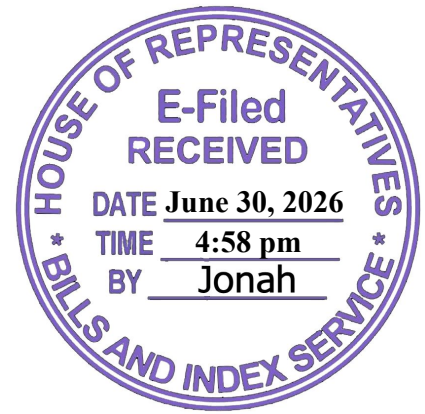


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 9986



Introduced by Representative Jan “Atty. JP” D. Padiernos

EXPLANATORY NOTE

Institutions occupy a position of trust and authority. Schools educate students, employers supervise employees, athletic organizations train athletes, government agencies exercise public authority, and numerous other institutions direct, train, supervise, and protect individuals under their care. The effective performance of these functions necessarily requires the exercise of discipline, supervision, leadership, and accountability.

Although Philippine law penalizes various offenses, including homicide and physical injuries under the Revised Penal Code (Act No. 3815), coercion and threats under the same Code, sexual offenses under Republic Act No. 8353 (The Anti-Rape Law of 1997), as amended, and Republic Act No. 11648, hazing under Republic Act No. 11053 (Anti-Hazing Act of 2018), bullying in educational institutions under Republic Act No. 10627 (Anti-Bullying Act of 2013), sexual harassment under Republic Act No. 7877 (Anti-Sexual Harassment Act of 1995) and Republic Act No. 11313 (Safe Spaces Act), and unsafe working conditions under Republic Act No. 11058 (An Act Strengthening Compliance with Occupational Safety and Health Standards), these laws principally define and penalize specific unlawful acts or regulate particular sectors.

However, no general law presently establishes uniform statutory obligations applicable across institutions to ensure the timely receipt, reporting, preservation of evidence, investigation, documentation, and appropriate institutional response to allegations of serious misconduct. As a result, institutional responses often vary significantly, resulting in delayed investigations, inadequate protection for complainants and witnesses, loss or destruction of evidence, inconsistent accountability measures, and diminished public confidence in institutional governance.

This bill seeks to fill that legislative gap by establishing minimum standards of institutional accountability applicable to both public and private institutions. It imposes affirmative duties upon covered institutions to receive and investigate reports of serious institutional misconduct, preserve relevant evidence, protect complainants, victims, witnesses, and whistleblowers from retaliation, implement appropriate interim protective measures, maintain accountability mechanisms, and cooperate with competent authorities whenever required by law.

This measure does not create new crimes for conduct already punishable under existing laws, nor does it diminish the authority of institutions to impose lawful and

reasonable disciplinary, supervisory, academic, athletic, military, employment, or training measures. Rather, it establishes a uniform governance framework governing how institutions are expected to prevent, receive, investigate, document, and respond to serious misconduct occurring within their respective jurisdictions.

By strengthening institutional accountability while preserving legitimate institutional authority, this measure seeks to promote transparency, integrity, public trust, and the protection of every person under the care or supervision of a covered institution.

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



JAN “ATTY. JP” D. PADIERNOS
GP (Galing sa Puso) Party-List

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HOUSE BILL NO. 9986

Introduced by Representative Jan “Atty. JP” D. Padiernos

AN ACT ESTABLISHING A UNIFORM FRAMEWORK FOR INSTITUTIONAL ACCOUNTABILITY IN THE PREVENTION OF, RESPONSE TO, AND INVESTIGATION OF REPORTABLE INSTITUTIONAL MISCONDUCT, PRESCRIBING THE DUTIES AND RESPONSIBILITIES OF COVERED INSTITUTIONS, PROVIDING PROTECTION FOR COMPLAINANTS, VICTIMS, WITNESSES, AND WHISTLEBLOWERS, PRESCRIBING PENALTIES FOR INSTITUTIONAL VIOLATIONS, AND FOR OTHER PURPOSES

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

Section 1. Short Title. – This Act shall be known as the "Institutional Accountability and Protection Act."

