CONGRESS OF THE PHILIPPINES
TWENTIETH CONGRESS
Second Regular Session

HOUSE OF REPRESENTATIVES

H. No. 11264

BY REPRESENTATIVES BAG-AO, DIOKNO, CENDAÑA, ISMULA, ABALOS, BERNOS (C.), ELAGO, TINIO, CO, MATIBAG, AGARAO, REMULLA, DE LIMA, DY (F.), MARCOS, MONTES, LAGMAN, ERICE, OLIVAREZ, BERNOS (J.), VILLARICA, DIMAPORO (S.A.), ZAMORA (Y.M.), MACEDA, CRUZ (A.), CHUA-TAI, AGYAO, DEGAMO, VELOSO, YATCO, ANGELES, BULUT-BEGTANG, GONZALES (A.), GORRICETA, BAUTISTA-LIM, SALCEDA AND CAGAS

AN ACT
EXPANDING THE SCOPE OF REPUBLIC ACT NO. 11313, OTHERWISE KNOWN AS THE "SAFE SPACES ACT," INCREASING THE PENALTIES FOR GENDER-BASED SEXUAL HARASSMENT ACTS, AND DEFINING AND PENALIZING THE ACT OF GROOMING

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, otherwise known as the "Safe Spaces Act", is hereby amended to read as follows:

"SEC. 3. *Definition of Terms.* – As used in this Act:

x x x

(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) *Stalking* x x x; **AND**

(I) *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."

SEC. 2. Section 8 of Republic Act No. 11313 is hereby amended to read as follows:

"SEC. 8. *Duties of Local Government Units (LGUs).* – x x x

(e) Create an anti-sexual harassment hotline; [~~and~~]

(F) MAINTAIN A DIRECTORY OF ACCREDITED COUNSELLING, LEGAL AND SUPPORT-SERVICE PROVIDERS AND ENSURE THESE SERVICES ARE GENDER-SENSITIVE, TRAUMA-INFORMED AND INCLUSIVE OF PERSONS WITH DISABILITIES, LGBTQ+ (LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, OR QUESTIONING, AND OTHER SEXUAL ORIENTATIONS AND GENDER IDENTITIES) PERSONS, SENIORS, INDIGENOUS PERSONS AND OTHER VULNERABLE GROUPS;

(G) SUBMIT AN ANNUAL REPORT ON SERVICE UTILIZATION AND CLIENT OUTCOMES, WHILE MAINTAINING CONFIDENTIALITY, TO THE PHILIPPINE COMMISSION ON WOMEN (PCW) AND DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD); AND

[(f)](H) Coordinate with the Department of the Interior and Local Government (DILG) on the implementation of this Act."

SEC. 3. Section 12 of Republic Act No. 11313 is hereby 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 in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online, **REGARDLESS OF LANGUAGE OR DIALECT,** 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, **WHETHER SUCH ACTS ARE FACILITATED THROUGH ARTIFICIAL INTELLIGENCE (AI) OR OTHER EMERGING TECHNOLOGIES.**"

SEC. 4. Section 14 of Republic Act No. 11313 is hereby amended to read as follows:

"SEC.14. *Penalties for Gender-Based Online Sexual Harassment.* –

x x x

Any record, photo [~~or~~] video, or copy thereof of any person that is in violation of the preceding sections shall not be admissible in evidence in any judicial, quasi-judicial, legislative or administrative hearing or investigation.

