

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Third Regular Session

COMMITTEE REPORT NO. 2435
09 OCT 2012

Submitted by the Committee on Women & Gender Equality on _____

Re: House Bill No. 6620

Recommending its approval in substitution of House Bill Nos. 1479 & 2538

Sponsors: Representatives Ma. Angelica M. Amante-Matba, Josephine Veronique Lacson-Noel, Luzviminda C. Ilagan and Emmi A. de Jesus

Mr. Speaker:

The Committee on Women & Gender Equality, to which were referred House Bill No. 1479 introduced by Representatives Luzviminda C. Ilagan and Emmi A. de Jesus, entitled:

"AN ACT

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

and

House Bill No. 2538 introduced by Representative Joseph Victor G. Ejercito, entitled:

"AN ACT

FURTHER PROVIDING PROTECTION FOR WOMEN AGAINST ABUSES OF UNEQUAL POWER RELATIONS, EXPANDING FOR THAT PURPOSE THE DEFINITION OF SEXUAL HARASSMENT AND INCREASING THE PENALTIES THEREFOR, THEREBY AMENDING REPUBLIC ACT 7877 AND FOR OTHER PURPOSES"

6620

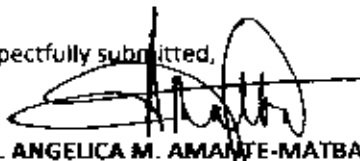
has considered the same and recommends that the attached House Bill No. _____, entitled:

"AN ACT

EXPANDING THE DEFINITION OF SEXUAL HARASSMENT, STRENGTHENING THE MECHANISM FOR ITS PREVENTION AND INCREASING THE PENALTIES THEREFOR, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7877, OTHERWISE KNOWN AS THE 'ANTI-SEXUAL HARASSMENT ACT OF 1995',"

be approved in substitution of House Bill Nos. 1479 & 2538 with Representatives Luzviminda C. Ilagan, Emmi A. de Jesus, Joseph Victor G. Ejercito, Emmeline A. Aglipay, Neri J. Colmenares, Teddy A. Casiño, Mary Mitz Lim Cajayon, Maria Isabelle 'Beng' G. Climaco, Antonio L. Tinio, Rafael V. Mariano, Raymond V. Palatino, Bernadette R. Herrera-Dy, Susan A. Yap, Linabelle Ruth R. Villarica, Lani Mercado-Revilla, Jane T. Castro, Josephine Veronique R. Lacson-Noel and Ma. Angelica M. Amante-Matba as authors thereof.

Respectfully submitted,


MA. ANGELICA M. AMANTE-MATBA

Chairperson, Committee on Women & Gender Equality

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

FIFTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 6620

(In Consolidation and Substitution of House Bill Nos. 1479 & 2538)

Introduced by Representatives Luzviminda C. Ilagan, Emmi A. de Jesus, Joseph Victor G. Ejercito, Emmeline A. Aglipay, Neri J. Colmenares, Teddy A. Casiño, Mary Mitzi Lim Cajayon, Maria Isabelle 'Beng' G. Climaco, Antonio L. Tinio, Rafael V. Mariano, Raymond V. Palatino, Bernadette R. Herrera-Dy, Susan A. Yap, Linabelle Ruth R. Villarica, Lani Mercado-Revilla, Jane T. Castro, Josephine Veronique R. Lacson-Noel and Ma. Angelica M. Amante-Matba

AN ACT EXPANDING THE DEFINITION OF SEXUAL HARASSMENT, STRENGTHENING THE MECHANISM FOR ITS PREVENTION AND INCREASING THE PENALTIES THEREFOR, AMENDING FOR THE PURPOSE 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:

1 SECTION 1. Section 3 of Republic Act No. 7877 is hereby amended to read as
2 follows

3
4 "SEC. 3. [*Work, Education or Training-related Sexual Harassment*
5 *Defined.* – Work, education or training-related sexual harassment is committed
6 by an employer, employee, manager, supervisor, agent of the employer, teacher,
7 instructor, professor, coach, trainer, or any other person who, having authority,
8 influence or moral ascendancy over another in a work or training or education
9 environment, demands, requests or otherwise requires any sexual favor from
10 the other, regardless of whether the demand, request or requirement for
11 submission is accepted by the object of said Act.

12 (a) In a work-related or employment environment, sexual harassment is
13 committed when:

14 (1) The sexual favor is made as a condition in the hiring or in the employment,
15 re-employment or continued employment of said individual, or in granting said
16 individual favorable compensation, terms, conditions, promotions, or privileges;
17 or the refusal to grant the sexual favor results in limiting, segregating or

1 classifying the employee which in any way would discriminate, deprive or
2 diminish employment: opportunities or otherwise adversely affect said
3 employee;

4 (2) The above acts would impair the employee's rights or privileges under
5 existing labor laws; or

6 (3) The above acts would result in an intimidating, hostile, or offensive
7 environment for the employee.
8

9 (b) In an education or training environment, sexual harassment is committed:

10 (1) Against one who is under the care, custody or supervision of the offender;

11 (2) Against one whose education, training, apprenticeship or tutorship is
12 entrusted to the offender;

13 (3) When the sexual favor is made a condition to the giving of a passing grade, or
14 the granting of honors and scholarships or the payment of a stipend, allowance
15 or other benefits, privileges, or considerations; or

16 (4) When the sexual advances result in an intimidating, hostile or offensive
17 environment for the student, trainee or apprentice.
18

19 Any person who directs or induces another to commit any act of sexual
20 harassment as herein defined, or who cooperates in the commission thereof by
21 another, without which it would not have been committed, shall also be held
22 liable under this Act.]
23

24 **SEXUAL HARASSMENT DEFINED. - SEXUAL HARASSMENT IS AN ACT, OR A**
25 **SERIES OF ACTS, COMMITTED EITHER PHYSICALLY OR VERBALLY OR WITH THE**
26 **USE OF ELECTRONIC OR AVAILABLE TECHNOLOGY OR ANY OTHER MEANS**
27 **WITHIN OR OUTSIDE THE PLACE OF EMPLOYMENT, TRAINING OR EDUCATION**
28 **BY:**
29

- 30 1. **AN EMPLOYER, MANAGER, SUPERVISOR, AGENT OF THE EMPLOYER, TEACHER,**
31 **INSTRUCTOR, PROFESSOR, COACH, TRAINOR, OR ANY OTHER PERSON WHO,**
32 **HAVING AUTHORITY, INFLUENCE OR MORAL ASCENDANCY OVER ANOTHER'S**
33 **WORK, TRAINING OR EDUCATION, COMMITS OR MAKES ANY UNWANTED,**
34 **UNWELCOME OR INAPPROPRIATE SEXUAL ADVANCE, REQUEST OR DEMAND**
35 **FOR SEXUAL FAVOR;**
36

37 **THIS PROVISION ALSO COVERS THOSE WHO HAVE AUTHORITY OR INFLUENCE**
38 **IN APPROVING OR GRANTING APPOINTMENTS, ADMISSION OR SCHOLARSHIP,**
39 **WITH RESPECT TO COMMITTING SAID ACTS AGAINST THEIR APPLICANTS FOR**
40 **EMPLOYMENT, PROMOTION, SCHOOL OR TRAINING ADMISSION, AND**
41 **SCHOLARSHIP;**
42

