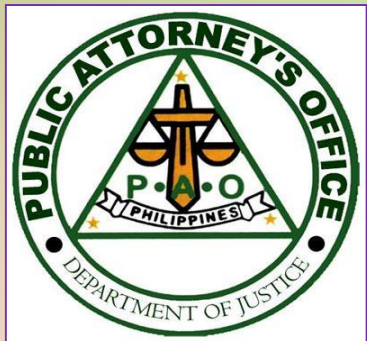




2023 法律扶助國際論壇
2023 年 11 月 13 至 15 日
台灣台北

議題討論：犯罪被害人保護





報告人：PERSIDA V. RUEDA-ACOSTA 博士 (DSD)

菲律賓公設律師辦公室首席公設律師

奎松市菲律賓大學迪里曼分校社會工作與社區發展學院 (CSWCD) 社會發展博士

哈佛甘迺迪政府學院高階主管學人

氣候真相專案 (The Climate Reality Project) / 氣候真相領導團 (The Climate Reality Leadership Corps) 氣候真相領導人

亞洲公共知識分子計畫 (Asian Public Intellectuals Fellowships) 資深研究員

奧地利薩爾斯堡全球論壇 (Salzburg Global Seminar) 研究員

日本法律扶助協會 (Japan Legal Aid Association) 研究員

美國國際訪問學者計畫 (International Visitors Program) 國際訪問學者 (IV)

國際法律扶助組織 (International Legal Aid Group) 成員

國際血跡型態分析師協會 (International Association of Bloodstain Pattern Analysts) 成員

國際矯正與監獄協會 (International Corrections and Prisons Association) 成員

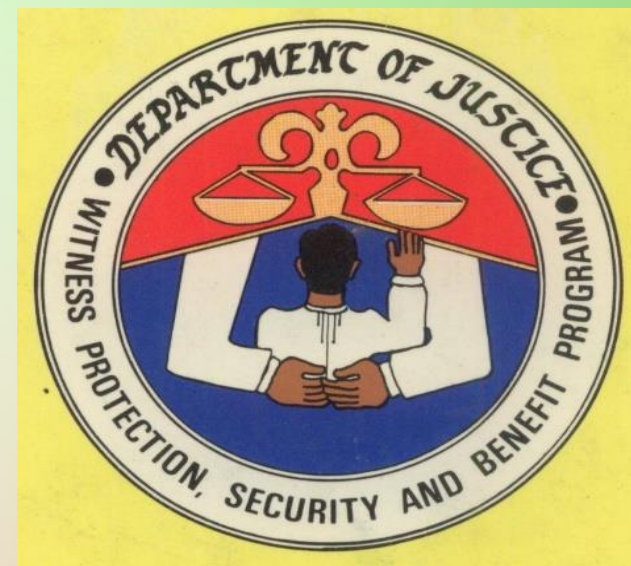
1989 年菲律賓律師資格考試第四名

菲律賓奎松大學 (Manuel L. Quezon University) 法學院教授

菲律賓馬尼拉雅典耀大學 (Ateneo de Manila University)、東方大學 (University of the East)、聖塞巴斯蒂安學院 (San Sebastian College)、新紀元大學 (New Era University) 及布拉干國立大學 (Bulacan State University) 法學院前任教授

司法部證人保護計畫

- ❖ 依共和國法案第6981號(即《證人保護、安全及福利法》)設立
- ❖ 共和國法案第6981號於 1991 年 4 月 24 日通過。
- ❖ 旨在透過防止被報復及經濟情況受影響，鼓勵目擊證人或知悉犯罪者，在法院、準司法機關或調查機關作證。
(引用自菲律賓司法部網站——證人保護、安全及福利計畫)



共和國法案第6981號第 3 條規定：

第 3 條，*納入計畫之保護對象* – 目睹或知悉犯罪，且已於、正於或將於任何司法、準司法或調查機關作證者，可納入證人保護計畫：

但應符合以下條件：

- a) 其證詞係針對修正後刑法或特別法中類似規定所定義之重大犯罪
；

(續上頁，共和國法案第6981號 第3 條)

- b) 其證詞確實可佐證重大爭點；
- c) 本人或其二親等內血親或姻親，因其作證而面臨生命或身體受傷之威脅，或可能遭殺害、強迫、威脅、騷擾或收買，迫使其不作證、作偽證或迴避作證；
- d) 非執法人員，即使係針對其他執法人員作證。然於證人針對執法人員犯罪作證之情況，可受本法保護之親屬僅限一親等。