INTERNET INTERMEDIARIES SHALL, WITHIN TWENTY-FOUR (24) HOURS FROM RECEIPT OF A NOTICE OR LAWFUL ORDER FROM A COMPETENT AUTHORITY, BLOCK ACCESS TO, REMOVE, DISABLE ACCESS TO, OR TAKE DOWN ANY WEBSITE, WEBPAGE, UNIFORM RESOURCE LOCATOR (URL), ONLINE ACCOUNT, DIGITAL CONTENT, OR OTHER ONLINE MATERIAL FOUND TO BE IN VIOLATION OF THIS ACT: *PROVIDED,* THAT THE INTERMEDIARIES SHALL PRESERVE ALL SUBSCRIBERS OR REGISTRATION INFORMATION AND TRAFFIC DATA IN ITS CONTROL AND POSSESSION FOR A PERIOD OF SIX (6) MONTHS FROM THE DATE OF THE TRANSACTION, EXTENDIBLE FOR ANOTHER SIX (6) MONTHS OR DURING THE PENDENCY OF THE CASE: *PROVIDED, FURTHER,* THAT CONTENT DATA SHALL BE PRESERVED FOR A PERIOD OF ONE (1) YEAR, EXTENDIBLE FOR ANOTHER SIX (6) MONTHS, UPON NOTICE BY COMPETENT AUTHORITY: *PROVIDED, FINALLY,* THAT THE COMPETENT AUTHORITY SHALL, AS FAR AS PRACTICABLE, EXPRESSLY IDENTIFY AND SPECIFY THE EVIDENCE THAT NEEDS PRESERVATION."

SEC. 5. Republic Act No. 11313 is hereby amended by inserting the following new sections after Section 19 thereof:

"SEC. 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."

"SEC. 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:

(A) 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.

(B) 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.

(C) 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 THE ENFORCEMENT OF, AND MONITORING OF COMPLIANCE WITH, THESE PENALTIES.

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. 6. Republic Act No. 11313 is hereby amended by inserting the following new sections after Section 23 thereof:

"SEC. 23-A. *PENALTIES FOR GENDER-BASED SEXUAL HARASSMENT IN EDUCATIONAL AND TRAINING INSTITUTIONS; PRE-HIRING SAFETY CLEARANCE.* – 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: *PROVIDED,* THAT IF THE PERPETRATOR IS AN ADULT AND THE VICTIM IS A CHILD, THE PENALTY OF IMPRISONMENT SHALL BE MANDATORY.

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.

THE INSTITUTION SHALL REQUIRE A PRE-HIRING SAFETY CLEARANCE FOR ALL PERSONNEL TO ENSURE THE PROTECTION OF THE LEARNING ENVIRONMENT."

"SEC. 23-B. *PENALTIES FOR GROOMING.* – THE PENALTY OF *PRISION MAYOR* IN ITS MINIMUM PERIOD, OR A FINE OF NOT LESS THAN THREE HUNDRED THOUSAND PESOS (P300,000.00) BUT NOT MORE THAN SIX HUNDRED THOUSAND PESOS (P600,000.00), OR BOTH, AT THE DISCRETION OF THE COURT SHALL BE IMPOSED UPON ANY PERSON FOUND GUILTY OF THE ACT OF GROOMING AS DEFINED IN SECTION 3(l) OF THIS ACT. THE ACCOMPLISHMENT OF GROOMING, REGARDLESS OF WHETHER IT LEADS TO ACTUAL SEXUAL ABUSE OR EXPLOITATION, SHALL BE PUNISHED AS A CONSUMMATED OFFENSE UNDER THIS ACT. IF THE PERPETRATOR HOLDS A POSITION OF AUTHORITY, INFLUENCE, TRUST, OR MORAL ASCENDANCY OVER THE VICTIM, THE MAXIMUM APPLICABLE PENALTY SHALL BE IMPOSED: *PROVIDED,* THAT IF THE PERPETRATOR IS AN ADULT AND THE VICTIM IS A CHILD, THE PENALTY OF IMPRISONMENT SHALL BE MANDATORY. AN ALIEN WHO COMMITS THE ACT OF GROOMING SHALL BE SUBJECT TO DEPORTATION PROCEEDINGS AFTER SERVING A SENTENCE AND/OR PAYMENT OF FINES."

SEC. 7. Section 36 of Republic Act No. 11313 is hereby 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:

x x x

(e) Offenses committed under Sections 16 [~~and~~], **19-A, 19-B,** 21, **AND 23-A** of this Act, **INCLUDING THE OFFENSE OF GROOMING AS DEFINED IN SECTION 3(l),** shall prescribe in [~~five (5)~~] **TEN (10)** years."

SEC. 8. 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. 9. 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. 10. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,