

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. 8031



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTE

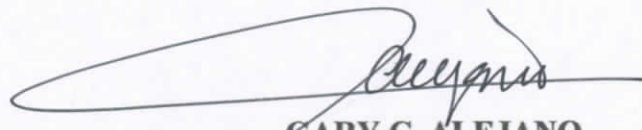
Republic Act No. 7877, or the Anti-Sexual Harassment Act of 1995, is hailed as a landmark legislation as it defines and criminalizes "Sexual Harassment" as well as provide penal sanctions against perpetrators of the crime. Twenty three (23) years after the enactment of RA No. 7877, and given the significant innovations in telecommunication, sexual harassment may be conveyed thru other non-traditional forms of communication.

In this age, digital technologies may be used by individuals to perpetrate sexual harassment. However, the conduct of this act thru telecommunications, digital technology, and other similar means, may not be covered by the provisions of RA No. 7877. Hence, there is a need to update the said law and make it more responsive to the needs of the changing times.

This proposed measure amends Section 3 of RA No. 7877 by expanding the coverage of sexual harassment acts to include sending SMS messages, electronic mail, internet chat, and other similar means of conveying messages via electronic communication that constitute sexual harassment under the said law.

It is hoped that thru the passage of this bill, we will be able to afford our people an environment that is free from any form of sexual harassment.

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


GARY C. ALEJANO
Representative
Magdalo Para sa Pilipino Party-List

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AN ACT

EXPANDING THE COVERAGE OF THE DEFINITION OF THE CRIME OF SEXUAL HARASSMENT TO INCLUDE UNWANTED TEXT MESSAGES, ELECTRONIC MAIL OR COMMUNICATIONS, OR OTHER SIMILAR MEANS, AMENDING FOR THIS PURPOSE REPUBLIC ACT NUMBERED SEVENTY EIGHT HUNDRED AND SEVENTY-SEVEN, OTHERWISE KNOWN AS THE "SEXUAL HARRASSMENT LAW"

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

SEC. 1. Section 3 Republic Act 7877 is hereby amended to read as follows:

"SECTION 3. Work education or Training- related Sexual Harassment Defined – Work, education or training 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, 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 **OR THE SENDING OF TEXT MESSAGES, ELECTRONIC MAIL OR COMMUNICATION, OR OTHER SIMILAR MEANS THAT BY THEIR NATURE MAY QUALIFY AS VULGAR, SMUTTY, SEXIST, OBSCENE, LURID OR MALICIOUS, OR CONSIDERED AS SEXUAL ADVANCE.**

a) In a work-related or employment environment, sexual harassment is committed **VERBALLY, IN WRITING OR THROUGH THE USE OF A TELEPHONE, CELLULAR PHONE, FAX MACHINE, ELECTRONIC MAIL OR OTHER SIMILAR MEANS** 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, term, condition, promotions, or privileges; or the refusal to grant the sexual favor result 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 right's or privileges under existing labor laws; or

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

1 (b) In an education or training environment, sexual harassment is committed
2 **THROUGH ORAL OR WRITTEN MEANS, OR WITH THE USE OF A**
3 **TELEPHONE, CELLULAR PHONE, FAX MACHINE, ELECTRONIC**
4 **MAIL OR OTHER SIMILAR MEANS**

5
6 (1) Against one who is under the care, custody or supervision of the offender;

7 (2) x x x

8 (3) x x x

9 (4) x x x

10
11 **SEC. 2. Effectivity Clause.** - This Act shall take effect after fifteen (15) days from its
12 publication in the Official Gazette or in two (2) newspaper of general circulation, whichever
13 comes earlier.

14
15 **SEC.3. Separability Clause.-** If any provision of this Act is declared invalid, the
16 remainder of this Act or any provision not affected thereby shall remain in force and effect.

17
18 **SEC.4. Repealing Clause.-** All laws, presidential decrees, executive orders and their
19 implementing rules, inconsistent with the provisions of this act are hereby, repealed, amended or
20 modified accordingly.
21

Approved,