(續上頁，共和國第6981號法案第3條)

若司法部於審查申請人及其他相關事實後，認定符合本法及施行細則規定，則應將申請人納入本計畫，並要求證人簽署宣誓書，詳述所知悉之犯罪資訊，之後即核發適當的證明文件。依本法目的，納入本計畫者應稱為證人。

司法部證人保護計畫

共和國法案第6981號第 4 條規定：

第 4 條，*立法調查 (國會調查)* 之證人 – 於協助立法之立法調查中，當立法委員會認為有迫切需要證人作證時，得在證人明確同意之情況下，依立法委員會之建議，將證人納入計劃之保護對象，惟該等建議須經參議院主席或眾議院議長 (視情況而定) 核准。



人權委員會證人保護計畫



Commission on Human Rights

人權委員會

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

對於人權侵害與不當對待之調查監督
與人權委員會協助之
準則與程序

April 2012

第二卷

規則 19

證人保護計畫

第 1 條 人權委員會(CHR) 證人保護計畫—
CHR 應於於現行政府計畫之外，維護並強化其獨立之證人保護計畫。

人權委員會證人保護計畫



Commission on Human Rights

人權委員會

GUIDELINES AND PROCEDURES IN THE
INVESTIGATION AND MONITORING OF HUMAN
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對於人權侵害與不當對待之調查監督
與人權委員會協助之
準則與程序

April 2012

第 2 條，*CHR* 證人保護計畫適用範圍 –
CHR 證人保護計畫適用於涉及人權侵害，且
關鍵證人之生命安全面臨實際、立即或明顯
危險或威脅之調查中案件。

人權委員會證人保護計畫



Commission on Human Rights

人權委員會

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

對於人權侵害與不當對待之調查監督
與人權委員會協助之
準則與程序

April 2012

(續上頁，第2條)

本計畫之保護服務與福利，得擴大適用於證人之家人、監護人或受監護人，惟應證明其面臨類似的危險或威脅。



人權委員會證人保護計畫

第 6 條，得納入 CHR 證人保護計畫之對象 – 符合以下各款之一的個人得納入 CHR 證人保護計畫：

- a) 人權受侵害且生命面臨實際、立即危險或嚴重威脅者；
- b) 人權受侵害者之家人或監護人，因與受侵害者之關係 和/或 知悉或持有被害人人權受侵害之關鍵資訊、知識或證據，導致其生命面臨實際、立即危險或嚴重威脅者；

人權委員會證人保護計畫

(續上頁，第6條)

c) 目睹他人之人權受侵害，且有意提供該等資訊者；



d) 經委員會依規則 18 准予豁免被追訴之證人*，且因於委員會作證或提供證據，使其生命與安全面臨實際或立即危險者。

* 譯註：《人權侵害與不當對待之調查監督與人權委員會協助之準則與程序》規則18 係關於證人得免於被追訴。



公設律師辦公室 (PAO)

第 1 條， ***為遭受不當對待之婦女及兒童提供法律扶助－***

不論當事人是否符合資力標準，公設律師辦公室應為遭受暴力之婦女及其子女提供免費法律扶助。

共和國法案第 9262 號第 13 及 35 條規定，婦女或被害人聲請保護令/提起民事損害賠償訴訟時，得使用 PAO 服務。若申請人已有委任律師代理，則 PAO 得代理另一方當事人。(2021年修訂公設律師辦公室 [PAO] 作業手冊第五章第 1 條)

協議備忘錄：公設律師辦公室及社會工作與發展部

- ❖ 簽訂於 2022 年 9 月 19 日，用以補充 2013 年 10 月 9 日簽署的協議備忘錄 (MOA)。
- ❖ 涵蓋對受暴婦女及兒童 (VAWC)、非行兒童 (CICL)、以及為改善兒童現狀而預計申請收養的當地父母提供法律扶助。
- ❖ 依據此協議備忘錄，希望為自己或子女尋求法律協助的單親父母為PAO 主要的服務對象，PAO並於社會工作與發展部的中央辦公室內指派一位值班的公設律師提供駐點服務。



共和國法案第9745號 (2009 年反酷刑法)

第 11 條，告訴代理扶助—

對於遭受酷刑和其他殘忍、不人道或有辱人格的待遇或處罰的被害人或利害關係人，人權委員會 (CHR) 及公設律師辦公室 (PAO) 應於調查、監督、提起告訴時，提供法律扶助。