Section 2. Declaration of Policy. - t is hereby declared the policy of the State to uphold and protect the dignity, life, health, safety, security, and well-being of all persons participating in, employed by, enrolled in, undergoing training under, or otherwise subject to the authority, supervision, or control of institutions. The State recognizes that institutions perform essential educational, governmental, commercial, athletic, military, professional, religious, civic, charitable, and other legitimate functions that necessarily require the exercise of authority, supervision, discipline, leadership, and training. Such authority is indispensable and shall be respected and preserved. Towards this end, the State shall establish a uniform framework of institutional accountability by requiring covered institutions to adopt effective systems for the prevention, reporting, documentation, preservation of evidence, investigation, resolution, and monitoring of Reportable Institutional Misconduct; protect complainants, victims, witnesses, and whistleblowers from retaliation; and ensure that institutional authority is exercised in a manner consistent with law, accountability, transparency, due process, and respect for human dignity. Nothing in this Act shall be construed to diminish or impair the authority of institutions to impose lawful, reasonable, proportionate, and good-faith disciplinary, supervisory, academic, athletic, military, employment, or training measures necessary to accomplish their legitimate objectives, provided that such authority is exercised consistently with this Act and other applicable laws.

Section 3. Objectives. - This Act seeks to:

(a) establish a uniform statutory framework governing institutional accountability in responding to Reportable Institutional Misconduct;

(b) prescribe the minimum duties and responsibilities of covered institutions in receiving, documenting, investigating, resolving, and monitoring reports of institutional misconduct;

(c) protect complainants, victims, witnesses, and whistleblowers against retaliation;

(d) require the preservation of evidence and the maintenance of appropriate institutional records;

(e) promote transparency, accountability, and due process in institutional investigations;

(f) strengthen public confidence in institutional governance; and

(g) complement existing criminal, civil, labor, administrative, educational, and special laws by regulating institutional responses to misconduct without diminishing liabilities arising under such laws.

Section 4. *Definition of Terms.* - As used in this Act:

(a) “*Reportable Institutional Misconduct*” refers to any allegation or report of conduct occurring within or in connection with a Covered Institution which, if true, may constitute: (i) a criminal offense; (ii) a violation of law or regulation; (iii) serious misconduct; (iv) gross abuse of authority; (v) sexual misconduct; (vi) physical violence; (vii) hazing or hazing-related conduct; (viii) bullying; (ix) retaliation against a complainant or witness; or (x) any other act which the Covered Institution is required by law or its own policies to investigate.

(b) “*Covered Institution*” refers to any public or private entity, organization, establishment, association, school, college, university, government agency, government-owned or controlled corporation, local government unit, business establishment, athletic organization, professional training institution, religious organization, civic organization, volunteer organization, or other organized body exercising authority or supervision over Covered Persons.

(c) “*Covered Person*” refers to any student, employee, applicant, trainee, intern, apprentice, resident, athlete, volunteer, member, participant, or other individual subject to the authority or supervision of a Covered Institution.

(d) “*Institutional Protection Officer*” refers to the officer designated under this Act to oversee institutional compliance, receive complaints, coordinate investigations, and ensure compliance with statutory duties.

(e) “*Retaliation*” refers to any adverse action taken against a person because that person reported, intended to report, opposed, refused to participate in, or cooperated in the investigation of Reportable Institutional Misconduct.

