

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

TWENTIETH CONGRESS
First Regular Session



HOUSE BILL NO. 3118

Introduced by Representative CHING BERNOS

AN ACT

**PROVIDING PENALTIES FOR GENDER-BASED SEXUAL HARASSMENT IN THE
WORKPLACE AND IN EDUCATIONAL AND TRAINING INSTITUTIONS, AMENDING
FOR THE PURPOSE REPUBLIC ACT NO. 11313, OTHERWISE KNOWN AS THE
"SAFE SPACES ACT"**

EXPLANATORY NOTE

Republic Act 7877 otherwise known as the Anti-Sexual Harassment Act of 1995 was enacted to protect both women and men from unlawful sexual harassment. Twenty-three years after its passing, Republic Act 11313, also known as Safe Spaces Act, was enacted into law.

The Safe Spaces Act offers a more comprehensive scope as opposed to the Anti-Sexual Harassment Act. It expanded the definition of sexual harassment perpetrated in Educational and Training Institutions, to include offenders or any person who has authority, influence, or moral ascendancy over another. Moreover, the Safe Spaces Act broadens the coverage of sexual harassment committed in the workplace to include those committed by peers, subordinates, students, and trainees.

However, the imposable penalty available for Gender-Based Sexual Harassment in Educational and Training Institutions and Workplaces found in Anti-Sexual Harassment Act and Safe Spaces Act have an insignificant amount. Considering the gravity and impact of sexual harassment on the victims, the imposable penalty should be greater than that provided for Gender-Based Online Sexual Harassment in the Safe

Spaces Act, and considerably larger than that provided in the Anti-Sexual Harassment Act.

Hence, the Safe Spaces Act should be amended to further provide appropriate penalties for violators. These additional penal provisions shall encompass the expanded definition provided by the Safe Spaces Act.

In light of the foregoing reasons, approval of this bill is earnestly sought.



REP. CHING BERNOS
SOLID NORTH Party-List

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“SAFE SPACES ACT”

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

SECTION 1. Republic Act No. 11313 is hereby amended by inserting the following new sections after Section 19 thereof:

"SECTION 19-A. PENALTIES FOR GENDER-BASED SEXUAL HARASSMENT IN THE WORKPLACE. - THE PENALTY OF PRISION CORRECCIONAL IN ITS MAXIMUM PERIOD, OR A FINE OF NOT LESS THAN TWO HUNDRED FIFTY THOUSAND PESOS (P250,000.00) BUT NOT MORE THAN FIVE HUNDRED THOUSAND PESOS (P500,000.00), OR BOTH, AT THE DISCRETION OF THE COURT, SHALL BE IMPOSED UPON ANY PERSON FOUND GUILTY OF ANY GENDER-BASED SEXUAL HARASSMENT UNDER THIS ARTICLE.

IF THE PERPETRATOR IS THE HEAD OF THE WORKPLACE OR ORGANIZATION, THE APPOINTMENT OF SUCH PERSON SHALL BE DEEMED REVOKED UPON CONVICTION. AN ALIEN WHO COMMITS GENDER-BASED SEXUAL HARASSMENT IN THE WORKPLACE SHALL BE SUBJECT TO DEPORTATION PROCEEDINGS AFTER SERVING A SENTENCE AND/OR PAYMENT OF FINES.

"SECTION 19-B. PENALTIES FOR FOMENTING, PROMOTING, OR EXHORTING SEXUAL HARASSMENT, MISOGYNISTIC, TRANSPHOBIC, HOMOPHOBIC, AND SEXIST SLURS BY PUBLIC AND GOVERNMENT OFFICIALS AND EMPLOYEES. - ANY PUBLIC OFFICIAL OR GOVERNMENT EMPLOYEE WHO IS FOUND GUILTY OF FOMENTING, PROMOTING, OR EXHORTING ACTS OF SEXUAL HARASSMENT, MISOGYNISTIC, TRANSPHOBIC, HOMOPHOBIC, AND SEXIST SLURS, EITHER VERBALLY, IN WRITING, OR THROUGH DIGITAL OR SOCIAL MEDIA PLATFORMS SHALL BE PENALIZED AS FOLLOWS:

