

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 5198



Introduced by Honorable Representatives
SARAH JANE I. ELAGO (Gabriela Women's Party),
ANTONIO L. TINIO (ACT Teachers Party-list), and
RENEE LOUISE M. CO (Kabataan Party-list)

**AN ACT IMPOSING STIFFER PENALTIES FOR GENDER-BASED SEXUAL
HARASSMENT IN THE WORKPLACE AND IN EDUCATION OR TRAINING
INSTITUTIONS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 11313,
OTHERWISE KNOWN AS THE SAFE SPACES ACT**

EXPLANATORY NOTE

This year marks the 8th anniversary of the enactment of the Republic Act No. 11313, otherwise known as the Safe Spaces Act, which is one of the most important pieces of legislation in fostering a society free from all forms of discrimination and abuse. The measure was passed into law on April 17, 2019, putting forward punishment to sexual harassers, abusers, and predators in schools, workplaces, and other institutions and public spaces.

But, despite the law's passage, various forms of sexual harassment and abuse persist and proliferate. Recent data suggests that in January to November 2024 alone, there was a total of 12,046 cases of violence against women in the form of rape, ICT-facilitated gender-based sexual harassment, and gender-based sexual harassment violating the R.A. 11313.¹

In 2020, Plan International conducted a survey and in-depth interviews of over 14,000 girls aged 15 to 24 in 31 countries, including the Philippines. The report shows that girls who use social media in high and low-income countries alike are subjected to different forms of online

¹ PNP Crime Incidence Reporting and Analysis System (PNP CIRAS)

harassment, such as threats of sexual violence, sexual harassment, threats of physical violence, Anti-LGBTIQ+ comments, racist comments, body-shaming, purposeful embarrassment, stalking, and abusive and insulting language.

In the Philippines, the survey also revealed that sixty-eight percent (68%) or nearly 7 in 10 of young women, have experienced online harassment. Most of these girls also said that harassment happens frequently fifty percent (50%) or very frequently thirty percent (33%). 8 out of 10, or seventy-nine percent (79%), said that they or other girls they know have received threats of sexual violence on social media. The majority, or sixty-seven percent (67%), of the Filipino girls and young women who were surveyed, said they were harassed by people they know.

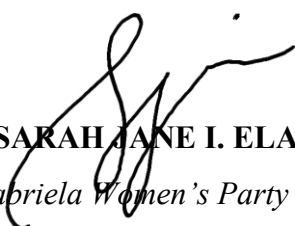
During the 19th Congress, Gabriela Women's Party, one of the principal authors of the Safe Spaces Act, filed House Resolution No. 46 to investigate the cases of sexual, verbal, and emotional abuse against students in the Philippine High School for the Arts in Laguna. The cases lodged by the students against the perpetrators prompt serious reflections on how the Safe Spaces Act is being enforced, especially in schools. Additionally, the representation filed the Bawal Bastos sa Eleksyon Bill in the same Congress, following the sexist pronouncements of Pasig City congressional candidate Atty. Sia against single mothers. The measure proposes amendments to the Omnibus Election Code of the Philippines in order to include sexist and misogynistic acts and remarks as grounds for disqualification from holding or running for any public elective office in the country.

As such, it is only apt to integrate the principles and objectives of the aforementioned proposed measures, primarily aiming to probe into and penalize various forms of abuses committed in public spaces supposedly safe and sustaining people's rights and fundamental freedoms.

Furthermore, the exacerbating trend of sexual harassment perpetrated against women online and in public spaces is alarming. While an existing law penalizes various forms of sexual harassment, it is clearly not enough. There is a need to review the Safe Spaces Act and ensure that stiffer penalties may be imposed on perpetrators and institutions who fail to act on the reported cases of sexual harassment, with emphasis on power relations and power imbalances that further render women, people with diverse SOGIESC, and other vulnerable populations to sexual abuse and harassment.

In sum, immediate amendments to the penalties under the Safe Spaces Act will institute stronger protection and accountability mechanisms for students, workers from the public sector, and the general Filipino public from sexual harassment and abuse, imposing stiffer penalties among perpetrators.

For the foregoing reasons, the immediate passage of this bill is earnestly sought.



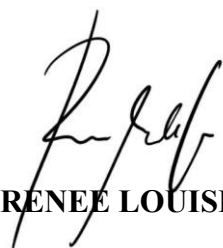
REP. SARAH JANE I. ELAGO

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OTHERWISE KNOWN AS THE SAFE SPACES ACT**

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

SECTION 1. A new section is hereby added after Section 19 of the Republic Act (R.A.) No. 11313, or the Safe Spaces Act, to read as follows:

“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 (PHP250,000.00) BUT NOT MORE THAN FIVE HUNDRED THOUSAND PESOS (PHP500,000.00), 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 AUTOMATICALLY DEEMED REVOKED UPON CONVICTION. AN ALIEN WHO COMMITS GENDER-BASED SEXUAL HARASSMENT IN THE WORKPLACE SHALL BE SUBJECT TO DEPORTATION PROCEEDINGS AFTER SERVING 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.”

SECTION 2. A new section is hereby added after Section 23 of R.A. No. 11313, to read as follows:

“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 AUTOMATICALLY DEEMED REVOKED UPON CONVICTION. AN ALIEN WHO COMMITS GENDER-BASED SEXUAL HARASSMENT IN AN EDUCATION OR TRAINING INSTITUTION SHALL BE SUBJECT TO DEPORTATION PROCEEDINGS AFTER SERVING SENTENCE AND/OR PAYMENT OF FINES.”

SECTION 3. Separability Clause. - If any portion or provision of this Act is held unconstitutional or invalid, the remaining portions or provisions shall not be affected.

SECTION 4. Repealing Clause. - All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 5. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,