被害人或利害關係人亦得向最近的村里人權行動中心 (BHRAC) 及非政府人權組織 (NGO) 尋求協助。



PAO 被害人協助小組

- ❖ 設立於 2012 年 7 月 12 日
- ❖ 服務對象：
 - 受暴婦女及其子女；
 - 酷刑、屠殺或殺人案件被害人；
 - 大規模災難及自然災害；
 - 非行兒少及其他類似案件



PAO 鑑識實驗室

- ❖ 提供醫學法律及鑑定協助：
 - 服務對象：PAO 被害人協助小組之當事人
 - 設立於 2010 年 1 月 27 日



PAO 鑑識實驗室



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

JAN 14 2019

CHIEF PUBLIC ATTORNEY PERSIDA V. RUEDA-ACOSTA
Public Attorney's Office (PAO)
DOJ Agencies Building, NIA Road cor. East Avenue
Diliman, 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	1
Dentist II/SG-20	1
Medical Technologist II/SG-15	1
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
Associate Public Attorney I/SG-18	1	ASPA2-2-1998
Associate Public Attorney I/SG-18	1	ASPA1-1-1998
Associate Public Attorney I/SG-18	1	ASPA1-2-1998
Associate Public Attorney I/SG-18	1	ASPA1-3-1998
Associate Public Attorney I/SG-18	1	ASPA1-6-1998
Associate Public Attorney I/SG-18	1	ASPA1-7-1998
Associate Public Attorney I/SG-18	1	ASPA1-10-1998

[八位工作人員]

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

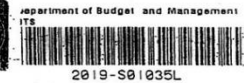
On the other hand, the creation of the other proposed positions is *not considered* since the appointees to those items for creation will undertake the proposed tasks.

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,

BENJAMIN E. DIOKNO
Secretary



公設律師辦公室

法律扶助案例：

❖ Bonita Baran – 原家庭幫傭，遭前雇主虐待直到她右眼失明。

- 此案促成共和國法案第10361號 (家事勞工法) 通過。
- 共和國法案第10361號於 2013 年 1 月 18 日通過。
- 在 PAO 協助下，Bonita 在對前雇主的官司中贏得勝訴。



Bonita Baran 案

❖ 2017 年 7 月 14 日 – Bonita 的前雇主夫婦因嚴重私行拘禁經判定有罪，妻子為正犯，丈夫為共犯。



❖ 2019 年 3 月 7 日 – Bonita 前女雇主 (於 2020 年 6 月 22 日死亡) 遭判七項重傷及兩項意圖殺人罪。

❖ 2021 年 6 月 1 日 – PAO 接獲最高法院 2021 年 2 月 10 日判決通知 (G.R. 第 248905 號, *Annaliza Marzan and Reynold Marzan versus People of the Philippines*)，駁回前雇主的上訴。

Bonita Baran 案

❖ 被上訴的判決 (原判決日期為2019 年 1 月 31 日)，以及上訴法院 2019 年 7 月 29 日 CA-G.R. CR HC 第 10132 號決議，經最高法院**改判後確定**，因此：

- (1) 針對前女雇主之案件因其死亡而不受理；
- (2) 前男雇主遭判定為嚴重違法拘禁 Bonita 之正犯，處三十年以上監禁。此外，法院判定前雇主應向 Bonita 支付 75,000.00 披索作為精神損害賠償，75,000.00 披索的懲罰性損害賠償，以及75,000.00 披索的民事損害賠償。

群星公主號 (M/V Princess of the Stars) 海難

❖ PAO – 擔任 群星公主號海難被害人家屬之律師 (依 2008 年第 439 號司法部命令)。船主為 Sulpicio Lines, Inc. 公司，之後改名為 Philippine Span Asia Carrier Corporation (PSACC)。



於最高法院勝訴

2019 年 4 月 15 日

- PAO 接獲最高法院裁定重啟針對一名 PSACC 高層主管刑事過失致死之案件。
- 最高法院認定，司法部的決議可初步證明被起訴的犯罪事實成立。

群星公主號 (M/V Princess of the Stars) 海難



(續上頁)

