

Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 2631

Introduced by: Hon. Christopher S. Co, Rodel M. Batocabe and Alfredo A. Garbin, Jr.

EXPLANATORY NOTE

A safe and civil school environment is necessary for students to learn and achieve. However, student development is hampered when there are incidents of violence, harassment and fear among students.

This bill seeks to reduce these instances of violence and harassment among students, most exemplified in the form of bullying. Bullying causes physical, psychological, and emotional harm to students and interferes with students' ability to learn and participate in school activities. It has also been linked to other forms of antisocial behavior, such as vandalism, shoplifting, skipping and dropping out of school, fighting, using drugs and alcohol, sexual harassment, and sexual violence.

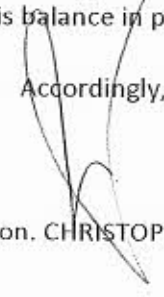
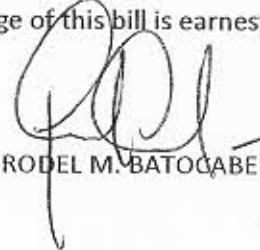
In the Philippines, seven out of 10 students in Grades IV to VI and high schools, and at least 4 out of 10 in Grades I to III have experienced violence in school, according to a 2010 study on violence against children in the country's public schools, entitled, "Towards a Child-friendly Environment—Baseline Study on Violence Against Children."

Verbal abuse is the most prevalent form of violence at all school levels, which includes being shouted at, cursed at, ridiculed, teased or humiliated, according to the study. Physical violence included pinching, throwing things at a child, spanking, making a child stand under the sun, locking a child in a room or enclosed space, and sexual assault. These acts of violence increase in frequency as the child moves up to higher grade levels.

A new form of bullying is fast emerging with the advancements of technology. Cyber-bullying happens in a realm where state power is weak, and where very few laws are passed for regulation. This bill seeks to address the problem of bullying in the cyber world.

We can only ensure that quality education is absorbed by the students if such education is given in an atmosphere of equality, safety and civility. This can only be so if there is balance in power relations among students.

Accordingly, the swift passage of this bill is earnestly sought.

  
Hon. CHRISTOPHER S. CO Hon. RODEL M. BATOCABE Hon. ALFREDO A. GARBIN, JR.

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AN ACT
DEFINING AND PENALIZING THE CRIME OF BULLYING AND CYBER-BULLYING

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

SECTION 1. *Title* – This Act shall be known as the “ANTI-BULLYING ACT OF 2010”,

SEC. 2. *Statement of Policy* – It is hereby declared the policy of the state:

- (a) To ensure a safe, civil and violence-free environment in all public and private schools, colleges and universities for the betterment of a child’s education;
- (b) To maintain a culture of peace and harmony among students, faculty, and other personnel in an academic environment by deterring them from inflicting violence among their peers; and
- (c) To condemn acts of verbal and physical violence among students and children, and to penalize those who, by an overt act or omission, contribute to the proliferation of violence in school.

SEC. 3. *Bullying, when committed*. – The penalty of public reprimand from the school, a minimum of two (2) months to a maximum of six (6) months of mandatory counseling, or until the counselor issues a certification of psychological fitness, and suspension from the school equivalent to the length of time of counseling shall be imposed upon any minor student who commits a series of two or more acts directed towards a minor student, or a series of single acts directed towards several minor students, in a school setting, and after a First Warning, as defined in Section 6 of this Act, is issued by the school administrator of acts defined in the crime of bullying. Such acts consist of any or more of the following:

- (a) Threats to a person with the infliction upon the person, honor or property of the person or of his family of any wrong;
- (b) Stalking or constantly following or pursuing a person in his daily activities with unwanted, obsessive attention;
- (c) Theft;
- (d) Public humiliation or public and malicious imputation of a crime, or of a vice or defect, real or imaginary, or any act, omission, condition, status, or circumstance tending to cause the dishonor, discredit, or contempt, against a person; and

- (e) Deliberate destruction, defacement or damage of another's property.

SEC. 4. *Bullying with violence*— The penalty of stay-in rehabilitation at a juvenile delinquents rehabilitation center for a minimum period of six (6) months to a maximum period of one (1) year, or until the personal counselor issues a certification of psychological fitness, expulsion from the school, shall be imposed upon any minor student who commits a series of two or more acts directed towards a minor student, or a series of single acts directed towards several minor students, in a school setting, and after a First Warning, as defined in Section 6 of this Act, is issued by the school administrator of acts defined in the crime of bullying. Such acts consist of any or more of the following:

- (a) Physical violence committed upon a minor student, which may or may not result to harm or injury, with or without the aid of a weapon. Such violence may be in the form of mauling, hitting, punching, kicking, throwing things at the student, pinching, spanking, or other similar acts;
- (b) Demanding, requesting or requiring sexual or monetary favors, or demands property from a minor student;
- (c) Restraining the liberty and freedom of a minor student; and
- (d) Any of the acts defined in Section 3 accompanied with any of the acts defined in this section.

SEC. 5. *Cyber-bullying* – Cyber-bullying is any conduct defined in Section 3 of this Act which are made through electronic devices, such as, but are not limited to, texting, instant messaging, chatting, Internet and social networking websites.

SEC. 6. *First Warning* – The school administrator, after conducting an investigation on an alleged incident of bullying and finding that such allegations are true, shall give a First Warning to the offender/s, informing them that a second incident shall make them criminally liable under this Act.

The school administrator shall issue a public reprimand to all offices of the school, which includes the name, offense, and sanction of the minor student. The minor's name shall also be marked in the school's official records.

SEC 7. *Liability of parents or guardians* – The parent/s or legal guardian/s of the offender shall be liable for the act/s committed by the offender and shall undergo one or more of the following penalties:

- (a) For acts defined in Section 3, payment of a fine and/or indemnity of the offended party from a minimum of Ten Thousand Pesos (Php 10,000) to a maximum of One Hundred Thousand Pesos (Php 100,000), and mandatory counseling with the offender and a government-assigned counselor for a minimum period of two (2) months to a maximum period of six (6) months, or until the counselor issues a certification of psychological fitness to the offender;
- (b) For acts defined in Section 4, all of the penalties included in the preceding paragraph, and imprisonment of arresto menor in its medium period to arresto mayor in its maximum period.

SEC. 8. *Separability Clause.* - If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected thereby shall continue to be in full force and effect.

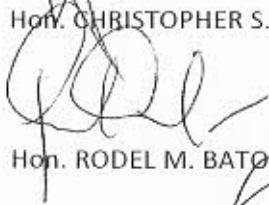
SEC. 9. *Repealing Clause.* - All laws, decrees, executive orders or rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 10. *Effectivity Clause* - This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,



Hon. CHRISTOPHER S. CO



Hon. RODEL M. BATOCABE



Hon. ALFREDO A. GARBIN, JR.