

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

13 JUL 23 10:02

SENATE

Senate Bill No. 1076

RECEIVED BY: *ja*

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

Republic Act No. 7877, or the Anti-Sexual Harassment law is considered as a milestone in the continuous struggle for the elimination of gender-based violence and crimes. Thirteen years after its enactment into law in March 5, 1995, however, women continue to be victims of sexual harassment with more cases left unreported. The law's very limited definition of what constitutes sexual harassment leaves most women no recourse than to keep their silence. Even the paltry penalty of imprisonment for 1 month to 6 months is enough to discourage a woman from filing a complaint.

There is clearly a need to revisit the law and make it more responsive to the realities that women face every day.

Recognizing that gender-based violence are rooted in unequal power relations, this bill proposes to expand the definition of sexual harassment to include unwanted sexual advances made by any person in the place of employment, training or education. Further, unsolicited advances of a sexual nature committed even outside the place of employment, training or education, when by any person having authority, influence or moral ascendancy over another is also a punishable offense of sexual harassment under this proposed measure. To address the concern that cases reported to some employers are left uninvestigated, employers shall be presumed to have knowledge of the act of sexual harassment – making them liable for damages - if the employer fails to create a committee on decorum or if the sexual harassment is openly practiced. As an added safeguard, the increased penalties are also proposed by this measure.

The passage of this bill is intended to curb, with the hope of eventually eliminating, the difficult plight of women, who everyday are exposed to abuses of unequal power relations.

In view of the foregoing, urgent approval of this bill is earnestly requested.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
FURTHER PROVIDING PROTECTION FOR WOMEN AGAINST ABUSES OF
UNEQUAL POWER RELATIONS, EXPANDING FOR THAT PURPOSE THE
DEFINITION OF SEXUAL HARASSMENT AND INCREASING THE
PENALTIES THEREFOR, THEREBY AMENDING REPUBLIC ACT 7877 AND
FOR OTHER PURPOSES

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

SECTION 1. Section 3 of R.A. 7877 is hereby amended to read as follows:

“Section 3. [Work, Education or Training-related] SEXUAL HARASSMENT DEFINED. - [Work, education or training-related sexual harassment is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said Act.

“(a) In a work-related or employment environment, sexual harassment is committed when:

“(1) The sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;

“(2) The above acts would impair the employee's rights or privileges under existing labor laws; or

“(3) The above acts would result in an intimidating, hostile, or offensive environment for the employee.

"(b) In an education or training environment, sexual harassment is committed:

"(1) Against one who is under the care, custody or supervision of the offender;

"(2) Against one whose education, training, apprenticeship or tutorship is entrusted to the offender;

"(3) When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships or the payment of a stipend, allowance or other benefits, privileges, or considerations; or

"(4) When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.]

"A. IN THE PLACE OF EMPLOYMENT, TRAINING OR EDUCATION, SEXUAL HARASSMENT IS COMMITTED BY ANY PERSON WHO ENGAGES IN ANY UNWANTED OR UNWELCOME SEXUAL ADVANCE, REQUEST OR DEMAND FOR SEXUAL FAVOR OR OTHER VERBAL OR PHYSICAL CONDUCT OF A SEXUAL NATURE AGAINST AN EMPLOYEE, EMPLOYER, TRAINEE, TRAINOR, STUDENT, INSTRUCTOR, TEACHER OR PROFESSOR REGARDLESS OF WHETHER THE DEMAND OR REQUEST FOR SUBMISSION IS ACCEPTED BY THE OBJECT OF SAID ACT;

"B. OUTSIDE THE PLACE OF EMPLOYMENT, TRAINING OR EDUCATION, SEXUAL HARASSMENT IS COMMITTED BY AN EMPLOYER, MANAGER, SUPERVISOR, AGENT OF EMPLOYER, TEACHER, INSTRUCTOR, PROFESSOR, COACH, TMINOR OR ANY OTHER PERSON, WHO HAVING AUTHORITY, INFLUENCE OR MORAL ASCENDANCY OVER ANOTHER, MAKES ANY UNWANTED OR UNWELCOME SEXUAL ADVANCE, REQUEST OR DEMAND FOR SEXUAL FAVOR OR OTHER VERBAL OR PHYSICAL CONDUCT OF A SEXUAL NATURE, REGARDLESS OF THE DEMAND OR REQUEST FOR SUBMISSION IS ACCEPTED BY THE OBJECT OF SAID ACT;

"Any person who directs or induces another to commit any act of sexual harassment as herein defined, or who cooperates in the commission thereof by another without which it would not have been committed, shall also be held liable under this Act."

SEC. 2. Section 5 of RA 7877 is hereby amended as follows:

"Section 5. Liability of the Employer, Head of Office, Educational or Training Institution. - The employer or head of office, educational or training institution shall be solidarily liable for damages arising from the acts of sexual harassment committed in the employment, education or training environment if the employer or head of office, educational or training institution is informed of such acts by the offended party and no immediate action is taken thereon. THE EMPLOYER IS PRIMA FACIE PRESUMED TO

HAVE KNOWLEDGE OF THE SEXUAL HARASSMENT ACT OR ACTS IF THE EMPLOYER FAILED TO CREATE A COMMITTEE ON DECORUM AS MANDATED BY THIS ACT; OR IF A COMPLAINT WAS MADE BEFORE THE COMMITTEE OR AUTHORITY DESIGNATED TO RECEIVE COMPLAINTS; OR WHEN THE SEXUAL HARASSMENT IS OPENLY PRACTICED OR WELL-KNOWN AMONG EMPLOYEES, STUDENTS OR TRAINEES.”

SEC. 3. Section 7 of RA 7877 is hereby amended as follows:

“Section 7. Penalties. - Any person who violates the provisions of this Act shall, upon conviction, be penalized by imprisonment of not less than [one (1) month] SIX (6) MONTHS nor more than six (6) [months] YEARS, or a fine of not less than [Ten thousand pesos (P10,000.00) FIFTY THOUSAND PESOS (P50,000.00) nor more than [Twenty thousand pesos (P20,000.00)] ONE HUNDRED THOUSAND PESOS (P100,000), or both such fine and imprisonment at the discretion of the court.

Any action arising from the violation of the provisions of this Act shall prescribe in three (3) years.”

SEC. 4. Separability Clause. -If, for any reason, any section or provision of this Act shall be held unconstitutional or invalid, the other section or provision not otherwise affected shall remain in full force and effect.

SEC. 5. Repealing Clause. - Any provision of law, decree, executive order or issuance inconsistent herewith is hereby repealed and/or modified accordingly.

SEC. 6. Effectivity Clause. - This Act shall take effect fifteen (15) days after the completion of its publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation.

Approved,