於最高法院勝訴

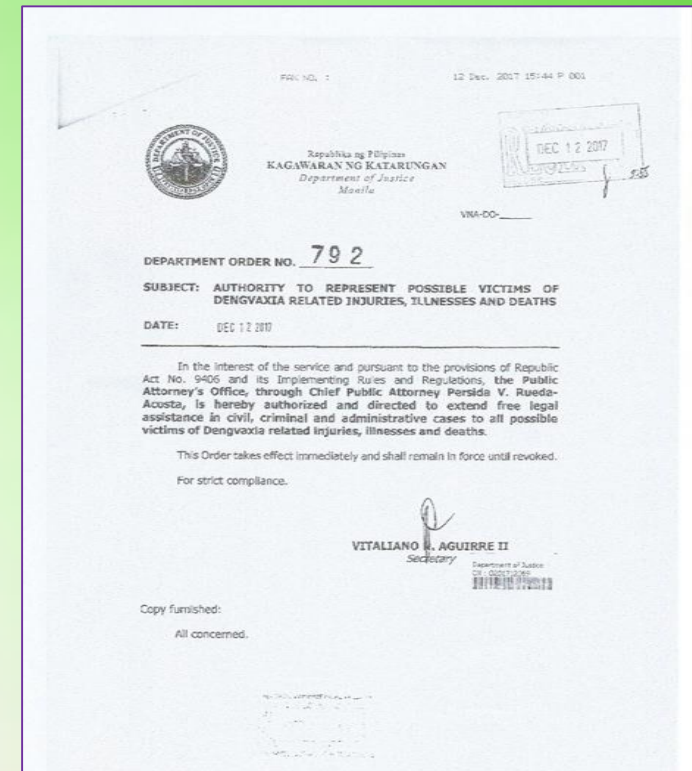
2019 年 9 月 18 日

- 最高法院駁回 PSACC 針對海運管理局 (MARINA) 撤銷其運輸與客運許可提出之聲請。
- 因此，撤銷PSACC運輸與客運許可之處分目前仍為有效。

PAO 鑑識實驗室

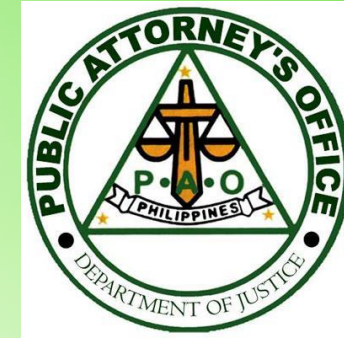
- 負責 *群星公主號* 海難的遺體搜尋與挖掘工作
- 2008 年 6 月 21 日，渡輪於朗布隆省 (Romblon) 西布顏島 (Sibuyan) 聖費南多海域 (San Fernando) 沉沒。
- 菲律賓海岸巡防隊、Royal Jessan Petromin Resources, Inc. 公司及 PAO 鑑識團隊尋回：
 - **133** 具遺體 (2010 年)
 - **15** 具遺體 (2011 年 5 月及 7 月)
 - **11** 具身分已確認，交由家屬處理





PAO 鑑識實驗室在 East Ramon Magsaysay 大學紀念醫學中心 (UERMMMC) 及馬尼拉 Ospital ng 醫學中心 (OMMC) 等外部病理學家協助下，針對被害人進行詳盡的鑑識檢驗分析。

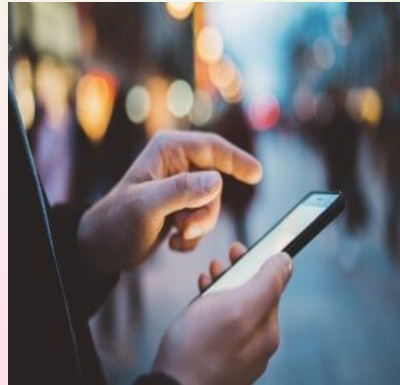
登革熱疫苗起訴案件



刑事	民事
一百五十八 (158) 案	一百五十四 (154) 案
截至 2023 年 7 月 3 日	截至 2023 年 7 月 28 日

新冠疫情期間案件處理方式之調整 (本報告提及者)

❖指示公設律師將公務行動電話號碼提供給當事人 (PAO 2021 年第 012 號辦公室命令，2021 年 1 月 26 日，主旨：提供固定行動電話號碼)。



- 更新當事人案件資訊 – 儘可能減少實體接觸及外出風險。

新冠疫情期間案件處理方式調整 (本報告提及者)

[續上頁]

