

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**SEVENTEENTH CONGRESS**  
**First Regular Session**

House Bill No. **5781**



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**Introduced by AKBAYAN Representative Tomasito S. Villarin**

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Traditionally, sexual harassment has been identified as a workplace based transgression against women and confined within a work-related environment.

However, throughout the years, the forms and venue of sexual harassment has radically evolved. Wolf-whistling and catcalling are the most common cases while cases of lascivious language, stalking, rubbing, or touching, indecent gestures, exhibitionism, and public masturbation are also rapidly becoming recurring incidents. It does not happen only in the workplace but in streets, alleys, public comfort rooms, schools and public utility vehicles.

The *United Nations Safe Cities and Safe Streets Programs* noted that these forms of harassment limit the freedom of movement of affected women. As such, women's ability to effectively participate in the social and public spheres of life becomes compromised.

Aside from this, members of the LGBT community are also being subjected to the same forms of harassment in public places. While the victims of street harassment continue to rise, the current provisions of the existing Anti-Sexual Harassment Law do not cover such offenses. The provisions of the Revised Penal Code on unjust vexation do not directly penalize gender-based, misogynistic and homophobic harassment committed in public spaces.

Existing provisions of the Revised Penal Code lack the teeth to address these gender-based offenses.

Thus, there is a need for Congress should define acts constituting harassment and prescribe penalties for such offenses committed in public spaces.

This bill specifies penalties against gender-based harassment committed on streets and public spaces. Additionally, this bill also proposes consciousness-raising programs and education modules to propagate awareness on and vigilance against gender-based street and public spaces harassment.

**TOMASITO S. VILLARIN**

A handwritten signature in blue ink, appearing to read "Tomasito S. Villarin", written over the printed name.

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**SEVENTEENTH CONGRESS**  
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House Bill No. 5781

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Introduced by AKBAYAN Representative Tomasito S. Villarin

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**AN ACT**  
**DEFINING GENDER-BASED STREET AND PUBLIC SPACES**  
**HARASSMENT, PROVIDING PROTECTIVE MEASURES AND**  
**PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES**

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

**Section 1. Title.** – This Act shall be known as the “Safe Streets and Public Spaces Act of 2017”.

**Section 2. Declaration of Principles.** – It is the policy of the State to value the dignity of every human person and guarantee full respect for human rights. It is likewise the policy of the state to recognize the role of women in nation-building and ensure the fundamental equality before the law of women and men.

**Section 3. Definitions.** For the purpose of this Act, the following terms shall be defined as follows:

- a. *Public spaces* include but are not limited to, streets and alleys, public parks, schools, buildings, malls, bars, restaurants, transportation terminals, public markets, and public utility vehicles.
- b. *Stalking* refers to conduct directed at a person that serves no legitimate purpose and alarms, annoys, or intimidates that person.

**Section 4. Specific Acts and Penalties.** – The following acts are hereby declared as prohibited gender-based street and public spaces harassment and are penalized under the following schedule:

- a. *Light violations.* – Cursing, wolf-whistling, cat-calling, leering; persistent requests for name, contact and social media details or destination after clear refusal; the use of words, gestures or actions tending to ridicule on the basis of actual or perceived sex, gender expression, or sexual orientation and identity including sexist, homophobic and transphobic

slurs; or the persistent telling of sexual jokes, use of sexual names, comments and demands;

- i. First offense shall be punished by a fine of One Thousand Pesos (PhP1,000.00) and/or community service of eight (8) hours inclusive of a Gender Sensitivity Seminar to be conducted by the Philippine National Police (PNP) in coordination with the local government unit and the Philippine Commission on Women (PCW),
- ii. Second offense shall be punished by *aresto menor* (six to ten days) or a fine of Two Thousand Pesos PhP2,000.00,
- iii. Third offense shall be punished by *aresto menor* (eleven to thirty days) or a fine of Three Thousand Pesos (PhP3000.00).

b. Medium violations. – Making offensive body gestures at someone, exposing private parts for the sexual gratification of the perpetrator with the effect of demeaning, harassing, threatening or intimidating the offended party. These include but are not limited to flashing, masturbation, groping, and similar actions.

- i. First offense shall be punished by a fine of Three Thousand Pesos (PhP3000.00) and/or community service of eight (8) hours inclusive of a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the local government unit and the PCW,
- iv. Second offense shall be punished by *aresto menor* (eleven to thirty days) or a fine of Four Thousand Pesos (PhP4000.00),
- v. Third offense shall be punished by *aresto mayor* (one to six months) or a fine of Five Thousand Pesos (PhP5000.00).

c. Severe violations – Stalking; any of the acts mentioned in paragraphs a and b when accompanied by touching, pinching or brushing against the body of the offended person; or any touching, pinching, or brushing against the genitalia, anus, groin, breasts, inner thighs, face, or buttocks even when not accompanied by acts mentioned in paragraphs a and b.

- i. First offense shall be punished by *aresto menor* (eleven to thirty days) or a fine of Four Thousand Pesos (PhP4000.00), provided that it includes attendance in a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the local government unit and the PCW,
- ii. Second offense shall be punished by *aresto mayor* (one to six months) or a fine of Five Thousand Pesos (PhP5000.00),
- iii. Third offense shall be punished by *aresto mayor* (one to six months) or a fine of Ten Thousand Pesos (PhP10,000.00).

Where appropriate, the court, even before a rendering a final decision, may

issue an order directing the accused to stay away from the offended person at a distance specified by the court, or to stay away from the residence, school, place of employment, or any specified place frequented by the offended person.

