

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



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SENATE  
S. B. No. 1251

Introduced by Senator **Ana Theresia “Risa” Hontiveros - Baraquel**

**AN ACT DEFINING GENDER-BASED ELECTRONIC VIOLENCE, PROVIDING  
PROTECTIVE MEASURES AND PRESCRIBING PENALTIES THEREFOR,  
AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

The Anti Violence Against Women Act (R.A. 9262) has provided additional legal options for women who are victims of violence in the context of domestic or sexual relationships. On the other hand, R.A. 9995, or the Anti Photo and Video Voyeurism Act, penalizes the unauthorized recording and sharing of photographs and videos. However, there is a vacuum of legal remedies available when the nature of the violence tends to disparage the personhood and identity of the victims on account of his or her gender, and such violence takes place outside the context of a domestic or sexual relationship. Likewise, there is a vacuum of legal remedies available when the victim of the violence is LGBTQ.

Misogynistic and homophobic attacks on social media are examples of gender-based electronic violence. Many of the victims are young people, who use social media as their primary outlet of expression. These attacks have the effect of silencing this expression, and contributing to a culture of misogyny and hate.

This bill proposes to prohibit “gender-based electronic violence”, institutes protective measures such as the issuance of a protective order, imposes penalties on perpetrators, and provides for educational tools against gender-based electronic violence.

The immediate passage of this bill is earnestly sought.

*[Signature]*  
**ANA THERESIA “RISA” HONTIVEROS -  
BARAQUEL**

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

**Section 1. Title.** – This Act shall be known as the “Gender-based Electronic Violence Act of 2016”.

**Section 2. Declaration of Principles.** – It is the policy of the State to value the dignity of every human person and guarantee full respect for human rights. It is likewise the policy of the state to recognize the role of women in nation-building and ensure the fundamental equality before the law of women and men.

**Section 3. Gender-based electronic violence.** – Gender-based electronic violence (GBEV) is an offense refers to any acts or omissions involving the use or exploitation of ephemeral data or any form of information and communications technology (ICT) which causes or is likely to cause mental, emotional, or psychological distress or suffering to the female victim or Lesbian Gay Bisexual Transgender Queer (LGBTQ) victim, and tending to disparage the dignity and personhood of the same on account of his or her gender, including but not limited to:

1. Unauthorized recording, reproduction or distribution of videos showing the victim’s naked or undergarment-clad genitals, public area, buttocks or breasts;
2. Uploading or sharing without the consent of the victim, any form of media that contain pictures, voice or video of the victim with lewd, indecent, obscene or sexual content;
3. Harassing or threatening the victim through text messaging, obscene, misogynistic, homophobic or indecent posts in social media sites, or other cyber, electronic or multimedia means;
4. Cyber-stalking which includes, but is not limited to the hacking of personal accounts on social networking sites, the use of location trackers on cellular devices; and
5. Unauthorized use of the victim’s picture, video, voice, name or any other aspect of the victim’s identity and distributing the same in any video game, phone application, program and the like, which deliberately exposes the victim to harassment and attack and puts or tends to put the victim in a bad light or injure the victim’s reputation.

**Section 4. GBEV protection order.** - A protection order is an order issued under this Act for the purpose of preventing further acts of gender-based electronic violence specified in Section 3 of this Act. The relief granted under a protection order serves the purpose



of safeguarding the victim from further harm and electronic violence, minimizing any disruption in the victim's daily life and activities, including social media activities. An application for a GBEV protection order must be in writing, signed and verified under oath by the applicant. It may be filed as an independent action or as an incidental relief in any civil or criminal case the subject matter or issues thereof partakes of a violence as described under this Act.

**Section 5. Penalties.** - The penalty of imprisonment of not less than five (5) years but not more than ten (10) years and a fine of not less than One hundred thousand pesos (P100,000.00) 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 violating Section 3 of this Act.

If the violator is a juridical person, its license or franchise shall be automatically be deemed revoked and the persons liable shall be the officers thereof including the editor and reporter in the case of print media, and the station manager, editor and broadcaster in the case of a broadcast media.

If the offender is a public officer or employee, or a professional, he/she shall be administratively liable.

If the offender is an alien, he/she shall be subject to deportation proceedings after serving his/her sentence and payment of fines.

Nothing in this Act shall be construed as reducing penalties or diminishing remedies available under other existing legislation.

**Section 6. Mandatory education against gender-based electronic violence.** Information and communication technology (ICT) courses in high school shall include age-appropriate educational modules against gender-based electronic violence, such modules to be developed by the Department of Education (DepEd).

**Section 7. Exemption.** - Nothing contained in this Act, however, shall render it unlawful or punishable for any peace officer, who is authorized by a written order of the court, to use the record or any copy thereof as evidence in any civil, criminal investigation or trial of the crime of gender based electronic violence: Provided, That such written order shall only be issued or granted upon written application and the examination under oath or affirmation of the applicant and the witnesses he/she may produce, and upon showing that there are reasonable grounds to believe that gender based electronic violence has been committed or is about to be committed, and that the evidence to be obtained is essential to the conviction of any person for, or to the solution or prevention of such, crime.

**Section 8. Inadmissibility of Evidence.** - Any record, photo or video, or copy thereof, obtained or secured by any person in violation of the preceding sections shall not be admissible in evidence in any judicial, quasi-judicial, legislative or administrative hearing or investigation.

**Section 9. Separability Clause.** - If any provision or part hereof is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain valid and subsisting.

**Section 10. Repealing Clause.** - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

1 **Section 11.** *Effectivity.* - This act shall take effect fifteen (15) days after its publication in  
2 the Official Gazette or in any two (2) newspapers of general circulation in the  
3 Philippines.  
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7 **Approved,**