

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

Seventeenth Congress
Second Regular Session

HOUSE BILL NO. 5956



Introduced by Honorable Michelle M. Antonio

EXPLANATORY NOTE

Research shows that street and public spaces harassment remains a problem in several cities worldwide. In the Philippines alone, reports show that 58% of harassment victims come from street incidents that happen in public spaces such as major roads and even during those in public transport vehicles. An SWS survey reveals that 1 in 7 of women experience sexual harassment at least once every week in Quezon City, one of the biggest cities in the country. SWS has also reported that 88% of Filipino women aged 18 to 24 years old has experienced sexual street harassment through various methods, including wolf-whistling, catcalling, lascivious language, unwanted advances, stalking, rubbing or touching, indecent gestures, exhibitionism and public masturbation.

With the advent of social media, harassment has also started to spread online particularly through Facebook, the most popular networking site as of today. CNN News once reported on protests during the Marcos Burial to which female protesters were subjected to lewd, sexually graphic, and life-threatening comments online by supporters who disagree with their stance. Online harassment is thus opportunistic because it causes harm with no physical interaction, there is no established authority, and there is a small chance of being caught, as harassers are protected and can hide behind their mobile screens.

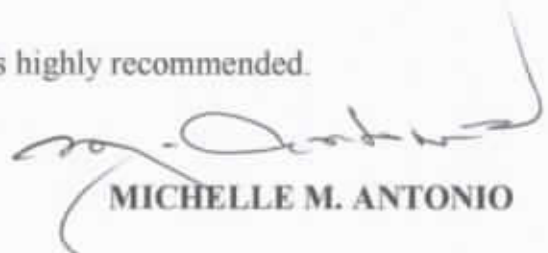
Moreover, the Foundation for Media Alternatives (FMA) has also already mapped more than one hundred sixty (160) cases of online gender-based violence in the country. These include cases of online harassment, cyber bullying, digital stalking, monitoring and tracking, identity theft (including deleting, changing and faking personal information), sexual (verbal) assault, threats and abusive comments, and uploading of photos and videos (often of an intimate nature) without consent. In majority of the cases, online harassment has caused emotional harm to victims impeding their full participation in online spaces, which should have been another platform to gather information, participate in discourse, and express themselves. However, as the Commission on Human Rights (CHR) stated on a Human Rights on Internet report, social media, when left unregulated, is at risk to be used for human rights abuses against people of all ages, gender, identities and political affiliations from all over the country.

UN Women reports also further state that victims of street and public harassment develop psychological impacts such as anxiety, fear, depression, and post-traumatic stress disorder. Experiencing this kind of harassment also reduces their ability to participate in daily public activities and negatively impacts their health and well-being.

While this is an over-arching problem in the Philippines for Filipinos – no matter what gender – there are no laws that provide protection from street, public spaces and online harassment. The sexual harassment law at present only covers harassment in the workplace and thus, does not include harassment committed in public places such as roads, sidewalks, public transportation and on the Internet. Thus, a law that penalizes street harassment is necessary to address this prevailing problem in Philippine society.

This bill proposes definitions to street, public spaces and online harassment and provides penalties to be imposed on acts that invade anyone's sense of personal safety on the streets, in public spaces, or online. The bill further proposes local government-level campaigns and school courses in order to educate Filipinos on the ills of harassment, and increase public knowledge on existing laws that protect its citizens from street, public spaces and online harassment in today's changing times.

In view of the foregoing, approval of this bill is highly recommended.



MICHELLE M. ANTONIO

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AN ACT
DEFINING STREET, PUBLIC SPACES AND ONLINE SEXUAL
HARASSMENT COMMITTED ON AND AGAINST ANY PERSONS
PROVIDING PROTECTIVE MEASURES AND PRESCRIBING
PENALTIES THEREFORE, 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 “Anti-Street, Public and Online Harassment Act of 2017”

SECTION 2. Declaration of Principles. – It is the policy of the State to uphold the human rights of every person and recognize that every person values dignity and respect to be extended to them. The State shall ensure that there is fundamental equality before the law for women and men, and shall recognize that both men and women must have equality and safety in not only private, but public spaces as well.

