

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



Senate
Office of the Secretary

13 OCT -3 P5:22

SENATE
S. No. 1781

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Penal Code, Article 245, penalizes a public officer who solicits or makes immoral or indecent advances to any person under his custody or interested in matters pending before him. This provision has a very limited coverage as it excludes other public officers who use and abuse their public office in order to satisfy their lust or sexual perversion.

This bill seeks to expand the coverage of Article 245 by including acts constituting sexual harassment committed by public officials. This bill is a product of the public hearings conducted by the Committee on Constitutional Amendments, Revision of Codes and Laws during the Tenth Congress.*

ms.
Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

* This bill was re-filed during the Thirteenth Congress, First Regular Session.

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AN ACT

AMENDING ARTICLE 245 OF THE PENAL CODE, ENTITLED "ABUSE AGAINST CHASTITY," BY RENAMING THE FELONY TO "SEXUAL HARASSMENT BY PUBLIC OFFICERS" AND ADDING ANOTHER PARAGRAPH TO BE CITED AS PARAGRAPH THREE (3) DEALING WITH CASES NOT FALLING WITHIN THE COVERAGE OF PARAGRAPHS ONE (1) AND TWO (2) OF THE SAME ARTICLE

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

SECTION 1. Title Seven, Chapter Six, Section Four, Article 245 of the Penal Code is hereby amended to read as follows:

"Section 4. [Abuse Against Chastity] **SEXUAL HARASSMENT BY PUBLIC OFFICERS.**"

"Article 245. [Abuse Against Chastity] **SEXUAL HARASSMENT BY PUBLIC OFFICERS.** - PENALTIES. - The penalties of *prision correccional* in its medium and maximum periods and temporary special disqualification shall be imposed:

1. Upon any public officer who shall solicit or make *immoral* or *indecent* advances to any person interested in matters pending before such officer for decision, or with respect to which the public officer required to submit a report, or consult with, superior officer;

2. Any warden or other public officer directly charged with the care and custody of prisoners or persons under arrest who shall fail solicit or make *immoral* or *indecent* advances to any person under his custody.

If the person solicited be the spouse, child, sibling, parent, or relative within the same degree of affinity or any person in the custody of such warden or

1 officer, the penalties shall be *prision correccional* in its minimum and medium
2 periods and temporary special disqualification.

3 **3. ANY PUBLIC OFFICER WHO SHALL SOLICIT OR MAKE**
4 **IMMORAL, INDECENT, OR AMOROUS ADVANCES TO ANY PERSON**
5 **UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:**

6 **A. SUBMISSION TO SUCH ADVANCES IS MADE, EITHER**
7 **EXPRESSLY OR IMPLIEDLY, A TERM OR CONDITION FOR**
8 **EMPLOYMENT;**

9 **B. SUBMISSION TO SUCH ADVANCES IS MADE, EITHER**
10 **EXPRESSLY OR IMPLIEDLY, A TERM OR CONDITION FOR**
11 **PROMOTION OR OBTENTION OF OTHER BENEFITS AND**
12 **PRIVILEGES; OR**

13 **C. SUCH CONDUCT HAS THE PURPOSE OR EFFECT OF**
14 **INTERFERING WITH AN INDIVIDUAL'S WORK PERFORMANCE OR**
15 **CREATING AN INTIMIDATING, HOSTILE OR OFFENSIVE WORKING**
16 **ENVIRONMENT.**

17 **ANY OTHER ANNOYING, DISGUSTING OR OFFENSIVE**
18 **CONDUCT THE PURPOSE OF WHICH IS TO SATISFY THE PUBLIC**
19 **OFFICER'S LUST OR SEXUAL PERVERSION SHALL LIKEWISE BE**
20 **TREATED AS SEXUAL HARASSMENT UNDER PARAGRAPH THREE**
21 **(3) HEREOF."**

22 SECTION 2. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or
23 parts thereof inconsistent with the provisions of this Act are hereby repealed, amended, or
24 modified accordingly.

25 SECTION 3. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days
26 following its publication in at least two (2) newspapers of general circulation.

Approved,