- 43 2. **ANY PERSON WHO COMMITS OR ENGAGES IN ANY UNWANTED, UNWELCOME**
44 **OR INAPPROPRIATE SEXUAL ACT, ADVANCE OR SEXUALLY-BASED BEHAVIOR**
45 **AGAINST ANOTHER PERSON WHERE BOTH THE VICTIM AND PERPETRATOR ARE**
46 **CONNECTED TO PLACE OF EMPLOYMENT, TRAINING OR EDUCATION.**
47

SEC. 2. Section 4 of the same Act 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 OR HEAD OF OFFICE IN A WORK-RELATED, EDUCATION OR TRAINING ENVIRONMENT OR INSTITUTION IS HEREBY MANDATED TO ADOPT AND IMPLEMENT 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 and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassments. 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 WITHIN AND OUTSIDE THE WORKPLACE AND EDUCATIONAL OR TRAINING INSTITUTIONS** and the procedure for the investigation of sexual harassment cases and the administrative sanctions therefore.

[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 **WITHIN AND OUTSIDE** the workplace and educational or training institutions;

(b) Create a Committee on Decorum and Investigation (CODI) [of] **FOR** cases of sexual harassment **WITHIN ONE (1) YEAR OF THE AGENCY'S EXISTENCE OR INITIAL OPERATIONS.** [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) RESOLVE SEXUAL HARASSMENT CASES WITHIN A NON-EXTENDIBLE PERIOD OF FIFTEEN (15) DAYS FROM THE SUBMISSION OF THE CODI OF ITS REPORT TO THE DISCIPLINING AUTHORITY.

THE CODI SHALL EXERCISE THE FOLLOWING FUNCTIONS:

- 1. RECEIVE COMPLAINTS OF SEXUAL HARASSMENT WHICH MUST BE TREATED WITH UTMOST CONFIDENTIALITY TO PROTECT ALL PARTIES**

1 INVOLVED AND MAINTAIN HARMONIOUS RELATIONSHIP IN THE WORK
2 AREA, AND ACT ON THE SAME WITHIN A PERIOD OF TWO (2) WORKING
3 DAYS UPON THE FILING OF THE COMPLAINT;
4

- 5 2. INVESTIGATE SEXUAL HARASSMENT COMPLAINTS IN ACCORDANCE WITH
6 THE PRESCRIBED PROCEDURE;
7
- 8 3. SUBMIT A REPORT OF ITS FINDINGS WITH THE CORRESPONDING
9 RECOMMENDATION TO THE DISCIPLINING AUTHORITY FOR DECISION,
10 WITHIN A NON-EXTENDIBLE PERIOD OF THIRTY (30) DAYS FROM THE LAST
11 HEARING OR FILING OF THE LAST PLEADING;
12
- 13 4. LEAD IN THE CONDUCT OF DISCUSSIONS ABOUT SEXUAL HARASSMENT
14 WITHIN THE AGENCY OR INSTITUTION TO INCREASE UNDERSTANDING
15 AND PREVENT INCIDENTS OF SEXUAL HARASSMENT;
16
- 17 5. UNDERTAKE INFORMATION AND EDUCATIONAL ACTIVITIES IN THE
18 EDUCATION AND TRAINING ENVIRONMENT TO THE END THAT THE
19 SCHOOL POLICY, RULES, REGULATIONS, AND PROCEDURES ON SEXUAL
20 HARASSMENT ARE DISSEMINATED AND BECOME PART OF ACADEMIC
21 CULTURE IN ALL PUBLIC AND PRIVATE EDUCATIONAL INSTITUTIONS
22 NATIONWIDE;
23
- 24 6. FORMULATE INFORMAL PROCEDURES OF SUCH NATURE AS TO ELICIT
25 TRUST AND CONFIDENCE ON THE PART OF INTERESTED PARTIES IN
26 ADDRESSING PROBLEMS ARISING FROM CASES OR INCIDENTS OF SEXUAL
27 HARASSMENT, INCLUDING COUNSELLING AND GRIEVANCE
28 MANAGEMENT;
29
- 30 7. PROVIDE SECURITY AND SUPPORT MEASURES TO AGGRIEVED PARTIES OR
31 VICTIMS IN SEXUAL HARASSMENT CASES, ESPECIALLY WHEN THERE ARE
32 THREATS OF RETALIATION;
33
- 34 8. CONSTITUTE A HEARING COMMITTEE FOR EVERY SEXUAL HARASSMENT
35 CASE OR IN CASE OF SEXUAL HARASSMENT COMMITTED WITHIN THE
36 PREMISES BY A PERSON NOT CONNECTED BY REASON OF EMPLOYMENT,
37 TRAINING OR EDUCATION, ASSIST THE VICTIM IN FILING THE
38 APPROPRIATE CHARGES WITH THE POLICE, IN EFFECT RENDERING THE
39 AREA SEXUAL HARASSMENT-FREE, NOT AT ALL INTIMIDATING, HOSTILE
40 NOR OFFENSIVE; AND
41
- 42 9. DISSEMINATE OR POST A COPY OF THIS ACT AND THE RULES AND
43 REGULATIONS FOR THE INFORMATION OF ALL CONCERNED.
44

45 PLACES OF WORK, TRAINING OR EDUCATION THAT EMPLOY OR HAVE LESS
46 THAN TWENTY (20) PEOPLE ARE EXEMPTED FROM THE CREATION OF A CODI:

1 **PROVIDED, THAT A PARTICULAR EMPLOYEE IS DESIGNATED TO PERFORM THE**
2 **ABOVE FUNCTIONS OF THE CODI;**

3
4 In the case of a work-related environment, the committee shall be composed of
5 at least one (1) representative each from the management, the union, if any, the
6 employees from the supervisory rank, and from the rank and file employees.

7
8 In the case of the educational or training institution, the committee shall be
9 composed of at least one (1) representative from the administration, the trainers,
10 teachers, instructors, professors or coaches and students or trainees, as the case
11 maybe.

12
13 [The employer or head of office, educational training institution shall
14 disseminate or post a copy of this Act for the implementation of all concerned.]