- ❖ PAO 授權到府拜訪特定特殊需求當事人 (例如身心障礙者、需要緊急法律扶助但無法親赴辦公室的老年人)，要求公設律師嚴格遵守正式發布的衛生安全準則。
 - 授權範圍包含案件會議、審前準備、簽署宣誓書及其他法律文件等 (PAO 2021 年第 053 號辦公室命令，2021 年 5 月 27 日，主旨：親自拜訪身心障礙及類似失能的當事人)。



新冠疫情期間處理案件使用的資訊系統及科技工具 (本報告提及者)

- ❖ 公設律師持續透過視訊會議方式出庭及提供法律扶助。
- ❖ 經首席公設律師指示，公設律師及工作人員全天 24 小時對當事人開放通訊管道。
- ❖ 視訊通話、電子郵件及電話可供偏遠地區的貧困當事人與公設律師保持聯絡。



PERSIDA ACOSTA 的法律諮詢 (#PALA)

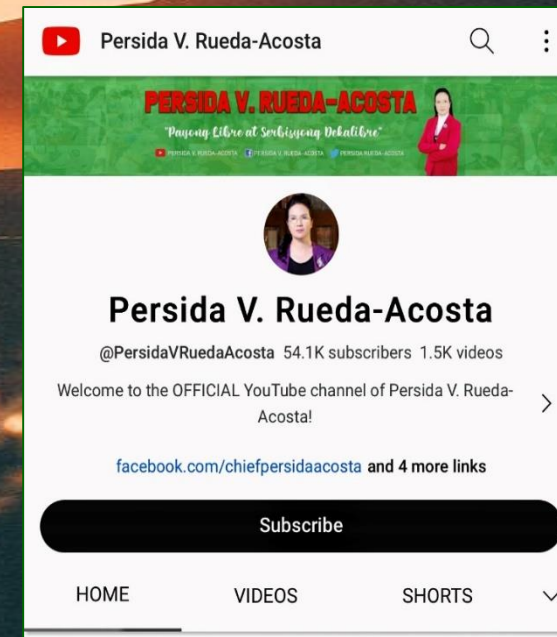
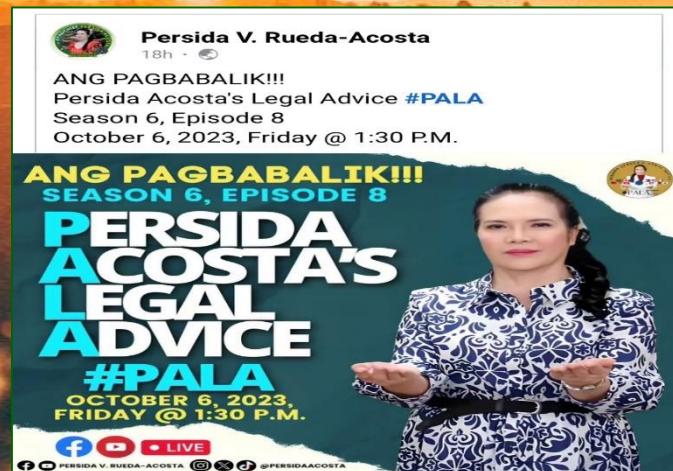
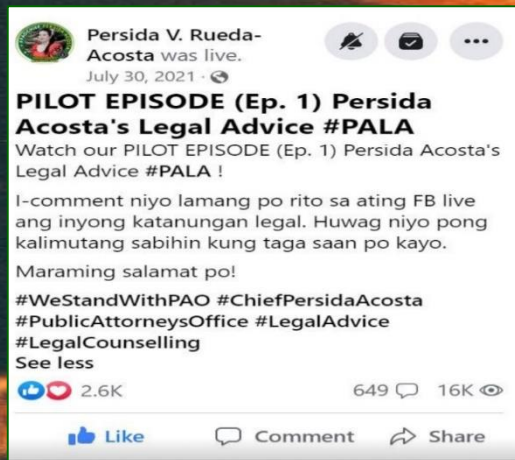
超越國界外展接觸

當事人及其他人員

(疫情期間及後疫情時代)

公設律師辦公室的

線上直播法律諮詢及宣導計畫



Maraming Salamat Po



THANK YOU

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 acknowledge 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
September 19, 2023

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

Maharikans Fraternal and Sororal Order of Tigers (Tiger of Asia)
"PAO Chief Persida R. Acosta - Guest of Honor during the National Oathtaking Ceremonies of the Maharikans Fraternal and Sororal Order of Tigers (Tiger of Asia)
Grand Ballroom 3, Okada Manila
September 10, 2023

