



SENATE

S. No. 1558

(In substitution of S. Nos. 1250, 1254 and 1326)

PREPARED AND SUBMITTED JOINTLY BY THE COMMITTEES
ON WOMEN, CHILDREN, FAMILY RELATIONS AND
GENDER EQUALITY; CIVIL SERVICE, GOVERNMENT
REORGANIZATION AND PROFESSIONAL REGULATION;
LABOR, EMPLOYMENT AND HUMAN RESOURCES
DEVELOPMENT; AND JUSTICE AND HUMAN RIGHTS WITH
SENATORS HONTIVEROS, POE, VILLANUEVA AND DE
LIMA AS AUTHORS THEREOF

AN ACT DEFINING AND PENALIZING STREET
SEXUAL HARASSMENT 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 House of Representatives of
the Philippines in Congress assembled:*

- 1 SECTION 1. *Title.* – This Act shall be known as the
2 “Safe Streets, Workplaces and Public Spaces Act of 2017”.
3 SEC. 2. *Declaration of Principles.* – It is the policy of
4 the State to value the dignity of every human person and

1 guarantee full respect for human rights. It is likewise the
2 policy of the state to recognize the role of women in nation-
3 building and ensure the fundamental equality before the
4 law of women and men.

5 ARTICLE I

6 STREET AND PUBLIC SPACES HARASSMENT

7 SEC. 3. *Street Sexual Harassment and Public Spaces*

8 *Harassment.* – Street sexual harassment and public spaces
9 harassment is constitutive of unwanted comments,
10 gestures, and actions forced on a person in a public space
11 without their consent, including but not limited to
12 unwanted cursing, wolf-whistling, cat-calling, leering,
13 persistent requests for someone's name, number and
14 destination after clear refusal, persistent telling of sexual
15 jokes, use of sexual names, comments and demands,
16 following, flashing, public masturbation, groping, stalking,
17 and all analogous cases of sexual harassment and/or
18 assault: *Provided*, That legitimate expressions of
19 indigenous culture and tradition with no intent to harass
20 shall not be penalized. Public spaces shall include but are

1 not limited to, streets and alleys, public parks, schools,
2 government buildings, malls, bars, restaurants,
3 transportation terminals, public markets, and public
4 utility vehicles.

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

9 (a) Light violations. – Cursing, wolf-whistling, cat-
10 calling, leering; persistent requests for name and contact
11 details; or the persistent telling of sexual jokes:

12 (1) First offense shall be punished by a fine of One
13 thousand pesos (P1,000.00) and/or community service of
14 eight (8) hours inclusive of a Gender Sensitivity Seminar to
15 be conducted by the Philippine National Police (PNP) in
16 coordination with the local government unit (LGU) and the
17 Philippine Commission on Women (PCW);

18 (2) Second offense shall be shall be punished by
19 *arresto menor* (six to ten days) or a fine of Two thousand
20 pesos (P2,000.00);

1 (3) Third offense shall be punished by *arresto menor*
2 (eleven to thirty days) or a fine of Three thousand pesos
3 (P3,000.00).

4 (b) Medium violations. – Making offensive body
5 gestures at someone, exposing private parts for the sexual
6 gratification of the perpetrator with the effect of
7 demeaning, harassing, threatening or intimidating the
8 offended party:

9 (1) First offense shall be punished by a fine of
10 Three thousand pesos (P3,000.00) and/or community
11 service of eight (8) hours inclusive of a Gender Sensitivity
12 Seminar, to be conducted by the PNP in coordination with
13 the local government unit and the PCW;

14 (2) Second offense shall be punished by *arresto*
15 *menor* (eleven to thirty days) or a fine of Four thousand
16 pesos (P4,000.00);

17 (3) Third offense shall be punished by *arresto mayor*
18 (one to six months) or a fine of Five thousand pesos
19 (P5,000.00).

20 (c) Severe violations – Stalking; all the acts

1 mentioned in paragraphs (a) and (b), when accompanied by
2 touching, pinching or brushing against the body of a
3 person; or any touching, pinching, or brushing against the
4 genitalia, anus, groin, breasts, inner thighs, face, or
5 buttocks even when not accompanied by acts mentioned in
6 paragraphs (a) and (b):

7 (1) First offense shall be punished by *arresto menor*
8 (eleven to thirty days) or a fine of Four thousand pesos
9 (P4,000.00): *Provided*, That it includes attendance in a
10 Gender Sensitivity Seminar, to be conducted by the PNP in
11 coordination with the local government unit and the PCW;

12 (2) Second offense shall be punished by *arresto*
13 *mayor* (one to six months) or a fine of Five thousand pesos
14 (P5,000.00);

15 (3) Third offense shall be punished by *arresto mayor*
16 (one to six months) or a fine of Ten thousand pesos
17 (P10,000.00).

