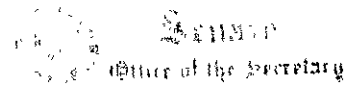


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



15 JAN -5 P3:55

SENATE
S. No. 2552

[Handwritten signature]

Introduced by Senator Miriam Defensor Santiago

AN ACT
DEFINING THE CRIME OF STALKING AND PROVIDING PENALTIES
THEREFOR

EXPLANATORY NOTE

The Constitution, Article 2 Section 5 provides:

Section 5. The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

Further, the Civil Code, Art. 26 provides:

“Art. 26. Every person shall respect the dignity, personality, privacy and peace of mind of his neighbors and other persons. The following and similar acts, though they may not constitute a criminal offense, shall produce a cause of action for damages, prevention and other relief:

1. Prying into the privacy of another’s residence;
2. Meddling with or disturbing the private life or family relations of another;
3. Intriguing to cause another to be alienated from his friends;
4. Vexing or humiliating another on account of his religious beliefs, lowly station in life, place of birth, physical defect, or other personal condition.”

With the coming of social networking sites, improved hacking capabilities, and new technology such as hidden cameras and microphones, remote phone tapping and the like, it has become quite easy to violate these rights through what is now known as

stalking. Stalking is defined as harassing, bothering, frightening, and otherwise interfering with the private lives of people.

Current laws do not define and punish this affront to life and liberty. This bill seeks to define and provide penalties for the same.¹


MIRIAM DEFENSOR SANTIAGO
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¹ Anti-Stalker Act, S.B. 1434, 13th Congress, Senate of the Philippines

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

SENATE
Office of the Secretary

15 JAN -5 P3:55

SENATE
S. No. 2552

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

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

1 AN ACT
2 DEFINING THE CRIME OF STALKING AND PROVIDING PENALTIES
3 THEREFOR

4 SECTION 1. *Short Title.* – This Act shall be known as the “Anti-Stalker Act”.

5 SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State
6 to penalize stalking acts, which violate the right of every person to privacy.

7 SECTION 3. *Definition of Terms* – For the purpose of this Act, the term:

8 (1) “Harasses” means to engage in a knowing and willful conduct that –

9 (A) Is directed at a particular person;

10 (B) Seriously alarms, disturbs or terrorizes the person;

11 (C) Serves no legitimate purpose;

12 (D) Would cause a reasonable person to suffer substantial emotional
13 distress; and

14 (E) In fact causes substantial emotional stress to the person.

15 (2) “Course of conduct” means a pattern of conduct composed of a series of
16 acts over a period of time, however short, evidencing a continuity of
17 purpose. Constitutionally protected activity is not included within the
18 meaning of “course of conduct.”

1 (3) "Credible threat" means a threat made with the intent to cause the
2 person who is the target to reasonably fear his or her safety. The threat
3 must be against the life of, or a threat to cause bodily injury to, a person.

4 (4) "Emotional distress" means temporary or permanent state of great
5 physical or mental strain.

6 (5) "Family or household member" means spouses, or persons who have
7 been spouses, persons living as spouses, parents and children, other
8 persons related by consanguinity or affinity within the fourth degree,
9 current or former live-in partners or persons who share biological
10 parenthood.

11 SECTION 4. *Punishable Acts.* – A person commits stalking when he or she
12 harasses another by:

13 (1) Making repeated unsolicited telephone calls without the purpose of
14 legitimate communication;

15 (2) Making repeated communications anonymously or at extremely
16 inconvenient hours, or in offensively course language;

17 (3) Making repeated visits to the victim's home or workplace;

18 (4) Following or repeatedly maintaining visual or physical proximity to the
19 victim in or about a public place or places; or

20 (5) Engaging in any other course of alarming conduct.

21 SECTION 5. *Penalty.* - Any person who commits any of the acts mentioned in
22 section 4 shall be punished by arresto mayor in its maximum period to prision
23 correccional in its minimum period or a fine ranging from One Thousand Pesos
24 (P1,000.00) to Five Thousand Pesos (P5,000.00).

25 If the offender subsequently commits the same crime or is a family or household
26 member of the victim, the next higher penalty shall be imposed.

1 SECTION 6. *Separability Clause.* – If any provision or part hereof, is held invalid
2 or unconstitutional, the remainder of the law or the provision not otherwise affected shall
3 remain valid and subsisting.

4 SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance,
5 executive order, letter of instruction, administrative order, rule or regulation contrary to
6 or is inconsistent with the provision of this Act is hereby repealed, modified, or amended
7 accordingly.

8 SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
9 its publication in at least two (2) newspapers of general circulation.

Approved,

/aml 19dec2014