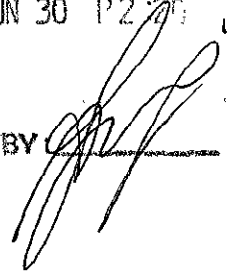


FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

7 JUN 30 P2 20

SENATE

RECEIVED BY Senate Bill No. 135

Introduced by Senator FRANCIS N. PANGILINAN

EXPLANATORY NOTE

There is an alarming upsurge of criminality in the country brought about partly by the employment of stalking methods in the commission of extortion and terrorism. This can be attributed to the fact that there is no law at present defining and penalizing the act of stalking. Existing Philippine criminal and civil remedies do not adequately address and punish stalking and all of its peculiar devises.

There is basis, however, for penalizing the act of stalking. The Philippine Constitution, the primordial law of the land, recognizes the dignity of every human person. Article II, Section 11 of the 1987 Constitution provides that: "The State values the dignity of every human person and guarantees full respect for human rights". Article II, Section 5 thereof further provides that "The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all people of the blessings of democracy". On the other hand the *International Covenant on Civil and Political Rights* and *The Universal Declaration of Human Rights* recognizes every person's right against unlawful and arbitrary interference with his privacy, and attacks against his honor and reputation, peace of mind and security of person.

To implement this Constitutional directive and the international laws binding on the Philippines, Congress, in the interest of justice, public order and the rule of laws, should penalize stalking as a distinct offense. Stalking is an offense against human dignity, against every person's right to privacy, security of person, and psychological and emotional well-being. Stalking offends common standards of decency, morality and good customs in a just and civilized society.

In response to the increase in stalking incidents in the country, there is a need to enact legislation that will ensure the protection of victims and will give redress to the severe wrong and injury caused by stalking.

Hence, the approval of the bill is most earnestly sought.


FRANCIS N. PANGILINAN

FOURTEENTH CONGRESS OF THE REPUBLIC)
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First Regular Session

SENATE
OFFICE OF THE SECRETARY

7 JUN 30 P 2:20

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RECEIVED BY: 

SENATE BILL No. 135

Introduced by SENATOR FRANCIS N. PANGILINAN

AN ACT
DEFINING AND PENALIZING STALKING, AMENDING FOR THAT
PURPOSE THE REVISED PENAL CODE, AS AMENDED, 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 "Anti-Stalking Act of 2997".

2 SEC. 2. *Declaration of Policy* - It is the policy of the State to protect and
3 promote every individual's dignity, right to privacy, peace of mind, security of person
4 and psychological and emotional welfare, to punish acts which undermine said rights,
5 and to protect every citizen's safety and well-being.

6 SEC. 3. *Definition of Terms.* - As used in this Act, the following terms shall
7 mean or be interpreted and construed as hereunder defined:

8 (a) *Repeatedly* - shall mean at least three (3) separate occasions closely
9 related in time evidencing a c continuity of purpose;

10 (b) *Follows* - shall mean maintaining a visible physical proximity to another
11 person or pursuing or conducting surveillance upon that person over a
12 period of time and without legitimate purpose so as to cause a reasonable
13 person to suffer substantial emotional distress and to actually cause
14 substantial emotional distress to the person followed or pursued;

15 (c) *Harasses* - shall mean a knowing and willful course of conduct directed at
16 a specific person which seriously alarms, intimidates, torments or
17 terrorizes the person and serves no legitimate purpose;

1 (d) *Course of Conduct* - shall mean a series of three (3) or more separate,
2 non-continuous acts, closely related over a period of time, however short,
3 evidencing a continuity of purpose, including, but not limited to,
4 unconsented contact with another person. The course of conduct must
5 be such as would cause a reasonable person to suffer substantial
6 emotional distress and must actually cause substantial emotional distress
7 to the person;

8 (e) *Unconsented contact* - shall mean any contact with another individual
9 that is initiated or continued in malicious and willful disregard of that
10 individual's expressed desire that the conduct be avoided or discontinued
11 and with the intent to place that person in reasonable fear of his or her
12 safety, including, but not limited to:

- 13 (1) following or coming into visual presence of that individual;
- 14 (2) approaching or confronting that individual in a public place or on
15 Private property;
- 16 (3) placing that individual under surveillance by waiting at or outside
17 the workplace, school or residence of that individual;
- 18 (4) entering onto or remaining on property owned, leased, or occupied
19 by that individual;
- 20 (5) contacting that individual by telephone;
- 21 (6) sending mail or other written communications to that individual; or
- 22 (7) damaging that individual's home or property.

