

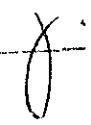
SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



Senate
Office of the Secretary

'15 SEP -7 P2:10

SENATE
S.B. No. 2932

RECEIVED BY: 

Introduced by Senator Ramon Bong Revilla, Jr.

AN ACT
EXPANDING THE DEFINITION OF SEXUAL HARASSMENT, STRENGTHENING
THE MECHANISMS TO MONITOR COMPLIANCE WITH POLICIES AGAINST
SEXUAL HARASSMENT IN THE WORKPLACE AND IN EDUCATIONAL AND
TRAINING INSTITUTIONS, AND PRESCRIBING PENALTIES FOR VIOLATIONS
THEREOF, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 7877, ALSO
REFERRED TO AS THE "SEXUAL HARASSMENT ACT OF 1995"

EXPLANATORY NOTE

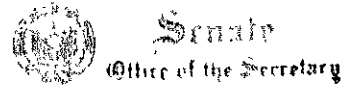
This proposed measure seeks to expand the existing law against sexual harassment. Among the proposed enhancement to the said law are the following:

1. Expanded the definition of sexual harassment to include the use of information and communications technology and it broadened the scope of coverage of acts to classify as harassment;
2. Provided for the creation of a Committee on Decorum and Investigation (CODI) which will handle cases of harassment;
3. Ensured the confidentiality of the case and assures the victim of his/her right to privacy at any stage of the investigation, prosecution, and trial of an offense;
4. Increased the penalties for violation of the provisions of the law;
5. Instituted a monitoring mechanism that will oversee the compliance of public and private offices and educational and training institutions; and
6. Promulgated a clear implementing rules and regulations for the effective implementation of the provisions of the law.

We are one in our fight against any act against one's dignity; thus, all forms of sexual harassment must be declared unlawful and must not be left unpunished. In this regard, passage of this bill is earnestly sought.


RAMON BONG REVILLA, JR.

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

1 **SECTION 1. Short Title.** This Act shall be known as the "The Expanded Anti-
2 Sexual Harassment Act".

3
4 **Section 2. Declaration of Policy.** – The State shall value the dignity of every
5 individual, enhance the development of its human resources, guarantee full respect for
6 human rights, and uphold the dignity of workers, employees, applicants for employment,
7 students or those undergoing training, instruction or education. Towards this end, all
8 forms of sexual harassment are hereby declared unlawful.

9
10 **Section 3. Sexual harassment defined.** – Sexual harassment is an act or a
11 series of acts which may be committed physically, verbally, or visually with the use of
12 information and communications technology or any other means of technology, within or
13 outside of the place of employment, training, or education by:

14 (a) An employer, manager, supervisor, agent of the employer, teacher, instructor,
15 professor, coach, trainer, or any other person, who having authority, influence or moral
16 ascendancy over another's work, training, education or apprenticeship, commits or
17 makes any unwanted, unwelcome or inappropriate sexual advance, request or demand
18 for sexual favour, or makes any offensive remark about the victim's sexual orientation.

19 This provision also covers those who have authority or influence with regard to:

1 (1) Hiring, approving or granting appointments, re-employment or
2 continued employment, granting favourable compensation, terms and conditions
3 of employment, promotions or privileges, with respect to committing said acts
4 against their employees and applicants for employment or promotion; or

5 (2) Admission to an educational or training institution, granting
6 scholarships, payment of stipends, allowances or other benefits, privileges or
7 considerations, with respect to committing said acts against their students and
8 applicants for admission or scholarship.

9 (b) Any person who commits or engages in any unwanted, unwelcome or
10 inappropriate sexual act, advance or sexually-based behaviour against another person,
11 or makes any offensive remark about a person's sexual orientation, where both victim
12 and perpetrator are connected to or belonging in the same place of employment,
13 training or education.