15 **WHEN THE MEMBER OF THE CODI IS THE COMPLAINANT OR THE PERSON**
16 **COMPLAINED OF IN A SEXUAL HARASSMENT CASE, THE SAID PERSON SHALL BE**
17 **DISQUALIFIED FROM BEING A MEMBER OF THE CODI.**

18
19 **SEC. 3.** Section 5 of the same Act is hereby amended to read as follows:

20
21 *"SEC. 5. Liability of the Employer, Head of Office, Educational or Training*
22 *Institution. – The employer or head of office, educational or training institution shall*
23 *be solidarily liable for damages arising from the acts of sexual harassment*
24 *committed **WITHIN OR OUTSIDE** the employment, education or training*
25 *environment if the employer or head of office, educational or training institution [is*
26 *informed of such acts by the offended party] **HAS KNOWLEDGE OR IS PRESUMED***
27 ***TO HAVE KNOWLEDGE OF SUCH ACT OR ACTS CONSTITUTING SEXUAL***
28 ***HARASSMENT** and no immediate action is taken thereon.*

29
30 **THE EMPLOYER OR HEAD OF OFFICE IS PRESUMED TO HAVE KNOWLEDGE OF**
31 **SUCH ACT OR ACTS CONSTITUTING SEXUAL HARASSMENT UNDER ANY OF THE**
32 **FOLLOWING INSTANCES:**

- 33
34 1. IF THE MANAGEMENT FAILED TO COMPLY WITH PROVISIONS OF THE
35 PRECEDING SECTION;
36
37 2. IF A COMPLAINT WAS MADE BEFORE THE COMMITTEE OR AUTHORITY
38 DESIGNATED TO RECEIVE COMPLAINTS AND INVESTIGATE CASES OF SEXUAL
39 HARASSMENT AS PROVIDED IN THE RULES AND REGULATIONS IT IS
40 MANDATED TO PRESCRIBE;
41
42 3. IF THE HARASSMENT IS OPENLY PRACTICED OR WELL-KNOWN AMONG
43 EMPLOYEES, STUDENTS OR TRAINEES.
44

1 IN THE CASE OF EMPLOYMENT-RELATED SEXUAL HARASSMENT THAT RESULTS
2 TO THE CONSTRUCTIVE DISMISSAL OF THE EMPLOYEE, THE EMPLOYER WHO IS
3 FOUND LIABLE UNDER THE PROVISIONS OF THIS ACT SHALL ALSO BE LIABLE FOR
4 DAMAGES AND BENEFITS THAT SUCH EMPLOYEE IS ENTITLED UNDER LABOR AND
5 OTHER APPLICABLE LAWS.”
6

7 SEC. 4. Section 6 of the same Act is hereby amended to read as follows:
8

9 “SEC. 6. – *Independent Action for Damages.* – Nothing in this Act shall preclude
10 the victim of work, education or training-related sexual harassment from instituting
11 a separate and independent action for damages and other affirmative relief.
12

13 **ADMINISTRATIVE SANCTIONS SHALL NOT BE A BAR TO PROSECUTION IN THE**
14 **PROPER COURTS FOR UNLAWFUL ACTS OF SEXUAL HARASSMENT.”**
15

16
17 SEC. 5. Section 7 of the same Act is hereby amended to read as follows:
18

19 “SEC. 7. *Penalties.* – Any person who violates the provisions of this Act shall,
20 upon conviction, be penalized by imprisonment of not less than one (1) month nor
21 more than six (6) months, or a fine of not less than [Ten thousand pesos (P10,000);]
22 **FIFTY THOUSAND PESOS (PHP50,000)** nor more than [Twenty thousand pesos
23 (P20,000)] **TWO HUNDRED THOUSAND PESOS (PHP200, 000)**, or both such fine and
24 imprisonment at the discretion of the court. **IF THE PERPETRATOR IS THE**
25 **EMPLOYER, MANAGER, SUPERVISOR, AGENT OF THE EMPLOYER, TEACHER,**
26 **INSTRUCTOR, PROFESSOR, COACH, TRAINOR, OR ANY OTHER PERSON WHO HAS**
27 **AUTHORITY, INFLUENCE OR MORAL ASCENDANCY OVER ANOTHER’S WORK,**
28 **TRAINING OR EDUCATION, THE MAXIMUM PENALTIES SHALL BE IMPOSED.”**
29

30 Any action arising from the violation of the provisions of this Act shall prescribe in
31 three (3) years.”
32

33 SEC. 6. A new section to be denominated as Section 8 is hereby added to read as follows:
34

35 “**SEC. 8. IMPLEMENTING RULES AND REGULATIONS.** - THE CIVIL SERVICE
36 COMMISSION, IN THE CASE OF THE PUBLIC SECTOR, AND THE DEPARTMENT OF
37 LABOR AND EMPLOYMENT, IN THE CASE OF THE PRIVATE SECTOR, SHALL
38 FORMULATE THE IMPLEMENTING RULES AND REGULATIONS (IRR) OF THIS ACT
39 WITHIN ONE HUNDRED EIGHTY (180) DAYS AFTER ITS EFFECTIVITY, TOGETHER
40 WITH THE PHILIPPINE COMMISSION ON WOMEN, THE DEPARTMENT OF
41 EDUCATION, THE COMMISSION ON HIGHER EDUCATION, THE TECHNICAL
42 EDUCATION & SKILLS DEVELOPMENT AUTHORITY AND ALL CONCERNED
43 GOVERNMENT DEPARTMENTS AND AGENCIES, INCLUDING, AS OBSERVERS, BOTH
44 HOUSES OF CONGRESS THROUGH THE COMMITTEE ON YOUTH, WOMEN AND
45 FAMILY RELATIONS (SENATE) AND THE COMMITTEE ON WOMEN AND GENDER
46 EQUALITY (HOUSE OF REPRESENTATIVES), AND WITH THE PARTICIPATION OF
47 REPRESENTATIVES FROM NON-GOVERNMENT ORGANIZATIONS (NGOs) AND CIVIL

1 **SOCIETY GROUPS WITH PROVEN TRACK RECORD OF INVOLVEMENT IN THE**
2 **PROMOTION OF THE RIGHTS AND WELFARE OF FILIPINO WOMEN AND GIRLS."**
3

4 SEC. 7. Sections 8, 9 and 10 of Republic Act No. 7877 are hereby renumbered as
5 Sections 9, 10 and 11, respectively.
6

7 SEC. 8. **Separability Clause.** - If any portion or provision of this Act is declared void and
8 unconstitutional, the remaining portions or provisions hereof shall not be affected by such
9 declaration.
10

11 SEC. 9. **Repealing Clause.** - All laws, decrees, orders, rules and regulations, other
12 issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed
13 or modified accordingly.
14

15 SEC. 10. **Effectivity Clause.** - This act shall take effect fifteen (15) days after its complete
16 publication in at least two (2) national newspapers of general circulation.
17

18 **Approved,**
19

20 /bsango with cad mgt edis100212
21

FACT SHEET

HOUSE BILL NO. 6620

(In Consolidation and Substitution of House Bill Nos. 1479 & 2538)

AN ACT EXPANDING THE DEFINITION OF SEXUAL HARASSMENT, STRENGTHENING THE MECHANISM FOR ITS PREVENTION AND INCREASING THE PENALTIES THEREFOR, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7877, OTHERWISE KNOWN AS THE "ANTI-SEXUAL HARASSMENT ACT OF 1995"

Introduced by Representatives Luzviminda C. Ilagan, Emmi A. de Jesus, Joseph Victor G. Ejercito, Emmeline A. Aglipay, Neri J. Colmenares, Teddy A. Casiño, Mary Mitzi Lim Cajayon, Maria Isabelle 'Beng' G. Climaco, Antonio L. Tinio, Rafael V. Mariano, Raymond V. Palatino, Bernadette R. Herrera-Dy, Susan A. Yap, Linabelle Ruth R. Villarica, Lani Mercado-Revilla, Jane T. Castro, Josephine Veronique R. Lacson-Noel and Ma. Angelica M. Amante-Matba

