

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

16TH CONGRESS
Second Regular Session

HOUSE BILL NO. 5064



Introduced by **REP. EVELINA G. ESCUDERO**

EXPLANATORY NOTE

The Constitution mandates the State to uphold human rights, including the dignity of every human person, and the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose.

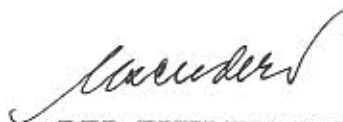
Further, the Civil Code provides:

“Art. 26. Every person shall respect the dignity, personality, privacy and peace of mind of his neighbors 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.”

These legal rights are violated by “stalking,” which is an act described herein as harassing, bothering, frightening and otherwise interfering with the private lives of people. The act is a form of disguised intimidation, which may be a subtle attempt at harassment. Existing civil and criminal remedies are insufficient to prevent the commission of the act.

This bill therefore, seeks to define and penalize the acts constituting the crime of stalking.


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AN ACT
DEFINING THE CRIME OF STALKING AND PROVIDING
PENALTIES FOR THE SAME

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

SECTION 1. *Title.* - This Act shall be known as the "The Anti-Stalking Law of the Philippines."

SEC. 2. *Declaration of Policy.* - It is hereby a declared policy of the State to protect and promote every individual's dignity, right to privacy and security, peace of mind, and psychological and emotional welfare, and consequently penalize each and every act which, in any manner, undermines the same.

SEC. 3. *Definition of Terms.* - For the purposes of this Act:

- (a) Family - shall mean the spouse, parent, child, any person related within the third degree of consanguinity and affinity, or any person who regularly resides in or is part of the household of the victim.
- (b) Repeatedly - shall mean at least three (3) separate occasions closely related in time or evidencing a continuity of purpose;
- (c) Follows - shall mean maintaining a visible physical proximity to another person or pursuing or conducting surveillance upon that person without any legitimate purpose so as to cause a reasonable person to suffer substantial emotional and psychological distress;
- (d) Harasses - shall mean a willful and malicious course of conduct directed at a specific person which seriously and reasonably alarms, intimidates, torments or terrorizes a person;
- (e) Disallowed Contact - shall mean any contact with another person that is initiated or continued in a malicious manner and with willful disregard of that person's expressed

desire that the conduct be avoided or discontinued and which creates a reasonable belief on the part of that person that it is meant to place him/her in a state of reasonable fear for his or her safety, liberty or privacy, including, but not limited to:

1. approaching or confronting that person in a public or private place;
 2. entering into or remaining on the property owned, leased, *or* occupied by that person;
 3. contacting that person by telephone, or by any other means of communication equipment utilized to transmit messages, documents, photos, images, videos, or information through air, radio or satellite frequencies;
 4. sending mail or other means of oral or written communications to that person; or
 5. causing damage to that person's home or property.
- (f) Substantial Emotional Distress - shall mean severe mental anguish, fright, anxiety, wounded feelings, moral shock, social humiliation and other similar forms of psychological and emotional distress.
- (g) Physical Injury - shall mean those injuries defined and punished under Title Eight, Chapter Two, specifically Articles 262 to 266 of the Revised Penal Code;
- (h) Restraint - shall mean those offenses defined and punished under Title Nine, Chapter One, Section One, specifically Articles 267 and 268, and Title Eleven, Chapter Four, specifically Article 342, of the Revised Penal Code;
- (i) Sexual Assault - shall mean those offenses defined and punished under Title Eleven, Chapter Two, specifically Articles 335 and 336 of the Revised Penal Code;
- (j) Minor – shall refer to a person under eighteen (18) years of age.

SEC. 4. *Stalking*. - Any person who shall repeatedly follow, harass and/or commit disallowed contact against another person or his/her family after having been given reasonable warning or request to desist therefrom by or on behalf of the person so followed, harassed and/or contacted, with the reasonable belief on the part of such person or such person's family that such act/s so perpetrated place/s him/her or his/her family under fear of death, physical injury, unlawful restraint, sexual assault or other similar analogous circumstances shall be guilty of the crime of stalking.

SEC. 5. *Penal Provision*.- Any person convicted of the crime of stalking shall be punished by *prision correccional* and/or a fine of not less than One Hundred Thousand Pesos (Php 100,000.00) but not more than Five Hundred Thousand Pesos (Php 500,000.00), or both, at the discretion of the court.

If the victim is a woman or minor the highest penalty shall be imposed.

SEC. 6. *Injunction and Posting of Bond*. – Any victim of stalking shall have the right to ask for an injunction from the court before which the case has been filed, ordering the accused to

refrain from the acts complained of as stalking. In which case, and if the evidence of guilt is strong, the accused shall likewise be required to post a bond in cash or in two (2) sufficient sureties, in an amount to be fixed by the court depending upon the gravity of the acts alleged to have been committed by the accused as stalking, conditioned upon the undertaking to be contained in the injunction order.

The injunction shall be issued and the bond shall be ordered posted only after the filing of a written and verified motion therefor, with attached proof of service to the accused, and hearing on the motion to determine whether the evidence of the prosecution warrants an injunction and/or is strong.

SEC. 7. *Counseling.* - Any person convicted of the crime of stalking shall be required to undergo medical, psychological or psychiatric examination and treatment and enter and remain in a specific institution for that purpose when in the discretion of the court, which ordered the conviction, the same is required and the evidence so warrants.

SEC. 8. *Suppletory Applications.* - The provisions of Act No. 3815, as amended, or Revised Penal Code, in so far as they are applicable shall be *suppletory* to this act.

SEC. 9. *Separability Clause.* - In the event that any provision of this Act is declared void or unconstitutional such declaration shall not affect the validity of the unaffected provisions of this Act.

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

Approved,