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 8, 2023

The 2nd Global Iconic Aces Awards 2023
Empowering Visionaries, Embracing Diversity, Driving Excellence.
"Global Iconic Public Servant with Outstanding Dedication to Public Welfare and Social Services"
Grand Ballrooms 1 & 2, Okada Manila
August 28, 2023

7th Outstanding MEN & WOMEN of the Philippines 2023
Best Magazine
"Lifetime Achievement Awardee - Atty. Persida V. Rueda-Acosta, DSD, Chief Public Attorney, Public Attorney's Office, Philippines"
Music Museum, Greenhills, San Juan City
August 25, 2023

Bulacan State University - Kolehiyo ng Batas
Juris Doctor Conferment Ceremony
"Plaque of Appreciation to Atty. Persida V. Rueda-Acosta, Chief Public Attorney, Public Attorney's Office, sa kaniyang hindi matawarang pagsuporta, at taos-pusong paglalaan ng oras at kahalagang bilang "Pansuluhang Tagapagsalita" (Hulyo 31, 2023)
Lungsod ng Malolos, Bulacan
August 24, 2023

The Fraternal Order of Eagles - Philippine Eagles, Inc.
First Philippine-Born Fraternal Socio-Civic Organization Service Through Strong Brotherhood
"Plaque of Support"
in recognition of your unwavering Commitment, Dedication, and Tireless Efforts in delivering Justice to the marginalized and underprivileged communities.
Public Attorney's Office
DOJ Agencies Building, NIA Road, Diliman, Quezon City
August 18, 2023

Integrated Bar of the Philippines, Manila III Chapter
Plaque of Recognition is awarded to Dr. Persida V. Rueda-Acosta, DSD, Chief Public Attorney, Public Attorney's Office, for her inspirational message during the Testimonial and Induction of 2020-2021 New Lawyers of IBP Manila I, III and IV Chapters
Diamond Hotel, Manila
February 25, 2023

Quezon City Press Club, Inc.
"Plaque of Appreciation in recognition of her Outstanding Performance and Leadership, Dedication to Public Service, and Love and Respect for the Media in its significant role to nation-building"
Quezon City
August 15, 2023

Maharikang Filipino Awards 2023
"Remarkable Woman of Strength and Outstanding Public Servant"
Golden Ballroom, Okada Manila
June 2, 2023
4th Laguna Excellence Awards 2023
"Lifetime Achievement Award in Public Service"
Calamba Teat, CMC Avenue, Calamba City
May 7, 2023
Elite Business and Leadership Awards 2023
Leadership Achiever as Public Servant
"Hall of Fame"
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 Ballroom, Okada Manila
March 24, 2023

The NGDTV Awards Bayaning Filipino 2023
Outstanding Public Servant
Tanghalan Pasigueno, Pasig City
March 28, 2023
Gawad Filipino 2023
"Natatanging Pilipina sa Larangan ng Serbisyo Publiko"
Eurotel Hotel, North EDSA, Quezon City
March 25, 2023

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

41st People's Choice Excellence Awards 2023
Dangal ng Bayan 2023 Awardee
"Most Outstanding Public Servant"
Sofitel Philippine Plaza Manila
CCP Complex, Roxas Boulevard, Pasay City
March 5, 2023

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

Philippine Association of Local Government Accountants (PALGA), Inc.
Plaque of Appreciation in recognition for her invaluable support as
"Keynote Speaker"
15th Mindanao Geographical Conference
SMA Convention Center, Davao City
February 22, 2023

Global Trends Business Leaders Awards Year 2
"Global Excellence in Social Development and Public Service"
Grand Ballroom, Okada Manila
February 10, 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

The Fraternal Order of Eagles - Philippine Eagles, Inc.
First Philippine-Born Fraternal Socio-Civic Organization Service Through Strong Brotherhood
Certificate of Appreciation in recognition of her participation as
"Guest of Honor and Speaker"
in Chartering of Marikina City Masagisag Bagwis Eagle Club and
Quezon City Marikina Bagwis Eagles Club
and Induction of New Members under NCR-I
Marriott Manila Ballroom, Marriott Hotel, Pasay City
January 29, 2023

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



Facebook Live - Persida V. Rueda-Acosta
Persida Acosta's Legal Advice
#PALA
tuwing Biyernes, 1:30PM



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Persida V. Rueda-Acosta



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Libre po ang serbisyon 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.