Committee Referral: COMMITTEE ON WOMEN & GENDER EQUALITY (Primary)

Committee Chairperson: REP. MA. ANGELICA M. AMANTE-MATBA

OBJECTIVE: To deter acts of sexual harassment within and outside the workplace by expanding the scope of acts constituting sexual harassment and enforcing stiffer penalties thereon

KEY PROVISIONS:

- Expands the scope of acts constituting sexual harassment by defining the term as an "act or a series of acts, committed either physically or verbally or with the use of electronic or available technology or any other means committed within or outside the place of employment, training or education;"
- Further defines sexual harassment committed by those in authority such as an employer, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainer or any other person, who because of their influence or moral ascendancy over another's work, training or education, commits or makes any unwanted or unwelcome sexual advance, request or demand for sexual favor. The bill imposes the maximum penalty on these violators;
- Stipulates that a sexual harasser can be a work colleague or subordinate staff;
- Directs the employer, head of office in a work-related education or training environment or institution to adopt a comprehensive, detailed, written policy on sexual harassment, rules and regulations prescribing guidelines or proper decorum, in consultation with and jointly approved by the employees, or students or trainees;
- Mandates the creation of a Committee on Decorum and Investigation/CODI for cases of sexual harassment within the workplace or educational/training institutions;
- Mandates that in the case of employment-related sexual harassment resulting in constructive dismissal of the employee, an employer found liable shall also be liable for damages and benefits such employee is entitled to under labor and other applicable laws;
- Amends Section 6 of RA 7877, mandating that administrative sanctions shall not be a bar to prosecution in the proper courts for unlawful acts of sexual harassment.

RELATED LAWS:

- Republic Act No. 7877 (The Anti-Sexual Harassment Act of 1995)
- Republic Act 9710 (Magna Carta of Women)

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila
15th Congress
First Regular Session

**MINUTES OF THE 10th MOTHER COMMITTEE MEETING CONDUCTED BY THE
COMMITTEE ON WOMEN AND GENDER EQUALITY**

May 22, 2012, 1:30 p.m., Ramon V. Mitra Conference Rooms 7 & 8

AUTHORS PRESENT:

1. Rep. Luzviminda C. Ilagan
Partylist GABRIELA
2. Rep. Antonio L. Tinio
Partylist, ACT Teachers
3. Rep. Linabelle Ruth R. Villarica
4th District, Bulacan
4. Rep. Jane T. Castro
2nd District, Capiz

GUESTS IN ATTENDANCE:

1. Ms. Cristina Ramos
Ramos Peace and Development Foundation
2. Hon. Remedios I. Rikken
Chairperson
Philippine Commission on Women (PCW)
3. Ms. Honey Castro
Planning Officer IV, PCW
4. Atty. Renato M. Camelon III
SLSO II, Bill Drafting Service
Reference and Research Bureau
House of Representatives
5. Hon. Maria Victoria Cardona
Commissioner
Commission on Human Rights
6. Atty. Liel Parajas
Commission on Human Rights
7. Atty. Aime Foja
Gabriela Women's Party
8. Prof. Aurora Javate-de Dios
Executive Director
Women and Gender Institute (WAGI)
Miriam College

CALL TO ORDER

Rep. Josephine Veronique Lacson Noel (Lone District, Malabon City), Senior Vice-Chairperson of the Committee on Women and Gender Equality (CWGE), acting as the Presiding Officer, called the meeting to order at 1:29 p.m.

I. CALLING OF THE ROLL

The calling of the Roll was waived on motion of Rep. Tinio and duly seconded by Rep. Ilagan.

III. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

On motion of Rep. Tinio duly seconded by Rep. Ilagan, the Minutes of the meeting held on February 7, 2012 meeting, was approved.

IV. DELIBERATIONS/ACTIONS ON SUBJECT MEASURES

Rep. Lacson Noel welcomed the members and guests present in the 10th Mother Committee Meeting of the CWGE. She said that she will be the meeting's Presiding Officer because the Committee Chairperson, Hon. Ma. Angelica M. Amante-Matba, is on official travel to Australia. She further said that outputs of the Technical Working Group (TWG) on the Substitute Bill re Amendments to the Anti-Sexual Harassment Act or Republic Act No. 7877 will be reported out for discussion/approval of the committee, following two TWG meetings chaired by Rep. Lani Mercado-Revilla (2nd District, Cavite) and participated in by women stakeholders from government, non-government organizations and civil society groups.

At this point, she expressed the condolences of the CWGE to the family of Rep. Mercado-Revilla. She also thanked the technical assistance extended by the Reference and Research Bureau (RRB) in fine-tuning the consolidated Substitute Bill. She further stated that the RRB has been a major help in crafting priority measures included in the Women's Priority Legislative Agenda (WPLA) into appropriate form and content, e.g., bills amending the laws on adultery and concubinage in the Revised Penal Code (Anti-Sexual Infidelity Bill) and establishment of a resource development and crisis assistance centers for women and children nationwide.

Rep. Lacson-Noel also informed the body that the Anti-Sexual Infidelity Bill, where she is one of the principal authors, has already been reported out by the CWGE, approved by the Committee on Rules but has remained pending to this day for plenary debates on Second Reading. The women legislators, spearheaded by Deputy Speaker Maria Isabelle G. Climaco and CWGE Chair Amante-Matba, have been lobbying the passage of said measure by the House of Representatives for transmittal to the Senate. Its passage, according to them, will translate victory for women by leveling the playing field of equal sanctions in proven circumstances for any philandering spouse, male or female.

She also apprised the body that the bill on establishing resource development and crisis centers for women and children nationwide covering women victims of rape and other unfortunate circumstances, was already approved on Third Reading by the House, while measures declaring March 8 as a non-working holiday and declaring November 25 as National Consciousness Day for the Elimination of Violence Against Women, are now awaiting Senate's consideration.

In its yearly celebrations of the Women's Month in March for year 2012, Rep. Lacson-Noel reported that the Committee on Women & Gender Equality (CWGE) partnered with the Association of Women Legislators Foundation, Inc., the Gabriela Women's Party, the National Council on Disability Affairs & other Government & Non-Government Agencies/Civil Societies on the following activities: House of Representatives (HOR) First Monday of March Flag Ceremony traditionally sponsored annually by the Committee on Women & Gender Equality with Guest Speaker CWGE Vice-Chair Hon. Susan Yap, followed by Breakfast at the South Lounge tendered by CWGE Chair Hon. Ma. Angelica M. Amante-Matba, All-Women Session Day where Lady Legislators acted as Speaker, Deputy Speakers, Majority Leader, Deputy Majority Leaders, Minority Leader, Deputy Minority Leaders. They also took turns delivering respective Privilege Speeches on various women issues; Gabriela Women's Party with CWGE conducted a 4-day "Women Fight for Social Justice: A Fashion Exhibit Against Poverty & Violence" with Exhibit Opening Program & Ribbon Cutting; Film Showing entitled

'Agawar Base' – starring Jolina Magdangal. Similar to an indie film, the movie depicts a child's faith in God and showcases our colorful Philippine elections. Forum on Women's Rights under the Family Code conducted by celebrated lady lawyer Atty. Lorna Patajo-Kapulana: Whole Day Forum on the Participation of Women with Disabilities (WWDs) in Disaster Risk and Reduction Management, in celebration of the annual Women with Disabilities Day held every last Monday of March, wherein Rep. Lacson-Noel was the keynote speaker.

