

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1479

Introduced by GABRIELA Women's Party List
Representatives LUZVIMINDA C. ILAGAN and EMERENCIANA A. DE JESUS

EXPLANATORY NOTE

Republic Act (R. A.) No. 7877 has been in existence for more than ten (10) years now, and yet, cases of sexual harassment which it sought to curb and curtail remain to be rampant. Prosecutions under the said law are but a few.

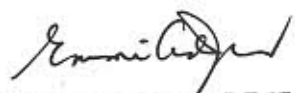
In many complaints for sexual harassment that we received mostly from women employees, students and workers, we noted one common factor that deterred the victims' recourse to the proper courts, and that is, the difficulty in surmounting the evidentiary requirement of the perpetrator's use of influence or moral ascendancy against the victim. This proposed amendment to R. A. 7877 seeks to address such limitation and legal obstacle. By so doing, it also rightfully recognizes the inherent difficulty of the subordinate victim's position in the place of work, training or education.

This proposed amendment also recognizes that sexual harassment may be committed by a co-employee, fellow trainee or student, hence, the proposed amendment to the definition of sexual harassment.

Lastly, this bill strengthens the policy that prevention of sexual harassment in the place of work, training and education is the primary responsibility of the employer, or the head of training or educational environment, by the imposition of stricter requirements and stiffer penalties.

In view of the above, approval of this bill is earnestly sought.


LUZVIMINDA C. ILAGAN
Gabriela Women's Party List


EMERENCIANA A. DE JESUS
Gabriela Women's Party List

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1479

Introduced by GABRIELA Women's Party List
Representatives LUZVIMINDA C. ILAGAN and EMERENCIANA A. DE JESUS

**AN ACT AMENDING REPUBLIC ACT NO. 7877, OTHERWISE KNOWN AS
THE ANTI-SEXUAL HARASSMENT ACT OF 1995**

Be it enacted by the Senate and the House of Representatives of the Philippines, in Congress assembled:

SECTION 1. Section 3 of the Act is hereby amended to read as follows:

"Sec. 3. SEXUAL HARASSMENT IS COMMITTED AS FOLLOWS:

- A) IN THE PLACE OF EMPLOYMENT, TRAINING OR EDUCATION, BY ANY PERSON WHO ENGAGES IN ANY UNWANTED OR UNWELCOME SEXUAL ADVANCE, REQUEST OR DEMAND FOR SEXUAL FAVOR OR OTHER VERBAL OR PHYSICAL CONDUCT OF A SEXUAL NATURE AGAINST AN EMPLOYEE, EMPLOYER, TRAINEE, TRAINOR, STUDENT, INSTRUCTOR, TEACHER OR PROFESSOR.
- B) OUTSIDE THE PLACE OF EMPLOYMENT, TRAINING OR EDUCATION, BY AN EMPLOYER, MANAGER, SUPERVISOR, AGENT OF THE EMPLOYER, TEACHER, INSTRUCTOR, PROFESSOR, COACH, TRAINOR, OR ANY OTHER PERSON, WHO HAVING AUTHORITY, INFLUENCE OR MORAL ASCENDANCY OVER ANOTHER'S WORK, TRAINING OR EDUCATION, MAKES ANY UNWANTED OR UNWELCOME SEXUAL ADVANCE, REQUEST OR DEMAND FOR SEXUAL FAVOR OR OTHER VERBAL OR PHYSICAL CONDUCT OF A SEXUAL NATURE.

Any person who directs or induces another to commit any act of sexual harassment as herein defined, or who cooperates in the commission thereof by another without which it would not have been committed, shall also be held liable under this Act."

SECTION. 2. Section 4 is hereby amended to read as follows:

"Sec. 4. *Duty of the Employer or Head of Office in a Work-related, Education or Training Environment.* - THE EMPLOYER, HEAD OF OFFICE IN A WORK-RELATED, EDUCATION OR TRAINING ENVIRONMENT OR INSTITUTION IS HEREBY MANDATED TO ADOPT A COMPREHENSIVE, DETAILED, WRITTEN POLICY ON SEXUAL HARASSMENT. It shall be the duty of the employer, or the head of the work-related, educational or training environment or institution, to prevent or deter the commission of acts of sexual harassment. Towards this end, the employer or head of office shall:

- (a) Promulgate appropriate rules and regulations in consultation with and jointly approved by the employees or students or trainees, through their duly designated representatives, prescribing the guidelines or proper decorum in the workplace and educational or training institutions and the procedure for the investigation of sexual harassment cases and the administrative sanctions therefor.

[Administrative sanctions shall not be a bar to prosecution in the proper courts for unlawful acts of sexual harassment.]

The said rules and regulations issued pursuant to this subsection (a) shall include, among others, guidelines on proper decorum in the workplace and educational or training institutions AND PROVIDE FOR A PERIOD OF NOT MORE THAN FORTY EIGHT (48) HOURS WITHIN WHICH TO ACT ON COMPLAINTS AGAINST SEXUAL HARASSMENT.