SECTION 3. Definitions. – For the purposes of this Act, the following terms shall be defined as follows:

- a. *Catcalling* refers to unwanted remarks from any stranger directed towards a person, commonly done in the form of wolf-whistling and misogynistic and sexist

slurs which otherwise resulted to an invasion of any person's personal space and sense of personal safety.

- b. *Harasser* refers to the perpetrator/s of the harassment
- c. *Online sexual harassment* is online conduct targeted at a particular person that causes the victim mental, emotional or psychological distress, and fear of personal safety. Acts include but are not limited to unwanted sexual remarks and comments, threats, sharing of one's photos without consent, cyber-stalking and online identity theft.
- d. *Public spaces* include but are not limited to streets, sidewalks, alleys, public parks, schools, buildings, malls, bars, restaurants, transportation terminals, public market, and public utility vehicles.
- e. *Stalking* refers to conduct directed at a person that serves no legitimate purpose and alarms, annoys, or intimidates that person.
- f. *Victim* refers to the person on the receiving end of the harassment

SECTION 4. Street, Public Spaces and Online Sexual Harassment. – Street, public spaces and online sexual harassment committed on and against any persons is constitutive of unwanted and uninvited sexual actions and remarks that have resulted to an invasion of the victim's sense of personal safety, regardless of whether or not the harasser will admit he/she had any ulterior motive or not from committing such act/s. The final say for filing with authorities of whether or not one is harassed shall come from the victim who is at the receiving end of the remarks of the harasser.

Street and public spaces harassment includes, but are not limited to, catcalling, wolf-whistling, unwanted invitations, misogynistic and sexist slurs, persistent uninvited comments on a person's appearance, relentless requests for personal details after refusal, statement of sexual comments and suggestions, public masturbation and flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety. Streets include but are not limited to public spaces such as alleys, roads, sidewalks, and parks. Acts that are constitutive of street harassment done in buildings open to the public such as schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals and public utility vehicles shall be penalized as well as public harassment.

Online harassment includes acts, but are not limited to, use of information and communications technology in terrorizing and intimidating victims through physical,

psychological, and emotional threats, unwanted sexual and sexist remarks and comments online, invasion of victim's privacy through cyber stalking and incessant messaging, uploading and sharing without the consent of the victim any form of media that contains their photos, voice, or video with sexual content, any unauthorized recording and sharing of any of the victim's photos, videos, or any information online, impersonating identities of victims online or posting lies about victims to harm their reputation, or filing false abuse reports to online platforms to silence victims.

The harasser is anyone, regardless of sex, gender, age, or race who has committed the aforementioned acts and has made an invasion of any person's personal space and sense of personal safety.

SECTION 5. Specific Acts and Penalties for Street and Public Spaces Harassment. –

The following acts constitutive of street and public spaces harassment are declared prohibited and shall be penalized correspondingly:

- a. Light violations. – This includes offenses such as cat-calling, leering and intrusive gazing, wolf-whistling, taunting, cursing, unwanted invitations, misogynistic and sexist slurs, persistent unwanted comments on one's appearance, relentless requests for one's personal details or destination after refusal, gestures or actions that ridicule on the basis of sex, gender or sexual orientation including sexist, homophobic, and transphobic statements, the persistent telling of sexual jokes, use of sexual names, comment and demands, and any statement that has made an invasion on a person's personal space and sense of personal safety.
 - i. First offense shall be punished by a fine of Php 2,000 and/or community service of 12 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 arresto menor (seven to fourteen days) and/or a fine of Php 4,000.
 - iii. Third offense shall be punished by arresto menor (fifteen to thirty days) and/or a fine of Php 6,000.

- b. Medium violations. – This includes offenses but not limited to making offensive body gestures to someone, such as public masturbation and flashing of private parts, for the sexual gratification of the perpetrator with the effect of harassing, intimidating, or demeaning the offended person.
- i. First offense shall be punished by a fine of Php 6,000 and/or arresto menor (fifteen to thirty days), provided that it is 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 arresto mayor (one to three months) and/or a fine of Php 8,000.
 - iii. Third offense shall be punished by arresto mayor (three to six months) and/or a fine of Php 10, 000.
- c. Grave violations. – This includes offenses such as stalking, a combination of acts in *Section 5* paragraphs a and b; any of the acts mentioned in *Section 5* paragraphs a and b accompanied by physical advances to the victim such as touching, pinching or brushing; or any touching, pinching, brushing against the genitalia, thighs, face, arms, breasts, buttocks or any part of the victim's body even when not accompanied by acts mentioned in *Section 5* paragraphs a and b.
- i. First offense shall be punished by a fine of Php 8,000 and/or arresto menor (fifteen to thirty days), provided that it is 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 arresto mayor (two to four months) and/or a fine of Php 10,000
 - iii. Third offense shall be punished by arresto mayor (four to six months) and/or a fine of Php 12,000.

