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H. B. No. 3812

Introduced by HONORABLE JUAN EDGARDO "SONNY" M. ANGARA

EXPLANATORY NOTE

Bullying is the most common form of violence in schools. Students are ridiculed, taunted, teased, mocked and made fun of by fellow students who think or feel that they can get away with such behavior because they are superior, more powerful, or more influential than the students they bully. Bullying creates a hostile and unfriendly environment. It creates fear and insecurity among those being bullied. It hampers the social and emotional growth of our children in their growing years.

In a study commissioned by the United Nations Children's Fund, the Council for the Welfare of Children, and Plan International, it was found that most students in the grade school and high school have experienced various forms of abuse either from their peers or from their teachers.

The study, titled, "Towards a Child-Friendly Education Environment: A Baseline Study on Violence Against Children in Public Schools," showed that at least 5 out of 10 children in Grades 1-3, 7 out of 10 in Grades 4-6, and 6 out of 10 in high school have experienced some kind of violence in school. Verbal abuse is the most prevalent form of violence experienced by these children in all school levels. This includes being ridiculed and teased, being shouted at and being cursed or spoken to with harsh words. In the same study, it was revealed that Children's peers, more than the adults, are the perpetrators of violence in schools.

This bill therefore aims to protect all students from irreparable physical, psychological, emotional and mental harm. It aims to define the different forms of bullying and provide sanctions for these acts. It likewise provides measures toward the reformation of the "bully". Through this, it is my hope that enactment of this Bill will become a deterrent for those who pick on the helpless, the powerless, and the vulnerable.



JUAN EDGARDO "SONNY" M. ANGARA
Representative
Lone District, Province of Aurora

H. B. No. 3812

Introduced by Honorable JUAN EDGARDO "SONNY" M. ANGARA

**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:

SEC. 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. *Definition.* "Harassment, intimidation, or bullying" means any threatening, insulting, dehumanizing or intentional gesture, use of data or computer software, or any intentional written, verbal or physical conduct or threat directed against a student or school employee that would have the effect of:

- a) Placing a student or school employee in reasonable fear of harm to his or her person or damage to his or her property; or
- b) Is sufficiently severe, persistent or pervasive that it creates a hostile, intimidating, threatening or abusive educational environment for a student or teacher; or
- c) Harmfully interferes with a student's educational performance, opportunities, or benefits; or
- d) Has the effect of substantially disrupting the orderly operation of a school.

SEC. 4. *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. 5. *Anti-bullying Policies in Schools.*

- 1) The school board of directors in every school district shall adopt policies to prevent pupil harassment, also known as bullying, and shall ensure that the full texts of these policies shall be made available upon request.
- 2) The policies shall:
 - a) Clearly enumerate conduct that constitutes bullying;
 - b) Prohibit bullying while on school property, at school-sponsored activities, and on school buses;
 - c) State the consequences for engaging in the prohibited conduct, which may vary depending on the age or grade of the student involved;
 - d) Require that a school employee, who has witnessed or has reliable information that a pupil has been a victim of bullying as defined by the district, shall report the incident to the principal;
 - e) Require that notice of what constitutes bullying, that bullying is prohibited, and the consequences of engaging in bullying be conspicuously posted in every classroom, cafeteria, restroom, gymnasium, auditorium, and school bus in the district; and
 - f) Require that copies of the notice of what constitutes bullying, that bullying is prohibited, and the consequences of engaging in bullying be provided to parents, students, school volunteers, and employees.
- 3) A school employee who has reported violations under the school district's policy shall be immune from any tort liability that may arise from the failure to remedy the reported incident.
- 4) The school division offices shall review the policies provided by the school districts and may recommend changes or improvements to the districts if the division office determines that the policies need improvement.
- 5) The school division offices may provide opportunities for school employees to participate in programs or other activities designed to develop the knowledge and skills to prevent and respond to acts covered by this policy.
- 6) The school district shall file with the Department of Education a copy of the policies adopted in compliance with this section.

SEC. 6. *Accountability to the Superintendent.* Beginning with the school year after this bill is enacted, each school district shall report to the school division superintendent by January 31st of each year all incidents resulting in disciplinary action (i.e. suspension or expulsion) involving harassment, intimidation, or bullying on school premises, at school-sponsored activities, or on transportation systems used by schools, in the year preceding the report. The school division superintendent shall compile the data and report it to the appropriate committees of the House of Representatives and the Senate.

SEC. 7. *Protection against reprisal, retaliation or false accusation*

- 1) No school employee, student, or volunteer may engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying.
- 2) A school employee, student, or volunteer who has witnessed, or has reliable information that a student has been subjected to, harassment, intimidation, or bullying, whether verbal or physical, is encouraged to report such incident to an appropriate school official.
- 3) A school employee, student, or volunteer who promptly reports an incident of harassment, intimidation, or bullying to an appropriate school official, and who makes

this report in compliance with the procedures in the district's policy prohibiting bullying, harassment, or intimidation, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

SEC. 8. *Penalty.*

- 1) *Bullying, when committed* – The penalty of 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 shall be imposed upon any minor student who commits a series of two or more acts of bullying directed toward a minor student, or a series of single acts of bullying directed toward several minor students, in a school setting, and after a First Warning, as provided in Section 9 of this Act, is issued by the school administrator. Such acts consist of any or more of the following:
 - a) Threats to a person with the infliction of any wrong upon the person, honor or property of the person or of his family;
 - 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;
 - e) Deliberate destruction, defacement or damage of another's property; and
 - f) Creating a hostile and intimidating environment for the minor student.
- 2) *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 counselor issues a certification of psychological fitness, and expulsion from the school, shall be imposed upon any minor student who commits a series of two or more acts directed toward a minor student, or a series of single acts directed toward several minor students, in a school setting, and after a First Warning, as provided in Section 9 of this Act, is issued by the school administrator. Such acts consist of any or more of the following:
 - a) Physical violence committed upon a minor student which results 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, spanking, or other similar acts;
 - b) Demanding, requesting or requiring sexual or monetary favors, or demands property from minor student;
 - c) Restraining the liberty and freedom of a minor student; and
 - d) Any of the acts defined in Section 8-1 accompanied with any of the acts defined in this section.
- 3) *Bullying, when committed by a gang* – An act of bullying committed by three (3) or more persons shall be considered as an act committed by a gang and shall be imposed with a higher penalty.
 - a) For acts under Section 8-1, the penalty of stay-in rehabilitation at a juvenile delinquents' rehabilitation center for a minimum period of two (2) months to a maximum period of six (6) months and expulsion from the school, shall be imposed upon minor students who jointly commit a series of two or more acts directed toward a minor student in a school setting. Provided that a First Warning, as provided in Section 9 of this Act, has been issued by the school administrator.
 - b) For acts under Section 8-2, the penalty of stay-in rehabilitation at a juvenile delinquents' rehabilitation center for a minimum period of one (1) year to a maximum period of two (2) years and expulsion from the school, shall be imposed upon minor students who

jointly commit a series of two or more acts directed toward a minor student in a school setting. Provided that a First Warning, as provided in Section 9 of this Act, has been issued by the school administrator.

- 4) The aforementioned penalties shall apply to cyber bullying, as defined in Section 4 of this act.

SEC. 9. *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.

SEC. 10. *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 pay a fine and/or indemnify 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.

SEC. 11. *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. 12. *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. 13. *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,