The penalties provided in this section are without prejudice to any administrative sanctions that may be imposed if the perpetrator is a government employee.

Nothing in this Act shall prevent Local Government Units (LGUs) from enacting ordinances which impose higher penalties than those specified herein for the corresponding violations.

When the perpetrator is a stranger to the victim, absence of consent is presumed.

Nothing in this Act shall be understood to criminalize or penalize acts committed as legitimate expressions of indigenous culture and tradition with no intent to harass.

**Section 5. “No means no” Principle.** When the victim utters the phrase, “no means no” or its translation in the local dialect, the presumption of absence of consent is rendered conclusive. The National Commission on the Filipino language shall provide official translations of the aforementioned phrase in all local languages. Local government units shall disseminate the phrase in its local translation in their implementation of this Act and in all information campaigns pertinent to the same.

**Section 6. Authority to Apprehend Gender-based Street Harassment Perpetrators for Light and Medium Offenses.** The Philippine National Police (PNP) shall deputize its enforcers, including units of the Metro Manila Development Authority (MMDA) as Anti Sexual Harassment Enforcers (A-SHE). A-SHE shall have the authority to receive complaints on the street and immediately apprehend the offender if the same was caught *in flagrante delicto*. For light and medium offenses, A-SHEs may immediately impose the fine for, or issue orders for Community Service. The A-SHE unit, together with the Women and Children’s Desk of PNP stations, will keep a ledger of offenders of this Act for purposes of determining if the offender is a first, second, or third offender.

**Section 7. Qualified Gender-based Street and Public Spaces Harassment.**  
- The penalty next higher in degree will be applied in the following cases:

- a. If the violation is committed in a common carrier or public utility vehicle, including but not limited to jeepneys, taxis, tricycles, or transport network vehicle services, where the perpetrator is the driver of the vehicle and the offended party is a passenger;
- b. If the offended party is a minor;

- c. If the perpetrator is a member of the uniformed services, such as the PNP and the Armed Forces of the Philippines, and the act was perpetrated while the perpetrator was in uniform.
- d. If the violation takes place in the premises of a government agency offering front-line services to the public and the perpetrator is a government employee.

**Section 8. Gender-based Harassment in Restaurants, Bars, Cinemas, Malls, Buildings and other Privately-owned Places Open to the Public.**

Restaurants, bars, cinemas, malls, buildings and other privately-owned places open to the public shall adopt a zero-tolerance policy against harassment. These establishments have the obligation to provide assistance to victims of harassment by coordinating with local police authorities immediately after harassment is reported, making CCTV footage available, and providing a safe gender-sensitive environment to encourage victims to report harassment at the first instance.

The PCW shall develop a mandatory seminar against public spaces harassment, attendance in which shall be made a prerequisite for any business permit renewal. All restaurants, bars, cinemas and other places of recreation shall install in their business establishments clearly-visible warning signs against public spaces harassment, including the anti-harassment hotline number in bold letters, and shall designate at least one anti-sexual harassment officer to receive gender-based harassment complaints. Security guards in these places may be deputized to apprehend perpetrators caught *in flagrante delicto* and are required to immediately coordinate with local authorities.

**Section 9. Gender-based Harassment Involving Schools.** Each school, whether grade school, high school, tertiary, or vocational institutions, shall designate an officer in charge for receiving complaints regarding violations of this Act, and shall ensure that complainants are provided with a gender-sensitive environment that is both respectful of complainants' needs and conducive to truth-telling. Every school must adopt and publish grievance procedures for students to file complaints under this Act. Even if an individual does not want to file a complaint or does not request that the school take any action on the student's behalf, if a school knows or reasonably should know about possible sexual harassment or sexual violence, it must promptly investigate to determine what occurred and then take appropriate steps to resolve the situation. If a school knows or reasonably should know about sexual harassment or sexual violence that creates a hostile environment, the school must take immediate action to eliminate the sexual harassment or sexual violence, prevent its recurrence, and address its effects.

**Section 10. Gender-based Harassment in Public Utility Vehicles.** In addition to the penalties in this Act, the Land Transportation Office (LTO) may also cancel the license of perpetrators, and the Land Transportation Franchising and Regulatory Board (LTFRB) may suspend or revoke the franchise of transportation operators. Gender-based harassment in Public

Utility Vehicles (PUVs) where the perpetrator is the driver of the vehicle shall also constitute a breach of contract of carriage, for the purpose of creating a presumption of negligence on the part of the owner/operator of the vehicle in the selection and supervision of employees and rendering the former solidarily liable for the offenses of the latter.

**Section 11. PNP Women and Children's Desks.** The Women and Children's desks in all police stations shall act on and attend to all complaints covered under this Act, and shall coordinate with A-SHE officers on the street, security guards in privately-owned spaces open to the public, and anti-sexual harassment officers in government and private offices or schools in the enforcement of the provisions of this Act.

**Section 12. Educational Modules.** Courses in high school and college shall include age-appropriate educational modules against street and public spaces harassment, such modules to be developed by the Department of Education (DepEd), the Commission on Higher Education (CHED) and the PCW.

**Section 13. Safety Audits.** Local government units are required to conduct safety audits every three years to determine effective implementation of the Act within their jurisdictions. Such audits shall be multi-sectoral and participatory, with consultations undertaken with schools, police officers, and civil society organizations.

**Section 14. Separability Clause.** - If any provision or part hereof is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain valid and subsisting.

**Section 15. Repealing Clause.** - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

**Section 16. Effectivity.** - This act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

Approved,