The victim shall also be granted an expedited Permanent Protection Order from the attacker and may avail of psychological counseling support services with the aid of the LGU and PCW, with any fees to be shouldered on the expense of the harasser.

Above penalties are without prejudice to administrative sanctions that may be imposed if the perpetrator is a government employee.

If the offender is an alien, he/she shall be subject to deportation proceedings after serving his/her sentence and payment of fines.

Nothing in this law shall prevent LGUs from coming up with ordinances that impose heavier but not lighter penalties under the acts specified.

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

Acts that are legitimate expressions of indigenous culture and tradition with no intent to harass and with the consent of the receiver shall not be criminalized or penalized.

SECTION 6. Penalties and Exemption for Online Harassment – For any and every single act of online harassment, the penalty of imprisonment of not less than one (1) months but not more than three (3) months, and a fine of not less than five thousand pesos (Php 5,000) but not more than ten thousand pesos (Php 10,000.00), or both, at the discretion of the court shall be imposed upon any person found guilty of any online harassment.

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

The victim shall be granted an expedited Permanent Protection Order from the attacker and may avail of psychological counseling support services with the aid of the PCW, with any fees to be shouldered on the expense of the harasser.

Above penalties are without prejudice to administrative sanctions that may be imposed if the perpetrator is a government employee. If the violator is a juridical person, its license or franchise shall be automatically deemed revoked, and the persons liable shall be the officers thereof including the editor reporter in the case of print media, and the station manager, editor and broadcaster in the case of a broadcast media. If the offender is an alien, he/she shall be subject to deportation proceedings after serving his/her sentence and payment of fines.

Any record, photo or video, or copy thereof of any person that is in violation of the preceding sections shall not be admissible in evidence in any judicial, quasi-judicial, legislative or administrative hearing or investigation.

Exemption to acts constitutive and penalized as online harassment are authorized written orders of the court for any peace officer to use online records or any copy thereof as evidence in any civil, criminal investigation or trial of the crime. *Provided*, That such written order shall only be issued or granted upon written application and the examination under oath or affirmation of the applicant and the witnesses he/she may produce, and upon showing that there are reasonable grounds to believe that online sexual harassment has been committed or is about to be committed, and that the evidence to be obtained is essential to the conviction of any person for, or to the solution or prevention of such crime.

SECTION 7. "No means no" Principle. When the victim utters or types the phrases, "no," or "no means no," or their 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 the implementation of this Act and in all information campaigns pertinent to the same.

SECTION 8. Implementing Bodies for Street, Public Spaces and Online Sexual Harassment Offenses. The Metro Manila Development Authority (MMDA) for Metro Manila, the local units of the PNP for other provinces, and the Anti-Cyber Crime Group of the PNP shall have the authority to apprehend harassers and enforce the law. The PCW, DILG and DICT shall be national bodies responsible for oversight of the law and formulate policies as needed for the strict implementation of this Act.

For street and public spaces sexual harassment, the Metro Manila Development Authority (MMDA) for Metro Manila and the local units of the PNP for other provinces will be deputized to receive complaints on the street and immediately apprehend the offender if the same was caught in flagrante delicto. The harasser will be immediately brought to the nearest PNP station to face charges of the offense he/she committed. 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. The DILG shall also ensure that all local government bodies have Street Harassment Desks in all barangay and city halls for grievances as well as to

ensure setting-up of CCTVs in major roads, alleys and sidewalks in their respective regions to aid any incident for filing and evidence. The DILG and PCW shall work together should victims need psychological counseling support services. Budget for any additional CCTV to be installed and manning for Street Harassment Desks shall be provided by every local government unit from their Gender and Development (GAD) budget and shall be aided as well by the Philippine Commission on Women.