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

17
18 **Section 4. Duty of the Employer or Head of Office in a Work-Related, Education,
19 or Training Environment.** – The employer or head of office in a work-related, education,
20 or training environment or institution is hereby mandated to adopt a comprehensive,
21 detailed and written policy on sexual harassment, outlining the detailed procedure for
22 the investigation of sexual harassment cases and the administrative sanctions therefor.
23 It shall be the duty of the employer or head of office in a work-related, education, or
24 training environment or institution, to prevent or deter the commission of acts of sexual
25 harassment. Towards this end, the employer or head of office shall:

26 (a) Promulgate appropriate rules and regulations in consultation with and jointly
27 approved by the employees or students or trainees, through their duly designated
28 representatives, prescribing the guidelines or proper decorum within and outside the
29 workplace, educational, or training institutions, the procedure for the investigation of
30 sexual harassment cases, and the administrative sanctions therefor.

31 The said rules and regulations issued pursuant to this subsection (a) shall
32 include, among others, guidelines on proper decorum within and outside the workplace
33 and educational or training institutions;

34 (b) Create a Committee on Decorum and Investigation (CODI) for cases of
35 sexual harassment within one (1) year of the agency's existence/initial operations; and

36 (c) Resolve sexual harassment cases within a period of fifteen (15) days from the
37 submission by the CODI of its report to the disciplining authority.

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Section 5. Committee on Decorum and Investigation or CODI. – The CODI shall have the following functions:

- (a) Receive complaints of sexual harassment which must be treated with utmost confidentiality to protect all parties involved and maintain a harmonious relationship in the work area, and act on the same within a period of two (2) working days upon filing of the complaint;
- (b) Investigate sexual harassment complaints in accordance with the prescribed procedure;
- (c) Constitute a hearing committee for every sexual harassment case or in case of sexual harassment committed within the premises by a person not connected by reason of employment, training, or education; assist the victim in filing the appropriate charges with the end in view of keeping the environment sexual harassment-free;
- (d) Within a nonextendible period of thirty (30) days from the last hearing or filing of the last pleading or paper, submit a report of its findings with a corresponding recommendation to the disciplining authority for decision;
- (e) Lead in the conduct of discussions about sexual harassment within the agency or institution to increase understanding and prevention of incidents of sexual harassment;
- (f) Undertake information and educational activities in the education and training environment to the end that the school policy, rules, regulations, and procedures to address sexual harassment are disseminated to become part of the academic culture in all public and private educational institutions nationwide;
- (g) Adopt procedures of such nature as to develop trust and confidence on the part of interested parties in addressing problems arising from cases or incidents of sexual harassment, including counselling and grievances management;
- (h) Provide security and support measures to aggrieved parties and victims in sexual harassment cases, especially when there are threats of retaliation; and
- (i) Disseminate or post a copy of this Act and the rules and regulations mentioned in subsection (a) above for the information of all concerned.

Places of work, training, or education that employ less than (20) people are exempted from the creation of a CODI: *Provided*, That a particular employee is designated to perform the above functions of the CODI.

In the case of work-related environment, the CODI shall be composed of at least one (1) representative each from the management of the company or

1 organization, the employee's union, if any, the employees from the supervisory
2 rank, and from the rank and file employees.

3 In the case of the educational or training institution, the CODI shall be
4 composed of at least one (1) representative each from the administration, the
5 trainers, teachers, instructors, professors or coaches and students or trainees, as
6 the case may be.

7 When a member of the CODI is the complainant or the person complained of
8 in a sexual harassment case, the member shall be disqualified from participating
9 as a member of the CODI only with regard to the case the person is involved in.

10
11 **SEC. 6. Confidentiality.** – The right to privacy of the victim shall be ensured at
12 any stage of the investigation, prosecution, and trial of an offense under this Act, unless
13 disclosure is explicitly authorized by the victim. Violation of this provision shall be
14 penalized as provided for under Section 9 of this Act.

15
16 **SEC. 7. Liability of the Employer, Head of Office, Educational, or Training**
17 **Institution.** – The employer or head of office, educational, or training institution shall be
18 solidarily liable for damages arising from the acts of sexual harassment committed
19 within or outside the employment, education, or training environment if the employer or
20 head of office, educational, or training institution has knowledge of such act or acts
21 constituting sexual harassment and no immediate action is taken thereon.

22 The employer or head of office is presumed to have knowledge of such act or
23 acts constituting sexual harassment and no immediate action is taken thereon.

