

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

House Bill No. 6114



Introduced by HON. IRWIN C. TIENG
and HON. MARIANO MICHAEL M. VELARDE

EXPLANATORY

In the Philippines, stalking has never been labelled as a separate and distinct class of deviant behavior. Our present laws simply refer stalking as harassment or annoyance. More particularly, the Civil Code provides:

"Art. 26. Every person shall respect the dignity, personality, privacy and peace of mind of his neighbours and other persons. The following and similar acts, though they may not constitute a criminal offense, shall produce a cause of action for damages, prevention and other relief:

- (1) Prying into the privacy of another's residence;
- (2) Meddling with or disturbing the private life or family relations of another;
- (3) Intriguing to cause another to be alienated from his friends;
- (4) Vexing or humiliating another on account of his religious beliefs, lowly station in life, place of birth, physical defect, or other personal condition."

The crime of stalking as described herein is an intentional act of harassing another and making a credible threat, either express or implied, with intent to place that person in a reasonable fear of death or serious bodily harm.

With the insufficiency of a law that will help curb the commission of this kind of act, this bill seeks to define and penalize the crime of stalking.

IRWIN C. TIENG

MARIANO MICHAEL M. VELARDE

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AN ACT
DEFINING THE CRIME OF STALKING AND PROVIDING PENALTIES THEREFORE

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

Section 1. Short Title. – This Act shall be known as the “Anti-Stalking Act”.

Section 2. Definition of Terms. – As used in this Act:

- A) “Course of conduct” means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.
- B) “Emotional distress” means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counselling.
- C) “Protection Order” means a relief order issued to prevent the commission of malicious acts or repeated harassment by a stalker and to safeguard victims of stalking from further harm, minimize any disruption and facilitate the opportunity and ability of the victims to independently regain control over their lives.

The protection order issued under this Act shall include any, some or all of the following reliefs:

- i) Prohibition of the respondent from threatening to commit or committing, personally or through another, any of the acts mentioned in Section 3 of this Act;
- ii) Prohibition of the respondent from, directly or indirectly, harassing, annoying or communicating with the petitioner; and
- iii) Directing the respondent to stay away from petitioner at a distance specified by the court, and to stay away from the residence, school,

place of employment or business, or any other specified place frequented by the petitioner.

Section 3. Punishable Acts. - It is hereby prohibited and declared unlawful for any person:

(1) To wilfully and maliciously engage in a knowing course of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and

(2) To make a threat with the intent to place the person in imminent fear of death or bodily injury.

Such conduct, acts or threats described in this Section shall include, but not be limited to, conduct, acts or threats conducted by mail or by use of a telephonic or telecommunication device including, but not limited to, electronic mail, internet communications and facsimile communications.

Section 4. Penalties. - The penalty of imprisonment of not less than six (6) months but not more than two (2) years and a fine ranging from Twenty Thousand Pesos (Php 20,000.00) to Fifty Thousand Pesos (Php 50,000.00), or both, at the discretion of the court shall be imposed upon any person found guilty of violating Section 3 of this Act.

Section 5. Protection Order. - During the pendency of the case and based upon the seriousness of the charges and for the safety of the petitioner, the court may issue a protection order against the defendant.

Any person found violating the protection order shall be punished by imprisonment of not less than six (6) months but not more than one (1) year and a fine of not less than Twenty Thousand Pesos (Php 20,000.00).

Section 6. Repealing Clause. - All laws, decrees, orders, rules or regulations, other issuances or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

Section 7. Separability Clause. - If any provision of this Act is declared invalid, other parts or provisions thereof not affected thereby shall remain and continue to be in full force and effect.

Section 8. Effectivity. - This Act shall take effect fifteen (15) days after publication in two (2) newspapers of general circulation.

Approved,