Section 5. *Coverage.* - This Act shall apply to all public and private Covered Institutions and to all Covered Persons, regardless of the nature of their relationship with the

institution. This Act shall govern the institutional response to any Reportable Institutional Misconduct that:

- (a) occurs within the premises of a Covered Institution;
- (b) occurs during any activity, program, event, training, internship, practicum, competition, meeting, travel, outreach, field activity, or other undertaking sponsored, authorized, organized, supervised, or officially recognized by a Covered Institution;
- (c) occurs through the use of information and communications technologies, social media platforms, electronic communications, or other digital means where such conduct arises out of or is reasonably connected with the activities, operations, functions, or relationships within a Covered Institution; or
- (d) otherwise arises from, is connected with, or substantially affects the operations, functions, members, employees, students, trainees, athletes, volunteers, participants, or other Covered Persons of a Covered Institution.

The applicability of this Act shall not be affected by the existence of concurrent criminal, civil, administrative, labor, educational, or disciplinary proceedings arising from the same act or omission. Compliance with the duties and obligations imposed under this Act shall be without prejudice to any liability or remedy available under existing laws.

Section 6. *Duty of Institutional Accountability* – Every Covered Institution shall exercise reasonable diligence in preventing, detecting, documenting, investigating, and responding to Reportable Institutional Misconduct occurring within or in connection with its operations, activities, programs, or functions. For this purpose, every Covered Institution shall:

- (a) adopt and implement written policies and procedures consistent with this Act;
- (b) establish accessible, confidential, and secure mechanisms for the receipt of reports and complaints;
- (c) receive and act upon all reports of Reportable Institutional Misconduct promptly, fairly, impartially, and in good faith;
- (d) undertake appropriate measures to preserve relevant evidence and records upon receipt of a report or complaint;
- (e) protect complainants, victims, witnesses, and other persons participating in an investigation from retaliation, intimidation, harassment, or undue interference;
- (f) conduct or cause the conduct of a timely, impartial, and appropriately documented investigation in accordance with this Act and other applicable laws;
- (g) implement such interim measures as may be reasonably necessary to protect persons, preserve evidence, prevent further harm, or maintain the integrity of the investigation;

(h) take appropriate administrative, disciplinary, corrective, or remedial action whenever warranted by the results of an investigation, without prejudice to any criminal, civil, or other liability arising under existing laws;

(i) cooperate in good faith with law enforcement agencies, regulatory authorities, or other government agencies having jurisdiction over the subject matter of the report or complaint; and

(j) maintain records of reports, investigations, actions taken, and resolutions in accordance with this Act, applicable laws, and data privacy regulations.

The duties imposed under this Act are mandatory and shall be exercised independently of, and without prejudice to, any criminal, civil, administrative, labor, educational, or disciplinary proceedings arising from the same act or omission.

Section 7. *Institutional Accountability Policy* - Every Covered Institution shall adopt, implement, disseminate, and periodically review a written Institutional Accountability Policy consistent with the provisions of this Act. At a minimum, the Institutional Accountability Policy shall provide for:

(a) the designation of the office or officer responsible for receiving reports of Reportable Institutional Misconduct;

(b) accessible, confidential, and secure procedures for reporting complaints;

(c) procedures governing the receipt, documentation, evaluation, investigation, and resolution of reports;

(d) measures for the immediate protection of complainants, victims, witnesses, and other persons who may be at risk of retaliation or further harm;

(e) procedures for the preservation, collection, custody, and documentation of evidence;

(f) standards ensuring that investigations are conducted promptly, fairly, impartially, and in accordance with due process;

(g) measures to protect the confidentiality of complainants, victims, witnesses, and records, subject to applicable laws and the requirements of due process;

(h) safeguards prohibiting retaliation against complainants, victims, witnesses, or any person who, in good faith, reports or participates in proceedings under this Act;

(i) procedures for referring matters to law enforcement agencies, regulatory bodies, or other competent authorities whenever required by law;

(j) administrative or disciplinary measures that may be imposed upon persons found responsible for violations of institutional rules or policies, without prejudice to any liability under existing laws;

(k) regular education, orientation, and training programs for officers, employees, students, members, trainees, athletes, volunteers, and other Covered Persons regarding the rights, duties, and responsibilities established under this Act; and

(l) such other measures as may be necessary to ensure effective compliance with this Act and its implementing rules and regulations.