18 Above penalties are without prejudice to
19 administrative sanctions that may be imposed if the
20 perpetrator is a government employee. When the

1 perpetrator is a stranger to the victim, absence of consent
2 is presumed.

3 SEC. 5. *Authority to Apprehend Street Sexual*
4 *Harassment Perpetrators for Light and Medium Offenses.* –
5 There shall be anti-sexual harassment enforcers (A-SHE)
6 who will be deputized to receive complaints on the street
7 and immediately apprehend the offender if the same was
8 caught in *flagrante delicto*. As such, the Philippine
9 National Police (PNP) will deputize the MMDA enforcers
10 for Metro Manila, and the local units of the PNP for other
11 provinces, to act as A-SHEs. For light and medium
12 offenses, A-SHEs may immediately impose the fine for, or
13 issue orders for community service. The A-SHE unit,
14 together with the Women and Children's Desk of PNP
15 stations, will keep a ledger of offenders of this Act for
16 purposes of determining if the offender is a first, second, or
17 third offender.

18 SEC. 6. *Qualified Street Sexual Harassment and*
19 *Public Spaces Harassment.* – The penalty next higher in
20 degree will be applied in the following cases:

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

6 (b) If the offended party is a minor;

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

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

14 SEC. 7. *Sexual Harassment in Restaurants, Bars,*
15 *Cinemas, Malls, Buildings and Other Privately-owned*
16 *Places Open to the Public.* – Restaurants, bars, cinemas,
17 malls, buildings and other privately-owned places open to
18 the public shall adopt a zero-tolerance policy against
19 harassment. These establishments should provide
20 assistance to victims of harassment by helping coordinate

1 with local police authorities in the immediate aftermath of
2 the reported harassment, making CCTV footage available,
3 and providing a safe gender-sensitive environment to
4 encourage victims to report harassment at the first
5 instance. All restaurants, bars, cinemas and other places of
6 recreation shall install in their business establishments
7 clearly-visible warning signs against public spaces
8 harassment, including the anti-harassment hotline
9 number in bold letters, and shall designate at least one
10 anti-sexual harassment officer to receive sexual
11 harassment complaints. Security guards in these places
12 may be deputized to apprehend perpetrators caught in
13 *flagrante delicto* and are required to immediately
14 coordinate with local authorities. Failure to comply with
15 this provision shall result in the non-renewal of business
16 permit.

17 SEC. 8. *Sexual Harassment in Public Utility Vehicles*
18 (*PUVs*). – In addition to the penalties in Section 4 and
19 Section 6 (a) of this Act, the Land Transportation Office
20 (LTO) may also cancel the license of perpetrators, and the

1 Land Transportation Franchising and Regulatory Board
2 (LTFRB) may suspend or revoke the franchise of
3 transportation operators. sexual harassment in PUVs
4 where the perpetrator is the driver of the vehicle, but not
5 its owner/operator shall also create a presumption of
6 negligence on the part of the owner/operator of the vehicle
7 in the selection and supervision of employees and shall
8 render the former solidarily liable for the offenses of the
9 latter.

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

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

16 (b) Disseminate or post in conspicuous places a copy
17 of this Act and the corresponding ordinance;

18 (c) Provide measures to prevent sexual harassment
19 in educational institutions, such as information
20 campaigns and anti-sexual harassment seminars;

1 (d) Discourage and impose fines on acts of sexual
2 harassment as defined in this Act;

3 (e) Coordinate with the Department of the Interior
4 and Local Government (DILG) on the implementation of
5 this Act;

6 SEC. 10. *Role of the DILG.* – The DILG shall ensure
7 the full implementation of this Act by:

8 (a) Inspecting LGUs if they have disseminated or
9 posted in conspicuous places a copy of this Act and the
10 corresponding ordinance;

11 (b) Conducting and disseminating surveys and
12 studies on best practices of LGUs in implementing this
13 Act; and

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

19 ARTICLE II

20 WORKPLACE HARASSMENT

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

4 The crime of sexual harassment shall be defined as:

5 (1) An act or series of acts involving any unwelcome
6 sexual advances, requests or demand for sexual favors or
7 any act of a sexual nature, whether done verbally,
8 physically or through the use of technology such as text
9 messaging or electronic mail or through any other forms of
10 information and communication systems, that has or could
11 have a detrimental effect on the conditions of an
12 individual's employment or education, job performance or
13 opportunities;

14 (2) A conduct of a sexual nature and other conduct
15 based on sex affecting the dignity of a person, which is
16 unwelcome, unreasonable, and offensive to the recipient,
17 whether done verbally, physically or through the use of
18 technology such as text messaging or electronic mail or
19 through any other forms of information and
20 communication systems; and

1 (3) A conduct that is unwelcome and pervasive and
2 creates an intimidating, hostile or humiliating
3 environment for the recipient:

4 *Provided*, That the crime of sexual harassment may
5 also be committed between peers and those committed to a
6 superior officer by a subordinate, or to a teacher by a
7 student, or to a trainer by a trainee;

8 (4) Information and communication system refer to
9 a system for generating, sending, receiving, storing or
10 otherwise processing electronic data messages or electronic
11 documents and includes the computer system or other
12 similar devices by or in which data are recorded or stored
13 and any procedure related to the recording or storage of
14 electronic data messages or electronic documents.

15 SEC. 12. *Duties of Employers.* – Employers or other
16 persons of authority, influence or moral ascendancy in a
17 work place shall have the duty to prevent, deter, or punish
18 the performance of acts of sexual harassment in the work
19 place. Towards this end, the employer or person of
20 authority, influence or moral ascendancy shall:

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

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

6 (c) Create an independent internal mechanism or a
7 committee on decorum and investigation to investigate and
8 address complaints of sexual harassment which shall:

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

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

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

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

18 (5) Observe due process;

19 (6) Protect the complainant from retaliation; and

1 (7) Guarantee confidentiality to the greatest extent
2 possible;

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

6 (1) Expressly reiterate the prohibition on sexual
7 harassment;

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

10 (3) Set administrative penalties.

11 SEC. 13. *Duties of Employees and Co-Workers.* –

12 Employees and co-workers shall have the duty to:

13 (a) Refrain from committing acts of sexual
14 harassment;

15 (b) Discourage the conduct of sexual harassment in
16 the work place; and

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

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

4 (a) Non-implementation of their duties under
5 Section 12 of this Act, as provided in the penal provisions;
6 or

7 (b) Not taking action on reported acts of sexual
8 harassment committed in the work place;

9 (c) Any person who violates subsection (a) of this
10 section, shall upon conviction, be penalized with a fine of
11 not less than Five thousand pesos (P5,000.00) nor more
12 than Ten thousand pesos (P10,000.00).

13 (d) Any person who violates subsection (b) of this
14 section, shall upon conviction, be penalized with a fine of
15 not less than Ten thousand pesos (P10,000.00) nor more
16 than Fifteen thousand pesos (P15,000.00).

17 SEC. 15. *Routine Inspection.* – The Department of
18 Labor and Employment (DOLE) for the private sector and
19 the Civil Service Commission (CSC) for the public sector
20 shall conduct yearly spontaneous inspections to ensure

1 compliance of employers and employees with their
2 obligations under this Act.

3 ARTICLE III

4 SEXUAL HARASSMENT IN EDUCATIONAL OR TRAINING

5 INSTITUTIONS

6 SEC. 16. *Scope and Coverage.* – This Article shall
7 encompass all acts of sexual harassment as defined under
8 this Act when committed in public and private educational
9 facilities, including schools, universities and technical-
10 vocational institutions. It shall cover principals, school
11 heads, teachers, instructors, professors, coaches, trainers,
12 or any other person who has authority, influence or moral
13 ascendancy over another in an educational or training
14 institution, as well as students. Each school, whether
15 grade school, high school, tertiary, or vocational
16 institutions, shall designate an officer-in-charge of
17 receiving complaints regarding violations of this Act, and
18 shall ensure that complainants are provided with a gender-
19 sensitive environment that is both respectful of
20 complainants' needs and conducive to truth-telling. Even if

1 an individual does not want to file a complaint or does not
2 request that the school take any action on the student's
3 behalf, if a school knows or reasonably should know about
4 possible sexual harassment or sexual violence, it must
5 promptly investigate to determine what occurred and then
6 take appropriate steps to resolve the situation. If a school
7 knows or reasonably should know about sexual
8 harassment or sexual violence that creates a hostile
9 environment, the school must take immediate action to
10 eliminate the sexual harassment or sexual violence,
11 prevent its recurrence, and address its effects.

