



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila



Twentieth Congress
First Regular Session

HOUSE BILL NO. **5564**

Introduced by Representative Benjamin C. Agarao, Jr.

EXPLANATORY NOTE

Republic Act No. 11313 or the *Safe Spaces Act* was a landmark law protecting Filipinos from gender-based sexual harassment in public spaces, online, workplaces, and educational institutions.

However, the rise of online grooming, artificial intelligence-driven exploitation, cyberstalking, and gaps in accountability of employers and school heads necessitate stronger safeguards.

This proposed measure seeks to strengthen the Safe Spaces Act by:

1. Expanding the definition of public spaces;
2. Defining "grooming" as a punishable act;
3. Addressing artificial intelligence and technology-based sexual harassment;
4. Requiring faster takedowns of harmful online content;
5. Increasing penalties for inaction or non-compliance by employers and school heads;
6. Institutionalizing pre-hiring safety clearance for personnel working with minors;
7. Mandating gender sensitivity and child protection trainings;
8. Allowing victims to secure barangay and court-issued protection orders; and
9. Extending the prescriptive period for the filing of cases.

In view of the foregoing, the approval of this bill is earnestly sought


HON. BENJAMIN C. AGARAO, JR
4th District, Laguna



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HOUSE BILL NO. **5564**

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AN ACT
AMENDING REPUBLIC ACT NO. 11313, OTHERWISE KNOWN AS THE "SAFE SPACES ACT," AND FOR OTHER PURPOSES

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

SECTION 1. Section 3 of Republic Act No. 11313 shall be amended to read as follows:

SEC. 3. Definition of Terms. As used in the Act:

(g) Public spaces refer to streets and alleys WHETHER IN URBAN OR RURAL AREAS, public parks, schools, buildings, malls, bars, restaurants, FIELDS AND FARMS, COASTAL AREAS, transportation terminals, public markets, MULTI-PURPOSE HALLS, spaces used as evacuation centers, government offices, public utility vehicles as well as private vehicles covered by app-based transport network services, and other recreational spaces such as, but not limited to, cinema halls, theaters and spas; and

(H) GROOMING REFERS TO PREDATORY CONDUCT, AN ACT, OR PATTERN OF ACTS OF ESTABLISHING A RELATIONSHIP OF TRUST OR EMOTIONAL CONNECTION BY A PERSON WITH A CHILD OR SOMEONE WHO IS BELIEVED TO BE A CHILD, AND/OR THE CHILD'S FAMILY, GUARDIAN, OR CAREGIVERS, WHETHER IN PERSON OR VIA ELECTRONIC AND OTHER SIMILAR DEVICES, FOR THE PURPOSE OF PERPETRATING SEXUAL ABUSE OR EXPLOITATION."

SECTION 2. Section 12 of Republic Act No. 11313 shall be amended to read as follows:

SEC. 12. Gender-Based Online Sexual Harassment. – Gender-based online

sexual harassment includes acts that use information and communications technology, INCLUDING ARTIFICIAL INTELLIGENCE AND OTHER EMERGING TECHNOLOGIES, in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual, misogynistic, transphobic, homophobic, and sexist remarks and comments online, whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging, uploading, and sharing without the consent of the victim, any form of media that contains 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.

SECTION 3. Section 14 of Republic Act No. 11313 shall be amended to read as follows:

INTERNET INTERMEDIARIES SHALL IMMEDIATELY BLOCK ACCESS TO, REMOVE, OR TAKE DOWN THE INTERNET ADDRESS, UNIFORM RESOURCE LOCATOR (URL), WEBSITE, OR ANY CONTENT THEREOF WHICH VIOLATE THIS ACT, WITHIN TWENTY-FOUR (24) HOURS FROM RECEIPT OF NOTICE FROM A COMPETENT AUTHORITY: *PROVIDED*, THAT THE INTERMEDIARIES SHALL PRESERVE WITHIN SIX (6) MONTHS FROM THE DATE OF TRANSACTION EXTENDIBLE FOR ANOTHER SIX (6) MONTHS OR DURING THE PENDENCY OF THE CASE, ALL SUBSCRIBER'S OR REGISTRATION INFORMATION AND TRAFFIC DATA IN ITS CONTROL AND POSSESSION: *PROVIDED FURTHER*, THAT IN THE CASE OF CONTENT DATA, THE SAME SHALL BE PRESERVED WITHIN ONE (1) YEAR, AND UPON NOTICE BY THE COMPETENT AUTHORITY, THE PRESERVATION SHALL BE EXTENDIBLE FOR ANOTHER SIX (6) MONTHS: *PROVIDED FINALLY*, THAT THE COMPETENT AUTHORITY SHALL, AS FAR AS PRACTICABLE, EXPRESSLY IDENTIFY AND SPECIFY SUCH RELEVANT EVIDENCE THAT NEEDS PRESERVATION.

SECTION 4. Section 16 of Republic Act No. 11313 shall be amended to read as follows:

ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL, UPON CONVICTION, BE PENALIZED BY IMPRISONMENT OF NOT LESS THAN ONE (1) MONTH NOR MORE THAN SIX (6) MONTHS, OR A FINE OF NOT LESS THAN TEN THOUSAND PESOS (P10,000.00) NOR MORE THAN ONE HUNDRED THOUSAND PESOS (P100,000.00), OR BOTH, AT THE DISCRETION OF THE COURT.