Upon instructions of the presiding officer, the Committee Secretary acknowledged the presence of resource persons present in the meeting. Before hearing the comments of the resource persons, the ComSec asked the Chair to include additional amendments crafted in consultation with the lawyers of the Reference and Research Bureau and Atty. Alnie Foja of Gabriela as follows:

1. On page 4, line 3, delete the word "university" and replace it with the word "SCHOOL";
2. On same page, line , delete the phrase "creatively design or";
3. On same page, line 17, delete the phrase "in every appropriate case";
4. On same page, line 18, insert the word "EVERY" before the word "sexual" and add the word "AND" after the semi-colon;
5. On page 5, line 4, insert the article "OR" after the word "knowledge" and transpose the phrase from lines 6 and 7 "is presumed to have knowledge of such acts" after the word "of" on line 4.

Rep. Ilagan, author of the bill, commented that she was pleased with the TWG's output and she manifested that the intention of the amendments to the proposal is to widen the scope of the definition and to strengthen the existing law by including other areas where sexual harassment occurs. She also expressed no opposition to the proposed amendatory bill as contained in the comparative matrix of the meeting kit.

Chairperson Remedios Rikken of the Philippine Commission on Women (PCW), commented that in the old law, hiring was included but it was not reflected in the substitute bill. To this, she recommended to put "hiring" back in the proposed substitute bill. The ComSec explained that it would be inserted subject to style because the harasser is a person in authority and this matter will be consulted with the lawyers of RRF and Atty. Foja on how to insert the word "hiring." Another PCW recommendation is for the Department of Labor and Employment and the Civil Service Commission to head the team in formulating the Implementing Rules and Regulations (IRR).

ComSec Sanga, reported that during the TWG discussion, Atty. Alnie Foja of Gabriela brought up a case declaring work establishments sexual harassment-free, citing a scenario for instance at SM malls wherein a customer harasses another customer. Atty. Foja explained that the concern of the PCW Chair falls technically under number 3 in the scope of the draft bill's definition of terms (BY ANY PERSON WHO COMMITS OR ENGAGES IN ANY UNWANTED, UNWELCOME OR INAPPROPRIATE SEXUAL ACT, ADVANCE OR SEXUALLY-BASED BEHAVIOR INSIDE THE PLACES OF EMPLOYMENT, TRAINING OR EDUCATION WHICH RENDERS SUCH PLACE INTIMIDATING, HOSTILE OR OFFENSIVE). The idea being, she continued, was to put the burden on the employers, owners or managers of establishments to make sure that the place is free from sexual harassment. Such that, if any person commits sexual harassment which renders the work, training or education environment intimidating, hostile or offensive, then the act committed would be covered by the proposed amendatory law. This, she said, is actually a compromise provision for other TWG members who were earlier proposing to cover sexual harassment acts committed in all public places like parks, public buildings, etc. From the TWG discussions and decisions collectively arrived at, she added that even if the perpetrator and the victim are not employees of the establishment, the amendatory proposed law on anti-sexual harassment can be applied invoking said amendment.

To this, PCW Chair Rikken reacted that the amendment may be too broad and should be limited to certain terms.

Rep. Tinio also commented that the use of terms "inside and outside" and relative to that, the "liability of employer, head of office, educational or training institution shall be solidarity liable for damages arising from the acts of sexual harassment" and amended as "has knowledge or is presumed to have knowledge" should be further explained as it seems a little broad.

ComSec Sanga explained that during the TWG discussions, even incidents in airplanes on flight for instance where a passenger or a flight stewardess is harassed, can be covered by the proposed bill. She added that there was also a TWG discussion on the possibility of charging outsiders committing acts of lasciviousness and unjust vexation. But following Atty. Foja's statements, the much argued about 3rd amendatory provision on the definition of terms, can be invoked to render establishments sexual harassment-free. The ComSec

reserved though that subject proposal is merely a draft bill and thus can be subjected to further amendments.

Presiding Officer Rep. Lacson-Noel commented that there should be presence of a working relationship. The ComSec assured that except for the 3rd provision, proposed amendments stated in numbers 1 and 2 in the definition of terms contain the 'presence of a working relationship.'

Atty. Foja informed the body that there was a heated TWG discussion on the controversial third provision. However, she said that the idea there is that you would not impose liability on the employer or the owner of the mal' with the reservation that "no immediate action is taken thereon. Only if the owner of the establishment did not do anything to address sexual harassment even if it is openly practiced or the measures that should have been undertaken as provided in this law is not put in place by the owner of the establishment." She added that going back to the definition, the main idea is to cover two things – the places and the connection or relationship. If sexual harassment takes place outside committed by persons who are connected by reason of work, training or education, then that should be covered, she emphasized. The other idea, she said, is to bring up sexual harassment taking place inside an establishment even if the perpetrators and victims are outsiders, not connected by reason of employment, training or education.

Rep. Tinio commented that Atty. Foja's last idea should be justifiably covered by acts of lasciviousness or other penal provisions rather than sexual harassment because the specificity of the crime of sexual harassment is lost which essentially involves relationship at work, school or training.

Atty. Foja replied that the intention is to make sure that these places are sexual harassment-free by discouraging people from engaging in this crime and by putting the burden on the owner of the establishment.

Commissioner Ma. Victoria Cardona of the Commission on Human Rights (CHR) expressed their appreciation for allowing them to participate in the deliberations on the proposal to amend the current law on sexual harassment and congratulated the TWG for coming up with the draft bill. She agreed with Rep. Nagan's earlier statements that the draft bill has definitely widened the coverage of sexual harassment and strengthened the current law on anti-sexual harassment.

She opined though, that we need to be certain on who exactly we want to protect and to identify specifics including those without working relationships, with the end intention to make any establishment free from sexual harassment.

Professor Aurora Javate-De Dios of the Women & Gender Institute (WAGI), Miriam College said that the proposed bill should be expanded a little bit more, not just in terms of acting on a case of sexual harassment, but to specify at least three aspects where employers are obligated to do something. First is the preventive aspect wherein measures should be undertaken to inform the public about the law to promote a sexual harassment-free environment. Second is protective, which is to act immediately on cases of sexual harassment, and third is the transformative strategy which is to begin to seriously address changes in the behavior and attitudes of their employees.

She also proposed that the composition of the committee that will draft the new law's implementing rules and regulations should include the Department of Education (DEPED) because it has biggest number of civil servants and many sexual harassment cases are occurring in that sector, and the Commission on Higher Education (CHED) because it has already taken an active program to educate all the higher education units. Professor De Dios also saw the need to add a monitoring kind of mechanism specifically as part of the oversight function of Congress to require periodic reporting at least every two years to be updated on how the law is being implemented as part of its oversight function.

