

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Seventeenth Congress
First Regular Session

HOUSE BILL NO. 4822



Introduced by Representative Michelle M. Antonio

EXPLANATORY NOTE

Sexual harassment is defined by the U.S. Equal Employment Opportunity Commission (EEOC) as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when that tends to create a hostile or offensive work environment.”

In the Philippines, sexual harassment is penalized in R.A. 7877 or the Anti-Sexual Harassment Act of 1995. This law classifies sexual harassment into two, depending on the setting where it is committed: a) work-related or in employment environment, and b) in education or training environment.

In the employment environment, it is committed when a person demands, requests, or requires sexual favors from another person in exchange for another thing such as hiring for employment, re-employment, or continued employment, granting favorable compensation, terms of conditions, promotions, or privileges. In the education or training environment, it is committed when a person demands, requests, or requires sexual favors from a student in exchange for “giving a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges and considerations.”

Under the current law, the following can be considered sexual harassers: 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.

Even with this law in place, there remains a need to protect our citizens from attacks against human dignity and to guarantee full respect for human rights. The Anti-Sexual Harassment Act of 1995 must be expanded to include other forms of sexual harassment, regardless of whether it is committed within or outside the work and educational or training environments. It must also be updated, in keeping with the times, to cover acts committed using technological means. Furthermore, the requirement that the harasser be someone exercising authority over the victim must be amended to include even his/her colleagues, peers, and subordinates.

In addition, the penalties for violations of this law are very mild and are tantamount to a mere slap on the wrist. The current law imposes a penalty of "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." Such cannot effectively deter the commission of said crimes. These penalties need to be increased in order to serve as a stern warning to the public not to engage in these deplorable acts.

In light of these proposed improvements to the law, this bill aims to amend certain provisions of R.A. 7877. Through this bill, the term "sexual harassment" now includes: (a) acts that are not only physical or verbal in nature, but also those committed using electronic devices or any available technology or means; (b) acts that have been committed either within or outside the place of employment, training or education; and (c) offensive remarks about a person's sexual orientation. Also through this bill, a "harasser" is no longer confined to just being someone who has authority or moral ascendancy over the victim but now includes anyone, including a colleagues, peers or subordinate staff. Lastly, this bill increases the penalties for committing sexual harassment to "imprisonment of not less than six (6) months but not more than one (1) year or a fine of not less than One hundred thousand pesos (P100,000) nor more than Two hundred thousand pesos (P200,000), or both such fine and imprisonment at the discretion of the court."

In view of the foregoing, immediate passage of this bill is earnestly sought.


MICHELLE M. ANTONIO *dy*

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AN ACT EXPANDING THE SCOPE OF ACTS CONSTITUTING SEXUAL HARASSMENT AND INCREASING THE PENALTY FOR VIOLATIONS OF PROVISIONS OF R.A. 7877, AMENDING FOR THE PURPOSE R.A. 7877, OTHERWISE KNOWN AS THE "ANTI-SEXUAL HARASSMENT ACT OF 1995"

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

SECTION 1. Section 3 of Republic Act No. 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 **AN ACT OR A SERIES OF ACTS COMMITTED EITHER PHYSICALLY, VERBALLY OR THROUGH THE USE OF ELECTRONIC DEVICE OR ANY AVAILABLE TECHNOLOGY OR MEANS, WITHIN OR OUTSIDE THE PLACE OF EMPLOYMENT, TRAINING OR EDUCATION,** by an employer, employee, manager, supervisor, agent of the employer, **COLLEAGUE, SUBORDINATE STAFF,** 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, **OR MAKES ANY OFFENSIVE REMARK ABOUT A PERSON'S SEXUALITY OR SEXUAL ORIENTATION,** regardless of whether the demand, request, requirement for submission or remark 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.]~~

SEXUAL HARASSMENT IS COMMITTED:

(1) WHEN THE ACT OR SERIES OF ACTS ARE UNWANTED, IMPROPER OR OFFENSIVE;

(2) IF THE VICTIM'S REFUSAL OR ACCEPTANCE OF THE BEHAVIOR INFLUENCES DECISIONS CONCERNING THE VICTIM'S EMPLOYMENT, EDUCATION OR APPRENTICESHIP; OR

(3) WHEN THE CONDUCT CREATES AN INTIMIDATING, HOSTILE OR HUMILIATING WORKING, LEARNING OR TRAINING ENVIRONMENT FOR THE RECIPIENT.

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 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.* — 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~~] **ADOPT A COMPREHENSIVE AND DETAILED WRITTEN POLICY ON SEXUAL HARASSMENT**, and formulate appropriate rules and regulations **PRESCRIBING GUIDELINES OR PROPER DECORUM** in consultation with and jointly approved by the employees or students or trainees or through their duly designated representatives, prescribing the procedure for the investigation of sexual harassment cases and the administrative sanctions therefor.

XXX XXX"

SECTION 3. Section 7 of Republic Act No. 7877, is hereby amended to read 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 nor more than six (6) months~~ **SIX (6) MONTHS BUT NOT MORE THAN ONE (1) YEAR** or a fine of not less than ~~Ten thousand pesos (P10,000) nor more than Twenty thousand pesos (P20,000)~~ **ONE HUNDRED THOUSAND PESOS (P100,000) NOR MORE THAN TWO HUNDRED THOUSAND PESOS (P200,000)**, 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."

SECTION 4. *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,