Every Covered Institution shall make its Institutional Accountability Policy readily accessible to all Covered Persons through appropriate means, including publication in employee or student handbooks, institutional manuals, official websites, electronic communication platforms, or other effective modes of dissemination.

Section 8. Designation of Responsible Office or Officer - Every Covered Institution shall designate an existing office or appoint a Responsible Officer who shall be accountable for the implementation and oversight of the requirements of this Act. The Responsible Office or Responsible Officer shall:

(a) receive reports and complaints involving Reportable Institutional Misconduct;

(b) ensure the prompt documentation and appropriate referral of reports and complaints in accordance with this Act and the institution's Institutional Accountability Policy;

(c) monitor compliance with the procedures and safeguards prescribed under this Act;

(d) coordinate, where appropriate, with the persons or offices authorized to conduct investigations;

(e) oversee the implementation of interim protective measures authorized under this Act or under institutional policies;

(f) ensure the preservation of records and evidence relating to reported incidents;

(g) maintain records of reports received and actions taken, subject to applicable laws on confidentiality, records management, and data privacy;

(h) coordinate, whenever necessary, with law enforcement agencies, regulatory authorities, or other competent government agencies; and

(i) perform such other functions as may be necessary to ensure compliance with this Act and its implementing rules and regulations.

A Covered Institution may designate an existing office or officer to discharge the functions provided under this Section. Nothing in this Act shall be construed to require the creation of a new *plantilla* position, office, or organizational unit solely for purposes of compliance with this Act. The designation of a Responsible Office or Responsible Officer shall not relieve the head of the Covered Institution or any other person exercising institutional authority from any duty or liability imposed by this Act or by other applicable laws.

Section 9. *Reporting Mechanisms* - Every Covered Institution shall establish and maintain accessible, reliable, confidential, and secure mechanisms for the receipt of reports and complaints involving Reportable Institutional Misconduct. The reporting mechanisms shall, at a minimum:

(a) permit reports to be made in writing, electronically, verbally, or through any other reasonable means accessible to Covered Persons;

(b) allow reports to be made by the complainant, the victim, a witness, a parent or legal guardian, an authorized representative, or any person who has reasonable grounds to believe that Reportable Institutional Misconduct has occurred or is likely to occur;

(c) ensure that reports are received promptly and documented in a manner sufficient to preserve their substance and material details;

(d) protect, to the extent permitted by law, the identity and personal information of complainants, victims, witnesses, and other persons providing information;

(e) acknowledge receipt of reports within a reasonable period and inform the reporting party of the applicable procedures under the institution's Institutional Accountability Policy, whenever practicable;

(f) be readily accessible to all Covered Persons and made known through appropriate policies, manuals, electronic platforms, websites, bulletin boards, orientations, or other effective means of communication; and

(g) be administered in a manner that is fair, impartial, and consistent with the requirements of this Act and other applicable laws.

No Covered Institution shall refuse to receive or document a report solely because it is informal, anonymous, or is not made using a prescribed form or format. However, the anonymity or informality of a report may be considered in determining the appropriate course of action, the extent of investigation, and the weight to be accorded to the information received.

Nothing in this Section shall preclude a Covered Institution from requiring the execution of a sworn complaint or supporting documents where necessary for the institution of formal disciplinary proceedings, provided that the absence thereof shall not justify the outright refusal to receive, record, or make an appropriate preliminary assessment of the report.

Section 10. *Receipt of Reports* - Every Covered Institution shall promptly receive and appropriately document every report of Reportable Institutional Misconduct. Upon receipt of a report, the Responsible Office or Responsible Officer shall conduct a preliminary assessment for the sole purpose of determining the appropriate institutional response under this Act. Such preliminary assessment shall not constitute a determination of liability nor the commencement of formal disciplinary proceedings. No report shall be refused solely because it was submitted anonymously, electronically, informally, or without supporting evidence. The institution may require such additional information as may reasonably be necessary to facilitate further proceedings in accordance with its Institutional Accountability Policy.