SECTION 5. Section 19 of Republic Act No. 11313 shall be amended to read as follows:

SEC. 19. Liability of Employers. – In addition to liabilities for committing acts of gender-based sexual harassment, employers may also be held responsible for:

- (a) Non-implementation of their duties under Section 17 of this Act, as provided in the penal provisions; or
- (b) Not taking action on reported acts of gender-based sexual harassment committed in the workplace.

Any person who violates subsection (a) of this section, shall upon conviction, be penalized with a fine of not less than ~~{Five}~~ ONE HUNDRED thousand pesos [~~{P5,000.00}~~] (P100,000.00) nor more than ~~[Ten]~~ THREE HUNDRED thousand pesos [~~{P10,000.00}~~] (P300,000.00).

Any person who violates subsection (b) of this section, shall upon conviction, be penalized with a fine of not less than ~~[Ten]~~ THREE HUNDRED thousand pesos [~~{P10,000.00}~~] (P300,000.00) nor more than ~~[Fifteen]~~ FIVE HUNDRED thousand pesos [~~{P15,000.00}~~] (P500,000.00).

ANY PERSON WHO VIOLATES SUBSECTION (A) OR (B) OF THIS SECTION SHALL, UPON CONVICTION, BE LIABLE FOR EXEMPLARY DAMAGES IN THE AMOUNT OF THREE HUNDRED THOUSAND PESOS (P300,000.00).

SECTION 6. A new Section 21 shall be inserted as follows, with the provisions below it renumbered accordingly:

SEC. 21. GENDER-BASED SEXUAL HARRASSMENT IN EDUCATIONAL AND TRAINING INSTITUTIONS- THE CRIME OF GENDER-BASED SEXUAL HARASSMENT IN EDUCATIONAL AND TRAINING INSTITUTIONS INCLUDES THE FOLLOWING:

- (A) AN ACT OR SERIES OF ACTS INVOLVING ANY UNWELCOME SEXUAL ADVANCES, REQUESTS OR DEMAND FOR SEXUAL FAVORS OR ANY ACT OF SEXUAL NATURE, WHETHER DONE VERBALLY, PHYSICALLY OR THROUGH THE USE OF TECHNOLOGY SUCH AS TEXT MESSAGING OR ELECTRONIC MAIL OR THROUGH ANY OTHER FORMS OF INFORMATION AND COMMUNICATION SYSTEMS;
- (B) A CONDUCT OF SEXUAL NATURE AND OTHER CONDUCT-BASED ON SEX AFFECTING THE DIGNITY OF A PERSON, WHICH IS UNWELCOME, UNREASONABLE, AND OFFENSIVE TO THE RECIPIENT, WHETHER DONE VERBALLY, PHYSICALLY OR THROUGH THE USE OF TECHNOLOGY SUCH AS TEXT MESSAGING OR ELECTRONIC MAIL OR THROUGH ANY OTHER FORMS OF INFORMATION AND COMMUNICATION SYSTEMS, INCLUDING ARTIFICIAL INTELLIGENCE TECHNOLOGIES;
- (C) A CONDUCT THAT IS UNWELCOME AND PERVASIVE AND CREATES AN INTIMIDATING, HOSTILE OR HUMILIATING ENVIRONMENT FOR THE RECIPIENT; PROVIDED; THAT THE CRIME OF GENDER-BASED SEXUAL HARASSMENT MAY ALSO BE COMMITTED BETWEEN PEERS AND THOSE

COMMITTED TO A SUPERIOR OFFICER BY A SUBORDINATE, OR TO A TEACHER BY A STUDENT, OR TO A TRAINER BY A TRAINEE; PROVIDED FURTHER, THAT THE OFFENSE NEED NOT TAKE PLACE WITHIN THE PHYSICAL JURISDICTION OF THE SCHOOL, OR DURING SCHOOL-SANCTIONED ACTIVITIES, IF THE VICTIM AND THE OFFENDER ARE STUDENT/S, EMPLOYEES, SERVICE PROVIDERS, OR OFFICERS OR ADMINISTRATORS OF THE SCHOOL

(D) CONDUCT THAT CONSTITUTES GROOMING IN ACCORDANCE WITH SECTION 3 OF THIS ACT

INFORMATION AND COMMUNICATION SYSTEM REFERS TO A SYSTEM FOR GENERATING, SENDING, RECEIVING, STORING OR OTHERWISE PROCESSING ELECTRONIC DATA MESSAGES OR ELECTRONIC DOCUMENTS AND INCLUDES THE COMPUTER SYSTEM OR OTHER SIMILAR DEVICES BY OR IN WHICH DATA ARE RECORDED OR STORED AND ANY PROCEDURE RELATED TO THE RECORDING OR STORAGE OF ELECTRONIC DATA MESSAGES OR ELECTRONIC DOCUMENTS.

ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS ACT SHALL, UPON CONVICTION, BE PENALIZED BY IMPRISONMENT OF NOT LESS THAN ONE (1) MONTH NOR MORE THAN SIX (6) MONTHS, OR A FINE OF NOT LESS THAN TEN THOUSAND PESOS (P10,000) NOR MORE THAN ONE HUNDRED THOUSAND PESOS (P100,000), OR BOTH, AT THE DISCRETION OF THE COURT. IF THE PERPETRATOR IS AN ADULT AND THE VICTIM IS A CHILD. THE PENALTY OF IMPRISONMENT SHALL BE IMPOSED MANDATORILY.

WITHIN SIX (6) MONTHS FROM THE PASSAGE OF THIS ACT, THE DEPARTMENT OF JUSTICE, THE DEPARTMENT OF EDUCATION, THE COMMISSION ON HIGHER EDUCATION, AND THE CHILD WELFARE COUNCIL (CWC) SHALL FORMULATE RULES FOR THE INSTITUTIONALIZATION OF A PRE-HIRING SAFETY CLEARANCE MECHANISM TO ENSURE THAT ADULTS REGULARLY WORKING IN CLOSE PROXIMITY TO MINORS, SUCH AS TEACHERS AND OTHER SCHOOL PERSONNEL, HAVE NO HISTORY OF ABUSIVE OR PREDATORY BEHAVIOR. THIS PRE-HIRING SAFETY CLEARANCE SHALL NOT BE UNDULY BURDENSOME TO APPLICANTS, AND SHALL BALANCE THE INTERESTS OF DUE PROCESS AND CHILD SAFETY.

GENDER SENSITIVITY AND CHILD PROTECTION TRAININGS SHALL BE MANDATORY FOR ALL STAFF.

SECTION 7. SECTION 23 OF REPUBLIC ACT NO. 11313 SHALL BE AMENDED AS FOLLOWS:

SEC. 23. In addition to liabilities for committing acts of gender-based sexual harassment, principals, school heads, teachers, instructors, professors, coaches, trainers, or any other person who has authority, influence, or moral

ascendancy over another in an educational or training institutions, may also be held responsible for:

- a. Non-implementation of their duties under Section 21 of this Act, as provided in the penal provisions; or
- b. Not taking action on reported acts of gender-based sexual harassment committed in the workplace; OR
- c. Violating the rights of the victim against retribution and to confidentiality

Any person who violates subsection (a) of this section, shall upon conviction, be penalized with a fine of not less than ~~[Five]~~ ONE HUNDRED thousand pesos ~~[(P5,000.00)]~~ (P100,000.00) nor more than ~~[Ten]~~ THREE HUNDRED thousand pesos ~~[(P10,000.00)]~~ (P300,000.00).

Any person who violates subsection (b) of this section, shall upon conviction, be penalized with a fine of not less than ~~[Ten]~~ THREE HUNDRED thousand pesos ~~[(P10,000.00)]~~ (P300,000.00) nor more than ~~[Fifteen]~~ FIVE HUNDRED thousand pesos ~~[(P15,000.00)]~~ (P500,000.00).

ANY PERSON WHO VIOLATES SUBSECTION (A) OR (B) OF THIS SECTION SHALL, UPON CONVICTION, BE LIABLE FOR EXEMPLARY DAMAGES IN THE AMOUNT OF THREE HUNDRED THOUSAND PESOS (P300,000.00)."

SECTION 8. *Protection Orders.* A new Section shall be inserted as follows:

IN ADDITION TO THE RELIEFS PROVIDED UNDER THIS ACT, VICTIMS SHALL BE ENTITLED TO APPLY FOR A PROTECTION ORDER FOR THE PURPOSE OF PREVENTING FURTHER VIOLATIONS OF THIS ACT.

APPLICATIONS FOR BARANGAY PROTECTION ORDERS SHALL FOLLOW THE RULES ON VENUE UNDER SECTION 409 OF THE LOCAL GOVERNMENT CODE OF 1991. AN APPLICATION FOR TEMPORARY OR PERMANENT PROTECTION ORDER MAY BE FILED IN THE TRIAL COURT WITH JURISDICTION OVER THE APPLICANT/VICTIM.

WITHIN SIX (6) MONTHS FROM THE PASSAGE OF THIS ACT, THE DEPARTMENT OF JUSTICE, THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT, AND THE PHILIPPINE COMMISSION ON WOMEN, SHALL FORMULATE RULES FOR THE IMPLEMENTATION OF THIS PROVISION. THE RELEVANT PROVISIONS OF REPUBLIC ACT 9262 SHALL APPLY IN A SUPPLETORY MANNER.

SECTION 9. Section 36 of Republic Act No. 11313 is likewise amended to read as follows:

SEC. 36. Prescriptive Period. – Any action arising from the violation of any of the provisions of this Act shall prescribe as follows:

- (a) xxx
- (b) xxx
- (c) xxx
- (d) xxx
- (e) Offenses committed under Sections 16 and 21 of this Act shall prescribe in TEN (10) years.”

SECTION 10. Separability Clause. – If any provision of this Act is held unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

SECTION 11. Repealing Clause. – All laws, decrees, orders, issuances, and rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 13. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,