23 (f) *Substantial emotional distress* – shall mean severe mental anguish, fright,
24 anxiety, wounded feelings, moral shock, social humiliation and similar
25 injury.

26 (g) *Physical injury* – shall mean those injuries defined and punished under
27 Title Eight, Chapter Two, specifically Articles 262 to 266 of the Revised
28 Penal Code;

1 (h) Restraint – shall mean those offenses defined and punished under Title
2 Nine, Chapter One, Section One, specifically Articles 267 and 268, and
3 Title Eleven, Chapter Four, specifically Article 342, of the Revised Penal
4 Code;

5 (i) Sexual assault – shall mean those offenses defined and punished under
6 Title Eleven, Chapter Two, specifically Articles 335 and 336 of the
7 Revised Penal Code;

8 (j) Family – shall mean the spouse, parent, child, any person related within
9 the third degree of consanguinity, or any person who regularly resides in
10 the household of the victim.

11 SEC. 4. There shall be incorporated after Article 282 of the Revised Penal Code,
12 as amended, a new section to read as follows:

13 “Article 282-A. Definition of the Crime of Stalking. – Any person who
14 willfully, maliciously, and with the intent to place another person in reasonable
15 fear of death, physical injury, unlawful restraint or sexual assault, repeatedly
16 follows or harasses the said person after having been given reasonable warning
17 or request to desist by or on behalf of the person so followed or harassed, shall
18 be guilty of Stalking, an offense punishable by *prision correccional* in its
19 minimum and medium periods and/or a fine of not less than One Thousand
20 Pesos (PhP1,000) and not more than Ten Thousand Pesos (PhP10,000).

21 “In case of conviction, the offender shall also be required to post a bond to
22 keep the peace conditioned upon his undertaking that he will refrain from further
23 committing acts of stalking against the same victim for a period and amount to be
24 determined by the Court in its discretion. Should the person sentenced fail to
25 give the bond as required, he shall be detained for a period which shall in no
26 case exceed three (3) months.

27 “Article 282-B. Definition of the Crime of Qualified Stalking. – (1) A person
28 is guilty of the crime of Qualified Stalking when commits the acts defined under
29 Article 282-A hereof, and he threatens the person followed or harassed with the

1 infliction upon the person, honor or property of the latter or of his family of any
2 wrong amounting to a crime, if the offender makes *the threat demanding money*
3 or imposing any other condition, whether or not he has attained his purpose.

4 "Qualified Stalking is punishable by the penalty of prision correccional its
5 minimum and medium period and the penalty next lower in degree than that
6 prescribe by law for a crime he threatened to commit in its maximum period, if
7 the threat be made in writing or through a middleman, or in its medium period, if
8 otherwise, and the offender shall have attained his purpose. A fine of not less
9 than Fifty Thousand Pesos (PhP50,000) nor more than One Hundred Thousand
10 Pesos (PhP100,000) may likewise be imposed by the court. If the offender has
11 not attained his purpose, the penalty shall be prision correccional its minimum
12 and medium periods and the penalty two degrees lower than that prescribed by
13 law for the crime he threatened to commit in its maximum period, if the threat be
14 made in writing or through middleman, or in its medium period, if otherwise.
15 Likewise, a fine of not less than Ten Thousand Pesos (PhP10,000) nor more
16 than Fifty Thousand Pesos (PhP50,000) may likewise be imposed by the court.

17 "If the threat was not made subject to any condition, the penalty shall be
18 prision correccional in its maximum period and / or a fine of not less than Ten
19 Thousand Pesos (PhP10,000) nor more than Fifty Thousand Pesos (PhP50,000)
20 may likewise be imposed by the court.