- (b) Create a Committee on Decorum and Investigation for cases of sexual harassment. The Committee shall conduct meetings, as the case may be, with other officers and employees, teachers, instructors, professors, coaches, trainers and students or trainees to increase understanding and prevent incidents of sexual harassment. It shall also conduct the investigation of the alleged cases constituting sexual harassment.

- (c) DISSEMINATE OR POST A COPY OF THIS ACT AND THE RULES AND REGULATIONS MENTIONED IN (a) ABOVE FOR THE INFORMATION OF ALL CONCERNED.

In the case of a work-related environment, the committee shall be composed of at least one (1) representative each from the management, the union, if any, the employees from the supervisory rank, and from the rank and file employees.

In the case of the educational or training institution, the committee shall be composed of at least one (1) representative from the administration, the trainers, teachers, instructors, professors or coaches and students or trainees, as the case may be.

[The employer or head of office, educational or training institution shall disseminate or post a copy of this Act for the implementation of all concerned.]"

SECTION 3. Section 5 is hereby amended to read as follows:

"Sec. 5. *Liability of the Employer, Head of Office, Educational or Training Institution.* - The employer or head of office, educational OR training institution shall be solidarily liable for damages arising from the acts of sexual harassment committed in the employment, education or training environment if the employer or head of office, educational or training institution HAS KNOWLEDGE OF SUCH ACT OR ACTS CONSTITUTING SEXUAL HARASSMENT OR IF THE EMPLOYER OR HEAD OF OFFICE, EDUCATIONAL OR TRAINING INSTITUTION IS PRESUMED TO HAVE KNOWLEDGE OF SUCH ACTS and no immediate action is taken thereon.

THE EMPLOYER OR HEAD OF THE OFFICE IS PRIMA FACIE PRESUMED TO HAVE KNOWLEDGE OF SUCH ACT OR ACTS CONSTITUTING SEXUAL HARASSMENT IN THE FOLLOWING INSTANCES:

1. IF THE MANAGEMENT FAILED TO COMPLY WITH THE PROVISIONS OF THE PRECEDING SECTION.

2. IF A COMPLAINT WAS MADE BEFORE THE COMMITTEE OR AUTHORITY DESIGNATED TO RECEIVE COMPLAINTS AND/OR INVESTIGATE CASES OF SEXUAL HARASSMENT AS PROVIDED IN THE RULES AND REGULATIONS IT IS MANDATED TO PRESCRIBE.
3. IF THE HARASSMENT IS OPENLY PRACTICED OR WELLKNOWN AMONG EMPLOYEES, STUDENTS OR TRAINEES.

IN THE CASE OF EMPLOYMENT-RELATED SEXUAL HARASSMENT THAT RESULTS TO THE CONSTRUCTIVE DISMISSAL OF THE EMPLOYEE, THE EMPLOYER WHO IS FOUND LIABLE UNDER THE PROVISIONS OF THIS ACT SHALL ALSO BE LIABLE FOR DAMAGES AND BENEFITS SUCH EMPLOYEE IS ENTITLED UNDER LABOR AND OTHER APPLICABLE LAWS."

SECTION 4. Section 6 is hereby amended to read as follows:

"Sec. 6. - *Independent Action for Damages.* - Nothing in this Act shall preclude the victim of work, education or training-related sexual harassment from instituting a separate and independent action for damages and other affirmative relief.

ADMINISTRATIVE SANCTIONS SHALL NOT BE A BAR TO PROSECUTION IN THE PROPER COURTS FOR UNLAWFUL ACTS OF SEXUAL HARASSMENT."

SECTION 5. Section 7 is hereby amended to read as follows:

"Sec. 7. *Penalties.* - Any person who violates the provisions of this Act shall, upon conviction, be penalized by imprisonment of not less than one (1) month nor more than six (6) months, or a fine of not less than FIFTY THOUSAND PESOS (PHP50,000.00) nor more than TWO HUNDRED THOUSAND PESOS (PHP200,000.00), or both such fine and imprisonment at the discretion of the court. IF THE PERPETRATOR IS THE EMPLOYER, MANAGER, SUPERVISOR, AGENT OF THE EMPLOYER, TEACHER, INSTRUCTOR, PROFESSOR, COACH, TRAINOR, OR ANY OTHER PERSON WHO HAS AUTHORITY, INFLUENCE OR MORAL ASCENDANCY OVER ANOTHER'S WORK, TRAINING OR EDUCATION, THE MAXIMUM PENALTIES SHALL BE IMPOSED.

Any action arising from the violation of the provision of this Act shall prescribe in three (3) years."

SECTION 6. *Separability Clause* - If any portion or provision of this Act is declared void and unconstitutional, the remaining portions or provisions hereof shall not be affected by such declaration.

SECTION 7. *Repealing Clause.* - All laws, decrees, orders, rules and regulations, other issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 8. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved.