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SENATE

Senate Bill No. 1558
(In substitution of Senate Bill Nos. 1250, 1254 and 1326) 

Prepared and submitted jointly by the Committees on Women, Children, Family Relations and Gender Equality; Labor, Employment and Human Resources Development; Civil Service, Government Reorganization and Professional Regulation; and Justice and Human Rights with Senators Hontiveros and Poe as authors thereof

AN ACT
DEFINING AND PENALIZING GENDER-BASED STREET AND PUBLIC SPACES HARASSMENT, EXPANDING THE DEFINITION OF SEXUAL HARASSMENT, AND AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 7877, AND FOR OTHER PURPOSES

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 “Safe Streets, Workplaces and Public Spaces Act of 2017”.

SEC. 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.

ARTICLE I
STREET AND PUBLIC SPACES HARASSMENT

SEC. 3. Gender-based Street and Public Spaces Harassment. – Gender-based street and public spaces harassment is constitutive of unwanted comments, gestures, and actions forced on a person in a public space without their consent and is directed at them because of their actual or perceived sex, gender, gender expression, or sexual orientation and identity, including but not limited to unwanted cursing, wolf-whistling, cat-calling, leering, sexist, homophobic or transphobic slurs, persistent requests for someone’s name, number and destination after clear refusal, persistent telling of sexual jokes, use of sexual names, comments and demands, following, flashing, public masturbation, groping,

1 stalking, and all analogous cases of sexual harassment and/or assault: *Provided*, That
2 legitimate expressions of indigenous culture and tradition with no intent to harass shall not
3 be penalized. Public spaces shall include but are not limited to, streets and alleys, public
4 parks, schools, government buildings, malls, bars, restaurants, transportation terminals,
5 public markets, and public utility vehicles.

6 **SEC. 4. *Specific Acts and Penalties.*** – The following acts constitutive of gender-
7 based street and public spaces harassment will be penalized under the corresponding
8 schedule:

9 a) Light violations. – Cursing, wolf-whistling, cat-calling, leering; persistent requests
10 for name and contact details; the use of words tending to ridicule on the basis of
11 actual or perceived sex, gender expression, or sexual orientation and identity
12 including sexist, homophobic and transphobic slurs; or the persistent telling of
13 sexual jokes:

14 1) First offense shall be punished by a fine of PhP1,000.00 and/or
15 community service of eight (8) hours inclusive of a Gender Sensitivity
16 Seminar to be conducted by the Philippine National Police (PNP) in
17 coordination with the local government unit (LGU) and the Philippine
18 Commission on Women (PCW);

19 2) Second offense shall be shall be punished by *aresto menor* (six to ten
20 days) or a fine of PhP2,000.00;

21 3) Third offense shall be punished by *aresto menor* (eleven to thirty days) or
22 a fine of PhP3,000.00.

23 b) Medium violations. – Making offensive body gestures at someone, exposing
24 private parts for the sexual gratification of the perpetrator with the effect of
25 demeaning, harassing, threatening or intimidating the offended party:

26 1) First offense shall be punished by a fine of PhP3,000.00 and/or
27 community service of eight (8) hours inclusive of a Gender Sensitivity
28 Seminar, to be conducted by the PNP in coordination with the local
29 government unit and the PCW;

2) Second offense shall be punished by *aresto menor* (eleven to thirty days) or a fine of PhP4,000.00;

3) Third offense shall be punished by *aresto mayor* (one to six months) or a fine of PhP5,000.00.

c) Severe violations – Stalking; all the acts mentioned in paragraphs a and b, when accompanied by touching, pinching or brushing against the body of a person; or any touching, pinching, or brushing against the genitalia, anus, groin, breasts, inner thighs, face, or buttocks even when not accompanied by acts mentioned in paragraphs a and b:

1) First offense shall be punished by *aresto menor* (eleven to thirty days) or a fine of PhP4,000.00: *Provided*, That it includes attendance in a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the local government unit and the PCW;

2) Second offense shall be punished by *aresto mayor* (one to six months) or a fine of PhP5,000.00;

3) Third offense shall be punished by *aresto mayor* (one to six months) or a fine of PhP10,000.00.

Above penalties are without prejudice to administrative sanctions that may be imposed if the perpetrator is a government employee. Nothing in this law shall prevent LGUs from coming up with ordinances that impose heavier penalties under the acts specified herein. When the perpetrator is a stranger to the victim, absence of consent is presumed.

SEC. 5. Authority to Apprehend Gender-based Street Harassment Perpetrators for Light and Medium Offenses. The Metro Manila Development Authority (MMDA) for Metro Manila, and the local units of the PNP for other provinces, will deputize its enforcers to be Anti Sexual Harassment Enforcers (A-SHE). They will be deputized to receive complaints on the street and immediately apprehend the offender if the same was caught in *flagrante delicto*. For light and medium offenses, A-SHEs may immediately impose the fine for, or issue orders for community service. The A-SHE unit, together with

1 the Women and Children's Desk of PNP stations, will keep a ledger of offenders of this Act
2 for purposes of determining if the offender is a first, second, or third offender.

3 **SEC 6. *Qualified Gender-based Street and Public Spaces Harassment.*** - The
4 penalty next higher in degree will be applied in the following cases:

5 a) if the act takes place in a common carrier or public utility vehicle (PUV),
6 including but not limited to jeepneys, taxis, tricycles, or app-based transport network
7 vehicle services, where the perpetrator is the driver of the vehicle and the offended
8 party is a passenger;

9 b) if the offended party is a minor;

10 c) if the perpetrator is a member of the uniformed services, such as the PNP and
11 the Armed Forces of the Philippines (AFP), and the act was perpetrated while the
12 perpetrator was in uniform; and

13 d) If the act takes place in the premises of a government agency offering front-line
14 services to the public and the perpetrator is a government employee.

15 **SEC. 7. *Gender-based Harassment in Restaurants, Bars, Cinemas, Malls,***
16 ***Buildings and Other Privately-owned Places Open to the Public.*** - Restaurants, bars,
17 cinemas, malls, buildings and other privately-owned places open to the public shall adopt
18 a zero-tolerance policy against harassment. These establishments should provide
19 assistance to victims of harassment by helping coordinate with local police authorities in
20 the immediate aftermath of the reported harassment, making CCTV footage available, and
21 providing a safe gender-sensitive environment to encourage victims to report harassment
22 at the first instance. All restaurants, bars, cinemas and other places of recreation shall
23 install in their business establishments clearly-visible warning signs against public spaces
24 harassment, including the anti-harassment hotline number in bold letters, and shall
25 designate at least one anti-sexual harassment officer to receive gender-based harassment
26 complaints. Security guards in these places may be deputized to apprehend perpetrators
27 caught in *flagrante delicto* and are required to immediately coordinate with local
28 authorities. Failure to comply with this provision shall result in the non-renewal of business
29 permit.

1 **SEC. 8. Gender-based Harassment in Public Utility Vehicles (PUVs).** - In
2 addition to the penalties in Section 4 and Section 6 (a) of this Act, the Land Transportation
3 Office (LTO) may also cancel the license of perpetrators, and the Land Transportation
4 Franchising and Regulatory Board (LTFRB) may suspend or revoke the franchise of
5 transportation operators. Gender-based harassment in PUVs where the perpetrator is the
6 driver of the vehicle, but not its owner/operator shall also create a presumption of
7 negligence on the part of the owner/operator of the vehicle in the selection and supervision
8 of employees and shall render the former solidarily liable for the offenses of the latter.

9 **SEC. 9. Duties of Local Government Units (LGUs).** - LGUs shall bear primary
10 responsibility in enforcing the provisions under Article I of this Act. LGUs shall:

11 a) Pass an ordinance which shall localize the applicability of this Act within sixty
12 (60) days of its effectivity;

13 b) Disseminate or post in conspicuous places a copy of this Act and the
14 corresponding ordinance;

15 c) Provide measures to prevent sexual harassment in educational institutions, such
16 as information campaigns and anti-sexual harassment seminars;

17 d) Discourage and impose fines on acts of sexual harassment as defined in this
18 Act;

19 e) Coordinate with the Department of Interior and Local Government (DILG) on the
20 implementation of this Act;

21 **SEC. 10. Role of the DILG.** - The DILG shall ensure the full implementation of this
22 Act by:

23 a) Inspecting LGUs if they have disseminated or posted in conspicuous places a
24 copy of this Act and the corresponding ordinance;

25 b) Conducting and disseminating surveys and studies on best practices of LGUs in
26 implementing this Act; and

27 c) Providing capacity-building and training activities to build the capability of local
28 government officials to implement this Act in coordination with the PCW, the Local
29 Government Academy (LGA) and the Development Academy of the Philippines (DAP).

1 ARTICLE II

2 WORKPLACE HARASSMENT

3 SEC. 11. *Sexual Harassment in the Workplace.* - Section 3 of Republic Act No.
4 7877, is hereby deleted and replaced with the following provision:

5 THE CRIME OF SEXUAL HARASSMENT SHALL BE DEFINED AS:

6 1. AN ACT OR SERIES OF ACTS INVOLVING ANY UNWELCOME SEXUAL
7 ADVANCES, REQUESTS OR DEMAND FOR SEXUAL FAVORS OR ANY ACT OF A
8 SEXUAL NATURE, WHETHER DONE VERBALLY, PHYSICALLY OR THROUGH THE
9 USE OF TECHNOLOGY SUCH AS TEXT MESSAGING OR ELECTRONIC MAIL OR
10 COMMUNICATION, THAT HAS OR COULD HAVE A DETRIMENTAL EFFECT ON THE
11 CONDITIONS OF AN INDIVIDUAL'S EMPLOYMENT OR EDUCATION, JOB
12 PERFORMANCE OR OPPORTUNITIES;

13 2. A CONDUCT OF A SEXUAL NATURE AND OTHER CONDUCT BASED ON
14 SEX AFFECTING THE DIGNITY OF A PERSON, WHICH IS UNWELCOME,
15 UNREASONABLE, AND OFFENSIVE TO THE RECIPIENT, WHETHER DONE
16 VERBALLY, PHYSICALLY OR THROUGH THE USE OF TECHNOLOGY SUCH AS
17 TEXT MESSAGING OR ELECTRONIC MAIL OR COMMUNICATION; AND

18 3. A CONDUCT THAT IS UNWELCOME AND PERVASIVE AND CREATES AN
19 INTIMIDATING, HOSTILE OR HUMILIATING ENVIRONMENT FOR THE RECIPIENT;

20 PROVIDED, THAT THE CRIME OF SEXUAL HARASSMENT MAY ALSO BE
21 COMMITTED BETWEEN PEERS AND THOSE COMMITTED TO A SUPERIOR
22 OFFICER BY A SUBORDINATE, OR TO A TEACHER BY A STUDENT, OR TO A
23 TRAINER BY A TRAINEE.

24 SEC. 12. *Duties of Employers.* - Employers or other persons of authority,
25 influence or moral ascendancy in a work place shall have the duty to prevent, deter, or
26 punish the performance of acts of sexual harassment in the work place. Towards this end,
27 the employer or person of authority, influence or moral ascendancy shall:

28 a) Disseminate or post in a conspicuous place a copy of this Act to all persons in
29 the work place;

b) Provide measures to prevent sexual harassment in the work place, such as the conduct of anti-sexual harassment seminars;

c) Create an independent internal mechanism to investigate and address complaints of sexual harassment which shall:

1) Adequately represent the management, the employees from the supervisory rank, the rank and file employees, and the union, if any;

2) Be headed by a woman and not less than half of its members should be women;

3) Members should be impartial and not connected or related to the alleged perpetrator;

4) Investigate and decide on complaints within ten (10) days or less;

5) Observe due process;

6) Protect the complainant from retaliation; *and*

7) Guarantee confidentiality to the greatest extent possible;

d) Provide and disseminate, in consultation with all persons in the work place, a code of conduct or work place policy which shall:

1) Expressly reiterate the prohibition on sexual harassment;

2) Describe the procedures of the internal mechanism created under Section 12 (c) of this Act; *and*

3) Set administrative penalties.

SEC. 13. *Duties of Employees and Co-Workers.* - Employees and co-workers shall have the duty to:

a) Refrain from committing acts of sexual harassment;

b) Discourage the conduct of sexual harassment in the work place; *and*

c) Provide emotional or social support to fellow employees, co-workers, colleagues or peers who are victims of sexual harassment.

SEC. 14. *Liability of Employers.* - In addition to liabilities for committing acts of sexual harassment, employers may also be held responsible for:

1 a) Non-implementation of their duties under Section 12 of this Act, as provided in
2 the penal provisions; or

3 b) Not taking action on reported acts of sexual harassment committed in the work
4 place;

5 **SEC. 15. Routine Inspection.** - The Department of Labor and Employment (DOLE)
6 for the private sector and the Civil Service Commission (CSC) for the public sector shall
7 conduct yearly spontaneous inspections to ensure compliance of employers and
8 employees with their obligations under this Act.

9 **ARTICLE III**

10 **SEXUAL HARASSMENT IN EDUCATIONAL OR TRAINING INSTITUTIONS**

11 **SEC. 16. Scope and Coverage.** - This Article shall encompass all acts of gender-
12 based harassment as defined under this Act when committed in public and private
13 educational facilities, including schools, universities and technical-vocational institutions. It
14 shall cover principals, school heads, teachers, instructors, professors, coaches, trainers, or
15 any other person who has authority, influence or moral ascendancy over another in an
16 educational or training institution, as well as students. Each school, whether grade school,
17 high school, tertiary, or vocational institutions, shall designate an officer-in-charge of
18 receiving complaints regarding violations of this Act, and shall ensure that complainants
19 are provided with a gender-sensitive environment that is both respectful of complainants'
20 needs and conducive to truth-telling. Even if an individual does not want to file a complaint
21 or does not request that the school take any action on the student's behalf, if a school
22 knows or reasonably should know about possible sexual harassment or sexual violence, it
23 must promptly investigate to determine what occurred and then take appropriate steps to
24 resolve the situation. If a school knows or reasonably should know about sexual
25 harassment or sexual violence that creates a hostile environment, the school must take
26 immediate action to eliminate the sexual harassment or sexual violence, prevent its
27 recurrence, and address its effects.

28 **SEC. 17. Duties of School Heads.** - School heads shall have the following duties:

1 a) Disseminate or post in a conspicuous place a copy of this Act to all persons in
2 the educational institution;

3 b) Provide measures to prevent sexual harassment in educational institutions, such
4 as information campaigns;

5 c) Create an independent internal mechanism to investigate and address
6 complaints of sexual harassment which shall:

7 1) Adequately represent the school administration, the trainers, instructors,
8 professors or coaches and students or trainees, students and parents, as the
9 case may be;

10 2) Be headed by a woman and not less than half of its members should be
11 women;

12 3) Members should be impartial and not connected or related to the alleged
13 perpetrator;

14 4) Investigate and decide on complaints within ten (10) days or less;

15 5) Observe due process;

16 6) Protect the complainant from retaliation; and

17 7) Guarantee confidentiality to the greatest extent possible.

18 d) Provide and disseminate, in consultation with all persons in the educational
19 institution, a code of conduct or school policy which shall:

20 1) Expressly reiterate the prohibition on sexual harassment;

21 2) Describe the procedures of the internal mechanism created under this
22 Act; and

23 3) Set administrative penalties.

24 **SEC. 18. Liability of School Heads.** - In addition to liability for committing acts of
25 sexual harassment, principals, school heads, teachers, instructors, professors, coaches,
26 trainers, or any other person who has authority, influence or moral ascendancy over
27 another in an educational or training institution may also be held responsible for:

28 a) Non-implementation of their duties under Section 17 of this Act, as provided in
29 the penal provisions; or

1 b) Failure to act on reported acts of sexual harassment committed in the
2 educational institution.

3 **SEC. 19. *Liability of Students.*** – Minor students who are found to have committed
4 acts of sexual harassment shall only be held liable for administrative sanctions by the
5 school as stated in their school handbook.

6 **SEC. 20. *Routine Inspection.*** - The Department of Education (DepEd), the
7 Commission on Higher Education (CHED), and the Technical Education and Skills
8 Development Authority (TESDA) shall conduct regular spontaneous inspections to ensure
9 compliance of school heads with their obligations under this Act.

10 **ARTICLE IV**

11 **FINAL PROVISIONS**

12 **SEC. 21. *PNP Women and Children's Desks.*** - The Women and Children's desks
13 now existing in all police stations shall act on and attend to all complaints covered under
14 this Act. They shall coordinate with A-SHE officers on the street, security guards in
15 privately-owned spaces open to the public, and anti-sexual harassment officers in
16 government and private offices or schools in the enforcement of the provisions of this Act.

17 **SEC. 22. *Educational Modules.*** - Courses in high school and college shall include
18 age-appropriate educational modules against street and public spaces harassment, such
19 modules to be developed by the DepEd, CHED, TESDA and PCW.

20 **SEC. 23. *Safety Audits.*** - LGUs are required to conduct safety audits every three
21 years to determine effective implementation of the Act within their jurisdictions. Such
22 audits shall be multi-sectoral and participatory, with consultations undertaken with schools,
23 police officers, and civil society organizations.

24 **SEC. 24. *Appropriations.*** - Such amounts as may be necessary for the
25 implementation of this Act shall be indicated under the annual General Appropriations Act
26 (GAA). National and local government agencies shall be authorized to utilize their
27 mandatory Gender and Development (GAD) budget, as provided under Republic Act No.
28 9710, otherwise known as the "*Magna Carta of Women*" for this purpose. In addition,
29 LGUs may also use their mandatory twenty (20%) allocation of their annual internal

1 revenue allotments for Local Development Projects as provided under Section 287 of the
2 Republic Act 7610, otherwise known as the "*Local Government Code of 1991*".

3 **SEC. 25. Separability Clause.** - If any provision or part hereof is held invalid or
4 unconstitutional, the remaining provisions not affected thereby shall remain valid and
5 subsisting.

6 **SEC. 26. Repealing Clause.** - Any law, presidential decree or issuance, executive
7 order, letter of instruction, administrative order, rule or regulation contrary to or
8 inconsistent with the provisions of this Act is hereby repealed, modified or amended
9 accordingly.

10 **SEC. 27. Effectivity.** - This Act shall take effect fifteen (15) days after its
11 publication in the Official Gazette or in any two (2) newspapers of general circulation in the
12 Philippines.

13 *Approved,*