Rep. Nagan responded to the concerns of Prof. de Dios to make the proposed law's implementation specific and how to ensure that the schools, companies and workplaces would be properly guided and function effectively, especially in the creation of a Committee on Decorum and Investigation (CODI). She also suggested that companies and schools should clearly indicate in their operation and student manuals the existence of a CODI.

PCW Chair Rikken said the weakness of the current law on anti-sexual harassment is that the church was not included as one environment. She also said that all private schools fall under the anti-sexual harassment

law while public schools fall under the Civil Service Commission (CSC) which includes peers and does not at all include moral ascendancy. She pointed out that the draft bill removed moral ascendancy in the number two provision under the definition of sexual harassment but they still continue to question the applicability of the controversial third provision.

Rep. Ilagan remarked that with regard to provision number 3, she anticipates a lot of questions that may arise in the plenary. She said that the intention is to widen the scope and include instances when there are cases of women or men victimized by others who do not have any working relationship with them, but the harassment happens within a workplace or a school. She asked how do we go after the person who does not at all belong to a particular workplace, e.g., mall customer. The lady solon continued to seek clarification on how far do we go up in looking for accountability. If it will be the immediate manager or the institution itself, it must be doubly difficult if it concerns a mall: do we go after owners Henry Sy, Lucio Tan, etc.? Rep. Ilagan pronounced that perhaps a manager should be accountable if he or she does not do anything about repeated cases of sexual harassment happening within the workplace committed by persons connected or not with the establishment.

Rep. Tinio opined that anti sexual harassment law and policies are intended to make employers accountable for ensuring that the workplace or the educational institution is sexual harassment-free and it is reasonable to require from administrators or employers because they have control of the policy and they have authority over subordinate staff. But it is not reasonable, the solon expressed, to hold business establishments accountable for the behavior of the general public. So with the preceding cited examples, he asked where does the victim report? He said that for example, SM management will report the incident to the police upon complaint of the victim, but the provisions of the proposed bill require the establishment to deal with the behavior of the general public, which, according to the lawmaker, is very difficult to implement. Rep. Tinio further commented that what power or authority does the management of a mall has over a private individual whom they cannot detain nor judge so they can only call the police and file charges.

Prof. De Dios said that in discussing sexual harassment we are dealing with cultural change due to question of the pervasive culture of machismo. She suggested encouraging all institutions including all government agencies and private institutions to ensure that there is preventive strategy like public information as seen in New York train stations and in other countries. She added that huge establishments with resources like SM may indulge in preventive educational strategy through media, airtime exposure, printed posters or positioning in their counters warnings like "Sexual Harassment is Punishable by Law."

At this point, Ms. Rikken asked if there is a section in the proposed bill that states private establishments should educate the public about sexual harassment. The Presiding Officer replied that they may inform and protect customers and clients through assistance desks or embark on active information dissemination. But they may not be held responsible for some incidents that they have no control of.

Prof. de Dios stressed that when a place has to be sexual harassment-free, it does not mean that the institution is liable by law to ensure if the objective is not achieved. On the liability of the company, she thinks that it is very crucial for not taking action in a reasonable time to respond to particular case. So, there is a need to distinguish the acts committed to the goal of achieving a sexual harassment-free environment and measures should be taken to prevent it and if said institution or establishment acted within a reasonable period to respond to a case, then they may not be held liable.

Atty. Foja agreed with Prof. de Dios that the intent is not to right away punish or impose liability on the owners of establishments but to create a sexual harassment-free environment. After hearing the discussion, Atty. Foja proposed that sexual harassment is committed if one of the parties is connected with work, training or education citing for example a cashier who is sexually harassed by a customer or a student harassed by a visitor.

The Presiding Officer interrupted saying that this covers what Atty. Foja has been stating earlier. What is being questioned here, Rep. Lacson-Noel said, is for those not employed (both victim and perpetrator) because there is no employee-employer relationship.

Testimony of MS. CRISTY RAMOS of Ramas Peace and Development Foundation

Ms. Ramos thanked the committee for the invitation and conveyed her condolences to Rep. Lani Mercado-Revilla for the passing of the latter's mother. She said that she represents the sports sector which is one area

to look into because there are a lot of sexual harassment cases due to the nature of what a sport entails – sports training. She added that there is a relationship of a coach and an athlete and there are always the dynamics there and many instances where sexual harassment is encouraged.

She set as an example wherein the coach touches the athlete's body to correct the movement or should give verbal instructions like in gymnastics especially the female ones. She also clarified what Prof. de Dios said that while statistically or what we see in media that almost all the harassers are males, which she corrected by saying that the homosexuals even the transgenders would be guilty of acts of sexual harassment, or maybe it could best be presumed that it happens in all genders especially in sports.

She told the body that she was the match commissioner for a friendly match in football, in soccer between the Philippine National Team commonly known as the Azkals and added that she cringes at the national women's team name "MALDITAS" saying that she does not know if it could be considered as sexual harassment.

She said that it is also a very difficult process in the sense that those in the sports environment have to agree to resolve cases within the system. She said that they have their own legal system to resort to if they are sport-related but as much as possible, it goes through that system. She also cited that maybe it is one of the reasons why they have many unresolved cases and it is easy for the sports leaders or those in authority to really abuse their power because they know that it is difficult for the victims or those who complain that there is such a long and expensive process to the whole thing.

In her case, it is within the jurisdiction of the Philippine Football Federation and protection of the provision on women and sports in the Magna Carta of Women (MCW) law. But she feels the case should be still on the initiative of those in the sports leadership, in the decision making bodies like the Philippine Sports Commission (PSC) which is directly under the Office of the President. But PSC, she said, being a public office makes it difficult for them to resolve issues such as her case, while the Philippine Olympic Committee and other national sports associations are private entities.

She also said that in sports, there has been no sexual harassment policy she knows of and even the PSC has not dealt with the problem because according to the PSC, they have no record of any sexual harassment incident. Ms. Ramos stressed that there have been a lot of sexual harassment cases in sports but the tendency is to "sweep it under the rug" because in sports especially with males, aggression or intimidation is a sign of manhood, manliness, power, strength. These are, Ms. Ramos stated, the positive characteristics which describe sports.

Her case, she testified, is not covered by RA 7877 because it was an athlete subordinate to her position, that harassed her - asking her if she wears cup 'B' brassiere, giving her dirty malicious looks while checking, as match commissioner, on the azkals inside the dressing room. She also said that sexual harassment may occur in peer to peer relationship like a male teammate harassing a female teammate or a male teammate harassing a male teammate or maybe homosexuals within the same team, the more macho or heterosexual players harass these players. She further exclaimed that various dynamics occur in the sports arena, so it can be peer to peer, same gender, or combinations of male-female, male-male, female to female, male homosexual to heterosexual or even male to transgender. It covers all aspects and it can also be players harassing coach, referee or a match official. It goes either way, inferior to superior, superior to inferior or peer to peer.