24 The employer or head of office is presumed to have knowledge of such act or
25 acts constituting sexual harassment under any of the following instances:

- 26 (a) If the management failed to comply with the provisions of Section 4 of this
27 Act;
- 28 (b) If a complaint was made before the CODI or authority designated to receive
29 complaints and investigate cases of sexual harassment as provided in the
30 rules and regulations it is mandated to prescribe; and
- 31 (c) If the harassment is openly practiced or well-known among employees,
32 students, or trainees.

33 In the case of employment-related sexual harassment that results to the
34 constructive dismissal of the employee, the employer who is found liable under
35 the provisions of this Act shall also be liable for damages.

36

1 **SEC. 8. *Independent Action for Damages.*** – Nothing in this Act shall preclude
2 the victim of work, education, or training-related sexual harassment from instituting a
3 separate and independent action for damages and other affirmative relief.

4 Administrative sanctions shall not be a bar to prosecution in the proper courts for
5 unlawful acts of sexual harassment.

6
7 **SEC. 9. *Penalties.*** – Any person who violates the provisions of this Act shall,
8 upon conviction, be penalized by imprisonment of not less than one (1) month nor more
9 than six (6) months, or a fine of not less than fifty thousand pesos (P50,000.00) but not
10 more than two hundred thousand pesos (P200,000.00), or both such fine and
11 imprisonment at the discretion of the court. If the perpetrator is the employer, manager,
12 supervisor, agent of the employer, teacher, instructor, professor, coach, trainer, or any
13 other person who has authority, influence, or moral ascendancy over another's work,
14 training, or education, the maximum penalties shall be imposed.

15 Any breach or confidentiality as prohibited under Section 6 of this Act shall be
16 punishable with a fine of not less than twenty thousand pesos (P20,000.00) but not
17 more than fifty thousand pesos (P50,000.00).

18 Any action arising from the violation of the provisions of this Act shall prescribe in
19 three (3) years except for administrative cases which shall be imprescriptible.

20
21 **SEC. 10. *Monitoring Mechanism.*** – The Civil Service Commission (CSC), the
22 Department of Labor and Employment (DOLE), the Department of Education (DepED),
23 the Commission on Higher Education (CHED) and the Technical Education and Skills
24 Development Authority (TESDA) are mandated to monitor public and private offices,
25 educational and training institutions, with regard to their compliance with the provisions
26 of this Act. In particular, said agencies shall:

27 (a) Mobilize their respective regional offices to regularly monitor the
28 implementation of this Act;

29 (b) Issue the appropriate memorandum or order to their regional offices, directing
30 them to monitor the compliance of employers, agencies, and educational and
31 training institutions to the provisions of this Act and where necessary,
32 immediately act on any and all requests for assistance or complaint of
33 nonaction of employers, agencies, educational and training institutions, on
34 harassment complaints; and

35 (c) Submit an annual report to the Philippine Commission on Women (PCW) on
36 the implementation of this Act.

37

1 **SEC. 11. *Implementing Rules and Regulations.*** – The CSC, in the case of the
2 public sector, and the DOLE, in the case of the private sector, shall formulate the
3 implementing rules and regulations (IRR) of this Act within one hundred eighty (180)
4 days after its effectivity together with the PCW, the DepED, the CHED, the TESDA and
5 all concerned government departments and agencies including, as observers, both
6 Houses of Congress through the Senate Committee on Women, Family Relations and
7 Gender Equality, and with the participation of representatives from nongovernment
8 organizations (NGOs) and civil society groups with proven track record in the promotion
9 of the rights and welfare of Filipino women.

10
11 **SEC. 12. *Separability Clause.*** – If any provision of this Act is declared
12 unconstitutional, the remainder of this Act or any provision not affected thereby shall
13 remain in full force and effect.

14
15 **SEC. 13. *Repealing Clause.*** – Republic Act No. 7877, also referred to as the
16 “Anti-Sexual Harassment Act of 1995”, is hereby repealed. All other laws, decrees,
17 executive orders, rules and regulations or parts thereof inconsistent with the provisions
18 of this Act are hereby repealed or modified accordingly.

19
20 **SEC. 14. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
21 publication in the *Official Gazette* or in a newspaper of general circulation.

22
23
24 ***Approved.***