- 1. THE FIRST OFFENSE SHALL BE PUNISHED BY A MINIMUM FINE OF ONE HUNDRED THOUSAND PESOS (P100,000.00) TO TWO HUNDRED THOUSAND PESOS (P200,000.00), MANDATORY SUSPENSION FROM PUBLIC OFFICE OR EMPLOYMENT FOR A PERIOD OF NOT LESS THAN SIX (6) MONTHS WITHOUT PAY, AND MANDATORY COMPLETION OF A GENDER-SENSITIVITY AND ANTI-HARASSMENT TRAINING PROGRAM, CERTIFIED BY AN ACCREDITED INSTITUTION.**
- 2. THE REPEAT OFFENSE SHALL BE PUNISHED BY A MINIMUM FINE OF TWO HUNDRED THOUSAND PESOS (P200,000.00) TO THREE HUNDRED THOUSAND PESOS (P300,000.00), MANDATORY DISMISSAL FROM OFFICE, ALONG WITH DISQUALIFICATION FROM HOLDING ANY PUBLIC POSITION, WHETHER ELECTIVE OR APPOINTIVE, FOR A PERIOD OF NOT LESS THAN FIVE (5) YEARS; AND A PERMANENT RECORD OF THE OFFENSE ON PUBLIC SERVICE CREDENTIALS AND PROHIBITION FROM RECEIVING BENEFITS TIED TO THE OFFICE.**
- 3. THE OFFENDER IN ALL CASES UNDER THIS SECTION SHALL BE REQUIRED TO ISSUE A PUBLIC APOLOGY TO THE AFFECTED INDIVIDUALS AND THE GENERAL PUBLIC, ACKNOWLEDGING THE MISCONDUCT AND REAFFIRMING A COMMITMENT TO UPHOLDING THE SAFE SPACES ACT'S PRINCIPLES.**

COMPLAINTS AND FINDINGS UNDER THIS SECTION SHALL BE REFERRED TO THE CIVIL SERVICE COMMISSION OR THE OFFICE OF THE OMBUDSMAN FOR MONITORING AND ENFORCEMENT OF THESE PENALTIES.

ANY ACTION ARISING FROM THE VIOLATION OF THIS SECTION SHALL PRESCRIBE IN FIVE (5) YEARS.

THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT, THE CIVIL SERVICE COMMISSION, AND OTHER RELEVANT AGENCIES SHALL PROMULGATE THE IMPLEMENTING RULES AND REGULATIONS OF THIS SECTION AND THE MECHANISMS FOR REPORTING, INVESTIGATING, AND PENALIZING PUBLIC OFFICIALS AND GOVERNMENT EMPLOYEES WHO VIOLATE THIS PROVISION.”

SEC. 2. The same Act is further amended by inserting the following new Section after Section 23 thereof:

“SECTION 23-A. PENALTIES FOR GENDER-BASED SEXUAL HARASSMENT IN EDUCATIONAL AND TRAINING INSTITUTIONS. - THE PENALTY OF PRISION CORRECCIONAL IN ITS MAXIMUM PERIOD, OR A FINE OF NOT LESS THAN TWO HUNDRED FIFTY THOUSAND PESOS (P250,000.00) BUT NOT MORE THAN FIVE HUNDRED THOUSAND PESOS (P500,000.00), OR BOTH, AT THE DISCRETION OF THE COURT SHALL BE IMPOSED UPON ANY PERSON FOUND GUILTY OF ANY GENDER-BASED SEXUAL HARASSMENT UNDER THIS ARTICLE.

IF THE PERPETRATOR IS THE HEAD OF THE EDUCATIONAL OR TRAINING INSTITUTION OR ORGANIZATION, THE APPOINTMENT OF SUCH PERSON SHALL BE DEEMED REVOKED UPON CONVICTION. AN ALIEN WHO COMMITS GENDER-BASED SEXUAL HARASSMENT IN AN EDUCATIONAL OR TRAINING INSTITUTION SHALL BE SUBJECT TO DEPORTATION PROCEEDINGS AFTER SERVING A SENTENCE AND/OR PAYMENT OF FINES.”

SEC. 3. If any provision of this Act is found unconstitutional or invalid, the other provisions not affected by such declaration shall remain in full force and effect.

SEC. 4. All laws, decrees, executive orders, presidential issuances, and other administrative rules and regulations or parts thereof which are inconsistent with this Act are hereby repealed, amended, or modified accordingly.

SEC. 5. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,