Rep. Liagan said that Ms. Ramos' experience is covered by proposed provision number 2 in the definition of sexual harassment of the draft substitute bill. Rep. Liagan was of the opinion that Ms. Ramos' testimony proves that sexual harassment is really defined from a point of view of the victim because if the victim feels uncomfortable, the victim is embarrassed or humiliated, then it is sexual harassment, whether the victim is a superior, subordinate staff or peer of the harasser. She stressed that Gabriela took the cudgels for Ms. Ramos' case and was one of the impetuses for the review of the current anti-sexual harassment law. She added that the sports environment is one of the first areas they looked into when the proposed law was crafted, because it is common in the sports arena especially in schools with coaches, players and teammates. She also said that with Ms. Ramos' testimony, the proposed amendatory law can still be strengthened addressing issues like indifference to the problem by sports authorities, prevailing machismo attitude, etc. So this machismo attitude can also be corrected.

Ms. de Dios thanked the courage of Ms. Ramos for coming out and her testimony enlightened her. She added that it is not the first time that Azkals have been accused of not only sexual harassment because they have a feeling that they are famous, they represent the country and they are untouchable. She said that this should be addressed and there should be a formal letter telling them about their behavior which is very unacceptable. She mentioned that in Australia the macho players, hockey players, football players are made symbols against gender-violence and they act as spokespersons in the campaign against sexual harassment, rape, etc.

She also cited Miriam College where anti-sexual harassment is not only part of the policy but is avidly espoused by the administrators and an integral part of the school's working contract, everyone is informed that there is a CODI, a year round GST for all including sport coaches down to security guards. These practices have been ongoing for the last 10 years and is generally the preventive measure of training or at least articulating these issues in the open will have preventive impact on everyone.

Rep. Villarica suggested that a preventive measure must be put in place. She added that the bill does not include a specific period for the resolution of the case that is filed. She stressed that there is a need to specify it because cases like this may drag on and we don't know when it will be resolved. The Presiding Officer interjected that it should be justified by a resolution. Rep. Villarica further said that there should be a deadline or time limit after the last day maybe after the filing of cases or after the last hearing of the case.

The Presiding Officer suggested that Rep. Villarica's amendment may be added to page 3, lines 19 and 20. The Committee Secretary informed the body that there were a lot of discussions on how long should the CODI attend to sexual harassment cases and there were violent reactions on the periods which were suggested. The TWG therefore remained silent on how long will the case proceed and passed the matter to the mother committee for advisement. The ComSec further stated that if there are suggestions on the prescribed periods for resolution of sexual harassment cases, the proposed bill can still be amended.

Rep. Castro said that the bill is confined or applies more to an employer-employee relationship or to a professor/teacher-student, or to a coach/trainer-trainee or those having authority or moral ascendancy over another and any case other than those mentioned should be a case of act of lasciviousness. She also believed that number two provision in the definition of sexual harassment should be deleted, since, according to her, it is the same as number three.

Rep. Hagan stated that she still wants to retain the essence of the third provision in order to attain a sexual harassment-free environment. She elaborated by saying that with the deletion of said provision will make us go back to situations wherein sexual harassment is happening between somebody who does not belong to the establishment and somebody who belongs there even if they do not have a working relationship. She therefore suggested that the proposed bill should be modified retaining the essence of having a sexual harassment-free environment which is the real intention of the bill.

Commissioner Cardona would like to retain the position of CHR for the retention of said provision but not to widen the coverage as just to cover anyone. She added that there must at least be a relationship or connection to an education, training or work environment. To reformulate this, she suggested that even if the person is not connected by reason of employment or education, but one that renders it hostile or offensive or intimidating which means that there is still that connection to an education or working or training environment so its not just anyone like customer to customer but perhaps for example, a teacher harassed by the driver of the school bus.

She added that the case of Ms. Ramos would not be covered by number two because there has to be a connection by reason of employment, training or education. She reminded everyone that in the interpretation of criminal provisions, we need to be clear and very specific because there is a criminal liability.

Rep. Jackson Noel stated that all concerned submit immediately modifications to the proposed substitute bill. The ComSec also suggested that if the bill will be favorably considered in today's meeting or the committee, those who have commented on provision number 3 should submit before the committee their proposed modification/s which will then be collated for consultation with the Committee leadership. After which the secretariat will incorporate the necessary amendments for reporting out to the Committee on Rules for eventual plenary consideration.

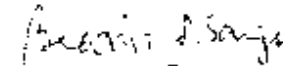
The body agreed to submit their modifications within one week, with Rep. Hagan suggesting to focus on the articulation of controversial provision number 3 and possible other amendments to enhance and strengthen the consolidated substitute bill amending the Anti-Sexual Harassment Law

Rep. Hagan then moved for the approval of the subject substitute bill, subject to further modifications prior to preparation of a committee report by the committee secretariat. The motion was seconded and approved.

V. ADJOURNMENT

On motion of Rep. Tinio and duly seconded by Rep. Castro, having no objection, the meeting was adjourned. It was 3:15 p.m.

I hereby certify to the correctness of the foregoing minutes.


BEATRIZ L. SAÑGA
Committee Secretary

Approved by:


REP. JOSEPHINE VERONIQUE R. LACSON-NOEL
Presiding Officer/Committee Senior Vice-Chairperson

Issued: 08/06/12
Disseminated: 08/16/12

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.

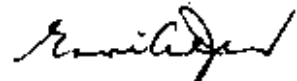
In many complaints for sexual harassment that we received mostly from women employees, students and workers, we noted one common factor that deterred the victims' recourse to the proper courts, and that is, the difficulty in surmounting the evidentiary requirement of the perpetrator's use of influence 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 maybe.

[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 solidarity 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.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasang Pambansa, Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2538

Authored by **HON. JOSEPH VICTOR G. EJERCITO**

EXPLANATORY NOTE

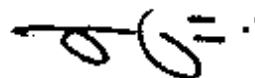
Republic Act No. 7877, or the Anti-Sexual Harassment law is considered as a milestone in the continuous struggle for the elimination of gender-based violence and crimes. Thirteen years after its enactment into law in March 5, 1995, however, women continue to be victims of sexual harassment with more cases left unreported. The law's very limited definition of what constitutes sexual harassment leaves most women no recourse than to keep their silence. Even the paltry penalty of imprisonment for 1 month to 6 months is enough to discourage a woman from filing a complaint.

There is clearly a need to reconsider the law and make it more responsive to the realities that women face every day.

Recognizing that gender-based violence are rooted in unequal power relations, this bill proposes to expand the definition of sexual harassment to include unwanted sexual advances made by any person in the place of employment, training or education. Further, unsolicited advances of a sexual nature committed even outside the place of employment, training or education, when by any person having authority, influence or moral ascendancy over another is also a punishable offense of sexual harassment under this proposed measure. To address the concern that cases reported to some employers are left uninvestigated, employers shall be presumed to have knowledge of the act of sexual harassment - making them liable for damages - if the employer fails to create a committee on decorum or if the sexual harassment is openly practiced. As an added safeguard, the increased penalties are also proposed by this measure.

The passage of this bill is intended to curb, with the hope of eventually eliminating, the difficult plight of women, who everyday are exposed to abuses of unequal power relations.

In view of the foregoing, urgent approval of this bill is earnestly requested.