12 SEC. 17. *Duties of School Heads.* – School heads
13 shall have the following duties:

14 (a) Disseminate or post in a conspicuous place a
15 copy of this Act to all persons in the educational
16 institution;

17 (b) Provide measures to prevent sexual harassment
18 in educational institutions, such as information campaigns;

1 (c) Create an independent internal mechanism or a
2 committee on decorum and investigation to investigate and
3 address complaints of sexual harassment which shall:

4 (1) Adequately represent the school administration,
5 the trainers, instructors, professors or coaches and
6 students or trainees, students and parents, as the case
7 may be;

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

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

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

14 (5) Observe due process;

15 (6) Protect the complainant from retaliation; and

16 (7) Guarantee confidentiality to the greatest extent
17 possible.

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

1 (1) Expressly reiterate the prohibition on sexual
2 harassment;

3 (2) Describe the procedures of the internal
4 mechanism created under this Act; and

5 (3) Set administrative penalties.

6 SEC. 18. *Liability of School Heads.* – In addition to
7 liability for committing acts of sexual harassment,
8 principals, school heads, teachers, instructors, professors,
9 coaches, trainers, or any other person who has authority,
10 influence or moral ascendancy over another in an
11 educational or training institution may also be held
12 responsible for:

13 (a) Non-implementation of their duties under
14 Section 17 of this Act, as provided in the penal provisions;
15 or

16 (b) Failure to act on reported acts of sexual
17 harassment committed in the educational institution.

18 (c) Any person who violates subsection (a) of this
19 section, shall upon conviction, be penalized with a fine of
20 not less than Five thousand pesos (P5,000.00) nor more

1 than Ten thousand pesos (P10,000.00).

2 (d) Any person who violates subsection (b) of this
3 section, shall upon conviction, be penalized with a fine of
4 not less than Ten thousand pesos (P10,000.00) nor more
5 than Fifteen thousand pesos (P15,000.00).

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

10 SEC. 20. *Routine Inspection.* – The Department of
11 Education (DepEd), the Commission on Higher Education
12 (CHED), and the Technical Education and Skills
13 Development Authority (TESDA) shall conduct regular
14 spontaneous inspections to ensure compliance of school
15 heads with their obligations under this Act.

16 ARTICLE IV

17 FINAL PROVISIONS

18 SEC. 21. *PNP Women and Children's Desks.* – The
19 Women and Children's desks now existing in all police
20 stations shall act on and attend to all complaints covered

1 under this Act. They shall coordinate with A-SHE officers
2 on the street, security guards in privately-owned spaces
3 open to the public, and anti-sexual harassment officers in
4 government and private offices or schools in the
5 enforcement of the provisions of this Act.

6 SEC. 22. *Educational Modules.* – Courses in high
7 school and college shall include age-appropriate
8 educational modules against street and public spaces
9 harassment, such modules to be developed by the DepEd,
10 CHED, TESDA and PCW.

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

17 SEC. 24. *Appropriations.* – Such amounts as may be
18 necessary for the implementation of this Act shall be
19 indicated under the annual General Appropriations Act
20 (GAA). National and local government agencies shall be

1 authorized to utilize their mandatory Gender and
2 Development (GAD) budget, as provided under Republic
3 Act No. 9710, otherwise known as the "Magna Carta of
4 Women" for this purpose. In addition, LGUs may also use
5 their mandatory twenty percent (20%) allocation of their
6 annual internal revenue allotments for Local Development
7 Projects as provided under Section 287 of the Republic Act
8 7610, otherwise known as the "Local Government Code of
9 1991".

10 SEC. 25. *Separability Clause.* – If any provision or
11 part hereof is held invalid or unconstitutional, the
12 remaining provisions not affected thereby shall remain
13 valid and subsisting.

14 SEC. 26. *Repealing Clause.* – Any law, presidential
15 decree or issuance, executive order, letter of instruction,
16 administrative order, rule or regulation contrary to or
17 inconsistent with the provisions of this Act is hereby
18 repealed, modified or amended accordingly.

19 SEC. 27. *Effectivity.* – This Act shall take effect
20 fifteen (15) days after its publication in the *Official Gazette*

- 1 or in any two (2) newspapers of general circulation in the
- 2 Philippines.

Approved,