Section 11. *Institutional Investigation* - Every Covered Institution shall, upon determining that a report involves Reportable Institutional Misconduct, conduct or cause the conduct of an impartial, objective, and good-faith investigation consistent with its Institutional Accountability Policy, the requirements of due process, and other applicable laws. The investigation shall be undertaken by the appropriate office, committee, disciplinary body, or other person authorized under the institution's rules. The Responsible Office or Responsible Officer designated under this Act may coordinate or oversee compliance with this Act but shall not be required to conduct the investigation where another office or body is vested with such authority under law or institutional policy. In conducting an investigation, the Covered Institution shall exercise reasonable diligence to ascertain the relevant facts, preserve the integrity of the proceedings, safeguard the rights of all persons concerned, and ensure that complainants, respondents, victims, and witnesses are treated fairly and with due regard for their dignity and legal rights.

Nothing in this Act shall be construed to supplant or interfere with investigative procedures prescribed by law, collective bargaining agreements, civil service rules, academic regulations, military regulations, professional disciplinary rules, or other special laws, provided that such procedures are not inconsistent with the minimum standards established under this Act.

Section 12. *Preservation of Evidence* - Upon receipt of a report involving Reportable Institutional Misconduct, every Covered Institution shall exercise reasonable diligence to preserve all evidence, records, documents, data, communications, recordings, and other materials that are relevant or reasonably likely to be relevant to the proper investigation or resolution of the matter. No officer, employee, member, or person exercising Institutional Authority shall knowingly destroy, alter, conceal, suppress, falsify, or otherwise interfere with the preservation or integrity of evidence relating to any Reportable Institutional Misconduct.

Nothing in this Act shall be construed to authorize the unlawful collection, disclosure, or processing of personal information or privileged communications, nor to diminish the rights of any person under existing laws relating to data privacy, confidentiality, privilege, or due process.

Section. 13. *Protection Against Retaliation* - No Covered Institution, nor any person exercising Institutional Authority, shall directly or indirectly retaliate against any complainant, victim, witness, reporting person, or any individual who, in good faith, reports, discloses, opposes, refuses to participate in, cooperates with, or provides information in relation to Reportable Institutional Misconduct.

Retaliation under this Act includes any adverse action, whether actual or threatened, that is intended to penalize or deter a person from exercising rights under this Act or from participating in any institutional or official proceeding relating to Reportable Institutional Misconduct.

A Covered Institution shall take reasonable measures to prevent retaliation and, where appropriate, adopt interim measures necessary to protect complainants, victims, witnesses, and other persons participating in an investigation, consistent with due process and the rights of all parties.

Any act of retaliation committed in violation of this Section shall constitute a separate violation of this Act, without prejudice to any criminal, civil, administrative, labor, educational, or disciplinary liability arising under existing laws.

Section. 14. *Corrective and Remedial Measures* - Upon completion of an institutional investigation, every Covered Institution shall take such lawful, appropriate, and proportionate corrective or remedial measures as may be warranted by the facts established and the applicable laws, rules, regulations, or institutional policies.

Corrective or remedial measures may include the imposition of disciplinary sanctions, the adoption of preventive measures, the modification of institutional policies or procedures, the provision of appropriate assistance to affected persons, the implementation of additional safeguards, or such other actions as may be reasonably necessary to prevent the recurrence of similar incidents.

Nothing in this Act shall be construed to require a Covered Institution to impose disciplinary sanctions where the evidence does not reasonably establish a violation of law or institutional policy. Likewise, nothing herein shall preclude the institution from referring the matter to the appropriate government agency, regulatory body, or law enforcement authority whenever required by law.