JOSEPH VICTOR G. EJERCITO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasang Pambansa, Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2538

Authored by **HON. JOSEPH VICTOR G. EJERCITO**

AN ACT
FURTHER PROVIDING PROTECTION FOR WOMEN AGAINST
ABUSES OF UNEQUAL POWER RELATIONS, EXPANDING FOR
THAT PURPOSE THE DEFINITION OF SEXUAL HARASSMENT AND
INCREASING THE PENALTIES THEREFOR, THEREBY AMENDING
REPUBLIC ACT 7877 AND FOR OTHER PURPOSES

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

SECTION 1. Section 3 of R.A. 7877 is hereby amended to read as follows:

"Section 3. [Work, Education or Training-related] **SEXUAL HARASSMENT DEFINED.** - [Work, education or training-related sexual harassment is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainer, or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said Act.

(a) In a work-related or employment environment, sexual harassment is committed when:

(1) The sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;

(2) The above acts would impair the employee's rights or privileges under existing labor laws; or

(3) The above acts would result in an intimidating, hostile, or offensive environment for the employee.

(b) In an education or training environment, sexual harassment is committed:

(1) Against one who is under the care, custody or supervision of the offender;

(2) Against one whose education, training, apprenticeship or tutorship is entrusted to the offender;

(3) When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships or the payment of a stipend, allowance or other benefits, privileges, or considerations; or

(4) When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.]

A. IN THE PLACE OF EMPLOYMENT, TRAINING OR EDUCATION, SEXUAL HARASSMENT IS COMMITTED 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 REGARDLESS OF WHETHER THE DEMAND OR REQUEST FOR SUBMISSION IS ACCEPTED BY THE OBJECT OF SAID ACT;

B. OUTSIDE THE PLACE OF EMPLOYMENT, TRAINING OR EDUCATION, SEXUAL HARASSMENT IS COMMITTED BY AN EMPLOYER, MANAGER, SUPERVISOR, AGENT OF EMPLOYER, TEACHER, INSTRUCTOR, PROFESSOR, COACH, TUTOR OR ANY OTHER PERSON, WHO HAVING AUTHORITY, INFLUENCE OR MORAL ASCENDANCY OVER ANOTHER, MAKES ANY UNWANTED OR UNWELCOME SEXUAL ADVANCE, REQUEST OR DEMAND FOR SEXUAL FAVOR OR OTHER VERBAL OR PHYSICAL CONDUCT OF A SEXUAL NATURE, REGARDLESS OF THE DEMAND OR REQUEST FOR SUBMISSION IS ACCEPTED BY THE OBJECT OF SAID ACT;

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.

SEC. 2. Section 5 of RA 7877 is hereby amended as follows:

*Section 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, is informed of such acts by the offended party and no immediate action is taken thereon. THE EMPLOYER IS PRIMA FACIE PRESUMED TO HAVE KNOWLEDGE OF THE SEXUAL HARASSMENT ACT OR ACTS IF THE EMPLOYER FAILED TO CREATE A COMMITTEE ON DECORUM AS MANDATED BY THIS ACT; OR IF A COMPLAINT WAS MADE BEFORE THE COMMITTEE OR AUTHORITY DESIGNATED TO RECEIVE COMPLAINTS; OR WHEN THE SEXUAL HARASSMENT IS OPENLY PRACTICED OR WELL-KNOWN AMONG EMPLOYEES, STUDENTS OR TRAINEES."

SEC. 3. Section 7 of RA 7877 is hereby amended as follows:

"Section 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] SIX (6) MONTHS nor more than six (6) [months] YEARS, or a fine of not less than [Ten thousand pesos (P10,000.00) FIFTY THOUSAND PESOS (P50,000.00) nor more than [Twenty thousand pesos (P20,000.00)] ONE HUNDRED THOUSAND PESOS (P100,000), or both such fine and imprisonment at the discretion of the court.

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

SEC. 4. Separability Clause. - If, for any reason, any section or provision of this Act shall be held unconstitutional or invalid, the other section or provision not otherwise affected shall remain in full force and effect.

SEC. 5. Repealing Clause. - Any provision of law, decree, executive order or issuance inconsistent herewith is hereby repealed and/or modified accordingly.

SEC. 6. Effectivity Clause. - This Act shall take effect fifteen (15) days after the completion of its publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation.

Approved,

Republic of the Philippines
Congress of the Philippines
Metro Manila

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fifth day of July, nineteen hundred and ninety-four.

[REPUBLIC ACT NO. 7877]

AN ACT DECLARING SEXUAL HARASSMENT UNLAWFUL IN THE EMPLOYMENT, EDUCATION OR TRAINING ENVIRONMENT, AND FOR OTHER PURPOSES

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-Sexual Harassment Act of 1995."

SEC. 2. *Declaration of Policy.* — The State shall value the dignity of every individual, enhance the development of its human resources, guarantee full respect for human rights, and uphold the dignity of workers, employees, applicants for employment, students or those undergoing training, instruction or education. Towards this end, all forms of sexual harassment in the employment, education or training environment are hereby declared unlawful.

SEC. 3. *Work, Education or Training-related Sexual Harassment Defined.* — Work, education or training-related sexual harassment is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said Act.

(a) In a work-related or employment environment, sexual harassment is committed when:

- (1) The sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms,

conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;

- (2) The above acts would impair the employee's rights or privileges under existing labor laws; or
- (3) The above acts would result in an intimidating, hostile, or offensive environment for the employee.

(h) In an education or training environment, sexual harassment is committed:

- (1) Against one who is under the care, custody or supervision of the offender;
- (2) Against one whose education, training, apprenticeship or tutorship is entrusted to the offender;
- (3) When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or considerations; or
- (4) When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

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.

SEC. 4. Duty of the Employer or Head of Office in a Work-related, Education or Training Environment. — 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 and to provide the procedures for the resolution, settlement or prosecution 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 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 institutions.

(b) Create a committee on decorum and investigation of cases on sexual harassment. The committee shall conduct meetings, as the case may be, with 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 alleged cases constituting sexual harassment.

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 information of all concerned.

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 is informed of such acts by the offended party and no immediate action is taken thereon.

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.

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 Ten thousand pesos (P10,000) nor more than Twenty thousand pesos (P20,000), or both such fine and imprisonment at the discretion of the court.

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

SEC. 8. Separability Clause — If any portion or provision of this Act is declared void or unconstitutional, the remaining portions or provisions hereof shall not be affected by such declaration.

SEC. 9. *Repealing Clause.* -- All laws, decrees, orders, rules and regulations, other issuances, or parts thereof inconsistent with provisions of this Act are hereby repealed or modified accordingly.

SEC. 10. *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,

(Sgd.) EDGARDO J. ANGARA
President of the Senate

(Sgd.) JOSE DE VENECIA, JR.
*Speaker of the House of
Representatives*

This Act which is a consolidation of House Bill No. 9425 and Senate Bill No. 1632 was finally passed by the House of Representatives and the Senate on February 8, 1995.

(Sgd.) EDGARDO E. TUMANGAN
Secretary of the Senate

(Sgd.) CAMILO L. SABIO
*Secretary General
House of Representatives*

Approved: February 14, 1995

(Sgd.) FIDEL V. RAMOS
President of the Philippines