicapped and Similarly Incapacitated Clients).



Information systems or technology tools employed during the COVID-19 pandemic in handling cases (mentioned in this presentation)

- Public Attorneys continued attending trials and providing legal assistance through video conferencing.
- Upon the instruction of the Chief Public Attorney, Public Attorneys and personnel opened their communication lines 24/7.
- Video calls, e-mails, and phone calls allowed indigent clients from far-flung areas to stay in touch with their Public Attorneys.

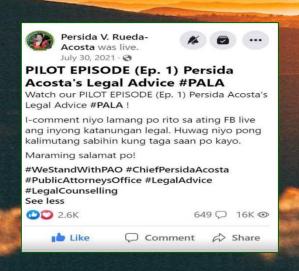


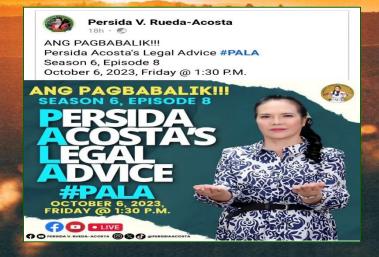




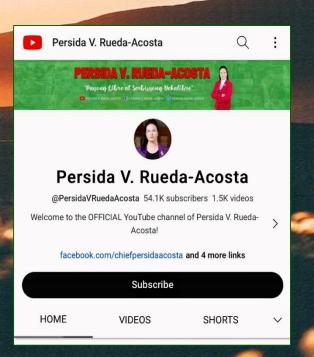
PERSIDA ACOSTA'S LEGAL ADVICE (#PALA)

Reaching Out to Clients and Other People
Beyond National Borders
(Pandemic and Post-Pandemic)
Online Live Legal Advice and Information
Dissemination Program of
the Public Attorney's Office









Maraming Salamat

Office of the President - President Task Force on Media Security Certificate of Recognition to the Public Attorney's Office (PAO) in grateful recognition of PAO's steadfast support and commitment of ensuring a safe environment for Media Workers. We genuinely acknowedge PAO's generosity and assistance in the conduct of the NCR segment of the 2023 Nationwide Summit:

Promoting a Free and Responsible Press Towards a Safer Media Environment Bayview Park Hotel, Roxas Blvd., Manila

American Bar Association - Rule of Law Initiative "Certificate of Appreciation is awarded to the Public Attorney's Office, in appreciation of the invaluable partnership with the American Bar Association - Rule of Law Initiative during the implementation of Access to Justice and Support for the Rule of Law in the Philippines (ACCESS) Project* Rizal Park Hotel Manila September 15, 2023

Philippine Public Health Association, Inc. "Plaque of Appreciation to Dr. Persida V. Rueda-Acosta, D.S.D., in grateful appreciation of her valuable participation and support to the Philippine Public Health Association during its 88th National Convention" Winford Manila Resort & Casino September 13 to 14, 2023

Maharlikans Fraternal and Sororal Order of Tigers (Tiger of Asia)

*PAO Chief Persida R. Acosta - Guest of Honor during the National Oathtaking Ceremonies of the Maharlikans Fraternal and Sororal Order of Tigers (Tiger of Asia) Grand Ballroom 3, Okada Manila

Philippine Finest Business Awards & Outstanding Achievers 2023 by the La Visual Corporation "Atty, Persida V. Rueda-Acosta - Outstanding Excellence Award in Public Service" Hexagon Events Place, Penthouse Floor, Hexagon Corporate Center, Quezon Ave., West Triangle, Quezon City

September 19, 2023

#PALA

4th Laguna Excellence Awards 2023 "Lifetime Achievement Award in Public Service" Calamba Tent, CMC Avenue, Calamba City May 7, 2023

Grand Plaza Ballroom, Sofitel Philippines Plaza Manila. April 1, 2023

Toastmasters International
"Gawad Tambuli - Communication and Leadership Award"
Analog Devices Inc. Auditorium
Gateway Business Park General Trias, Cavite
April 1, 2023

Crystal International Women's Awards 2023
"Outstanding Woman of Class with Unwavering Dedication to Public Service"
Golden Grand Ballicom, OKada Manila March 28, 2023

The NGOTV Awards Bayanihang Filipino 2023 Outstanding Public Servant Tanghalan Pasiqueño, Pasig City March 28, 2023

Gawad Pilipino 2023 "Natatanging Pilipina sa Larangan ng Serbisyo Publiko" Eurotel Hotel, North EDSA, Quezon City March 25, 2023

Gawad Pilipino 2023 100 Most Empowered Women of the Year in the Celebration of the International Women's Month Eurotel Hotel, North EDSA, Quezon City March 25, 2023

Gawad Pilipino 2023 "Ambassador for Human Rights" Eurotel Hotel, North EDSA, Quezon City March 25, 2023

41st People's Choice Excellence Awards 2023 Public Attorney's Office 2023 People's Choice Excellence Awardee "Best Public Service Company" Sofiel Philippine Plaza Manila CCP Complex, Roxas Boulevard, Pasay City March 5, 202

Philippine Association of Local Government Accountants (PhALGA, Inc.) Plaque of Appreciation in recognition for her

Global Trends Business Leaders Awards Year 2
"Global Excellence in Social Development and

Grand Ballroom, Okada Manila February 20, 2023

Asia's Modern Hero Awards 2023
"Heroes' Iconic Public Servant and Advocate for Justice'
The Grand Ballroom, Okada Manila
February 17, 2023

4th Diamond Golden Awards Night 2023
"Most Prolific Public Defender 2023"
Diamond Golden Peace Care
Good Heart World Class Global Award
International Phils, Inc.
New World Makati Hotel
February 12, 2023

₽ YouTube

Sign-in and Subscribe Youtube Channel: Persida V. Rueda-Acosta



@persidaacosta



Facebook Live - Persida V. Rueda-Acosta

Persida Acosta's Legal Advice

tuwing Biyernes, 1:30PM

@persidaacosta



@persidaacosta

Libre po ang serbisyong legal ng PAO. Punta po kayo sa tanggapan ng PAO, na pinakamalapit sa inyong tirahan, o sa PAO-Central Office na matatagpuan sa DOJ Agencies Bldg., NIA Road corner East Avenue, Diliman, Quezon City. Para po sa kagyat na pangangailangan ng payo at tulong legal, maaari rin po kayong tumawag sa PAO hotlines: (02)8426-20-75; (02)8426-28-01; (02)8426-24-50; (02)8426-29-87; (02)8426-26-83 o (02)8929-94-36 local 106 o 107 during office hours at local 159 after office hours (pati weekends at holidays). Para sa karagdagang impormasyon, maaari ninyo pong i-access ang PAO website: www.pao.gov.ph.

Dr. Persida V. Rueda-Acosta, DSD Chief Public Attorney



Philippine Public Health Association, Inc.

Plaque of Appreciation