The corrective or remedial measures undertaken pursuant to this Section shall be without prejudice to any criminal, civil, administrative, labor, educational, or other proceedings arising from the same act or omission.

Section 15. *Institutional Obstruction* - No Covered Institution, nor any person exercising Institutional Authority, shall knowingly and willfully obstruct the implementation of this Act or materially interfere with the institutional response to Reportable Institutional Misconduct.

Institutional Obstruction exists when a Covered Institution or any person exercising Institutional Authority knowingly and willfully commits any act or omission that materially impairs the receipt, documentation, preservation of evidence, investigation, resolution, or reporting of Reportable Institutional Misconduct required under this Act.

Liability under this Section shall be independent of, and without prejudice to, any criminal, civil, administrative, labor, educational, or other liability arising under existing laws. The absence of a finding of liability against any respondent in the underlying complaint shall not, by itself, preclude liability under this Section where the elements of Institutional Obstruction are otherwise established.

Nothing in this Section shall be construed to prohibit the lawful exercise of constitutional rights, the observance of due process, the protection of privileged or confidential information as provided by law, or the good-faith performance of official duties.

Section 16. *Enforcement* - The provisions of this Act shall be enforced by the appropriate government agency or regulatory authority having jurisdiction over the Covered Institution. Such agency or authority shall exercise its existing powers under applicable laws to ensure compliance with this Act and may issue such orders, directives, or other lawful issuances as may be necessary for its effective implementation.

Nothing in this Act shall be construed to create a new regulatory agency or to diminish, enlarge, or otherwise affect the existing jurisdiction or regulatory authority of any government agency.

Section 17. *Administrative Liability* - A Covered Institution, or any person exercising Institutional Authority, who willfully or through gross neglect fails to comply with any material duty imposed under this Act shall be subject to the appropriate administrative sanctions authorized under the institution's charter, enabling law, applicable civil service, labor, educational, professional, or other special laws, without prejudice to any criminal liability arising under this Act or other applicable laws.

Where the Covered Institution is subject to the supervision of a government agency or regulatory authority, such authority may impose the administrative sanctions authorized under its enabling law, after due notice and opportunity to be heard.

Section 18. *Criminal Liability* - Any person exercising Institutional Authority who knowingly and willfully commits Institutional Obstruction, as defined under Section 15 of this Act, shall, upon conviction, suffer the penalty of imprisonment of prisión correccional in its medium period to prisión mayor in its minimum period, or a fine ranging from Five Hundred Thousand Pesos (₱500,000.00) to Two Million Pesos (₱2,000,000.00), or both, at the discretion of the court.

Where the offender is a public officer, the penalty shall be imposed in its maximum period, without prejudice to perpetual or temporary disqualification from holding public office where authorized under existing laws.

The prosecution of offenses under this Section shall be without prejudice to prosecution under the Revised Penal Code or any other special law.

Section. 19. *Relation to Existing Laws* - Nothing in this Act shall be construed to repeal, amend, diminish, or otherwise impair any right, remedy, duty, liability, or penalty arising under the Revised Penal Code, the Civil Code of the Philippines, the Labor Code of the Philippines, the Anti-Hazing Act of 2018, the Anti-Bullying Act of 2013, the Safe Spaces Act, the Occupational Safety and Health Law, or any other applicable law.

Compliance with the duties imposed under this Act shall be without prejudice to any criminal, civil, administrative, labor, educational, or disciplinary proceedings arising from the same act or omission.

Section. 20. *Implementing Rules and Regulations* - Within one hundred twenty (120) days from the effectivity of this Act, the appropriate government agencies, in consultation with stakeholders, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

Section. 21. *Appropriations* - The amount necessary for the initial implementation of this Act shall be charged against the current appropriations of the agencies concerned. Thereafter, such sums as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

Section. 22. *Separability Clause* - If any provision of this Act is declared unconstitutional or invalid, the remaining provisions not affected thereby shall continue to be in full force and effect.

Section 23. *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,