For online sexual harassment, the Anti-Cyber Crime Group of the PNP (PNPACG) as the National Operational Support Unit of the PNP primarily responsible for the implementation of pertinent Philippine laws on cybercrimes, shall receive complaints of online sexual harassment and develop an online mechanism for reporting online sexual harassment real-time and apprehend harassers. The Cybercrime Investigation and Coordinating Center (CICC) of the Department of Information and Communications Technology (DICT) shall also coordinate with the PNPACG to prepare appropriate and effective measures to penalize and monitor online sexual harassment cases.

SECTION 9. Qualified Street, Public Spaces and Online Sexual Harassment. – The penalty next higher in degree shall be applied in the following cases:

- a. If the street and public spaces offense takes place in a common carrier or public utility vehicle, including but not limited to jeepneys, taxis, buses, pedicabs, MRT and LRT trains, tricycles, or app-based 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 offense is committed by a member of uniformed services, such as the PNP and the Armed Forces of the Philippines (AFP), whether or not the act was perpetrated while the perpetrator was in uniform, as long as he/she is verified to be a member of the uniformed services;
- d. If the offense takes place in the premises of any government agency (i.e. frontline services), and the perpetrator is a government employee

SECTION 10. Street Harassment Done by Minors. – Should the offense be done by a minor, the DSWD shall take necessary disciplinary measures as prescribed by the existing law on delinquent behavior.

SECTION 11. Public Spaces Harassment in Restaurants and Cafes, Bars and Clubs, Resorts and Water Parks, Hotels and Casinos, Cinemas, Malls, Buildings and Other Privately-owned Places Open to the Public. Privately-owned places open to the public

shall adopt a zero-tolerance policy against harassment. These establishments shall provide assistance to victims of harassment by helping coordinate with local police authorities in the immediate aftermath of the reported harassment, 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 business permit application and/or 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 12. Public Spaces and Online Sexual Harassment in Educational Institutions. Each school, whether grade school, high school, tertiary, or vocational institutions, shall designate an officer in charge of receiving complaints regarding violations of this Act, and shall ensure that victims are provided with a gender-sensitive environment that is both respectful of the victims' 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.

Once a harasser is found guilty, the educational institution may reserve the right to strip the harasser of his/her diploma or issue expulsion to the harasser.

SECTION 13. Public Spaces Harassment in Public Utility Vehicles. Aside from the penalties provided in Section 5 of this Act for any harasser, driver, co-passenger, barker/conductor if applicable, in Public Utility Vehicles, 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.

Public 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 14. 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 MMDA or PNP 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 15. Educational Modules and Awareness Campaigns. The PCW shall take the lead in a national campaign for the awareness of the law. The PCW shall work hand-in-hand with DILG to ensure all LGUs participate in the campaign and the DICT to ensure an online campaign that reaches a wide audience of Filipino internet-users. Campaign materials may include, but is not limited to, posters condemning different forms of street harassment, informing the public of penalties for committing street harassment, and infographics of hotline numbers of authorities.

Age-appropriate school courses from elementary level to tertiary level educating students on this Act, and the ills of street, public and online harassment shall be mandatory modules. These modules shall be developed by the Department of Education (DepEd), the Commission on Higher Education (CHED) and the PCW.

SECTION 16. Implementing Rules and Regulations. - The Philippine Commission on Women (PCW), Department of Interior and Local Government (DILG) and Department of Information and Communications Technology (DICT) together with other implementing bodies such as the PNP, the PNPAACG, and the MMDA, in coordination with the Committees on Women and Gender Equality and on Public Order and Safety of

the Senate and the House of Representatives and other concerned agencies shall promulgate the implementing rules and regulations for this Act, within one (1) year after the enactment of this Act.

There shall be a mandatory review of the implementing rules and regulations and standards set pursuant to the provisions of this Act.

SECTION 17. Joint Congressional Oversight Committee. - There is hereby created a Joint Congressional Oversight Committee to monitor the implementation of this Act and to review the implementing rules and regulations promulgated. The Committee shall be composed of five (5) Senators and five (5) Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-chaired by the Chairpersons of the Committee on Women and Gender Equality of the Senate and the Committee on Public Order and Safety of the House of Representatives.

SECTION 18. Separability Clause. - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 19. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or is inconsistent with the provision of this Act is hereby repealed, modified, or amended accordingly.

SECTION 20. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,