21 "(b) If the offender threatens his victim with the commission of any wrong
22 not constituting a crime and the threat is coupled with a demand for money or
23 imposing any other condition, the penalty shall be prision mayor in its minimum
24 period and/ or a fine of not less than Fifty Thousand Pesos (PhP50,000) nor
25 more than One Hundred Thousand Pesos (PhP100,000), if the threat be made in
26 writing or through a middleman, or prision correccional in its maximum period
27 and /or a fine of not less than Ten Thousand Pesos (PhP10,000) nor more than
28 Fifty Thousand Pesos (PhP50,000), if otherwise. If the threat was not made
29 subject to any condition, the penalty shall be prision correccional in its medium

1 period and/or a fine of not less than Ten Thousand Pesos (PhP10,000) nor more
2 than Fifty Thousand Pesos (PhP50,000).

3 "In any of the above instances, the offender shall also be required to post
4 a bond to keep the peace conditioned upon his undertaking that he will refrain
5 from further committing acts of stalking against the same victim for a period of an
6 amount to be determined by the Court in its discretion. Should the person
7 sentence fail to give the bond as required, he shall be detained for a period
8 which shall in no case exceed six (6) months.

9 "Article 282-C. Additional penalties for subsequent convictions. – The
10 following penalties shall be imposed in case of a second or subsequent
11 conviction made within ten (10) years from the last release or conviction of the
12 crimes defined and penalized under Article 282-A and 282-B.

13 (a) Upon a second conviction of the crime penalized in Article 282-A,
14 the offender shall be sentenced to the penalty provided by this Act
15 for the last crime of which he be found guilty, and to the additional
16 penalty of prision correccional in its medium period;

17 (b) Upon a second conviction of the crime penalized in Article 282-B,
18 or a third conviction of the crime penalized in Article 282-A, the
19 offender shall be sentenced to the penalty provided by this Act for
20 the last crime of which he be found guilty, and to the additional
21 penalty of prision mayor in its medium period;

22 (c) Upon a third conviction of the crime penalized in Article 282-B, or a
23 fourth conviction of the crime penalized in Article 282-A, the
24 offender shall be sentence to the penalty provided by this Act for
25 the last crime of which he be found guilty, and to the additional
26 penalty of prison mayor in its medium period;

27 (d) Upon a fourth conviction of the crime penalized in Article 282-B, of
28 the fifth or additional conviction the crime penalized in Article 282-
29 A, the offender shall be sentenced to the penalty provided by this

1 Act for the last crime of which he be found guilty, and to the
2 additional penalty of prison mayor in its medium period;

3 (e) Upon a fifth or additional conviction of the crime penalized in
4 Article 282-B, the offender shall be sentence to the penalty
5 provided by this Act for the last crime of which he be found guilty,
6 and to the additional penalty of prison mayor in its maximum
7 period.”

8 SEC. 5. *Counselling.* - Any person convicted under the provisions of Article 282-
9 A, 282-B or 282-C of the Revised Penal Code, as amended, may be required to
10 undergo medical, psychological or psychiatric examination and treatment and enter and
11 remain in a specific institution, when required for that purpose.

12 SEC. 6. *Bond for good behavior pending trial.* - A person charge with any of
13 crimes defined in Articles 282-A or 282-B of the Revised Penal Code, as amended,
14 where evidence of guilt is strong, shall required to post a bond, either personally in cash
15 or upon presentation of two sufficient sureties, conditioned upon the undertaking of the
16 accused that he will refrain from following or harassing the offended party pending trial.

17 The amount of the said bond shall be fixed at the discretion of the Court before
18 which the case has been filed, upon a finding that there is just cause to impose it, taking
19 into consideration the seriousness of the harassments employed by the accused and
20 the gravity of the threat, if any, made by him. The bond shall be ordred posted only afte
21 the filing of a written and verified motion, with proof of service upon the accused
22 attached thereto, and hearing on the motion to determine whether the evidence of the
23 prosecution is strong. At this hearing, the accused may rebut the allegations and
24 evidence of the offended party and proffer his own evidence showing that the imposition
25 of the bond would be unjustified and oppressive.

26 SEC. 7. *Condition of Probation.* - Should the staking offender be entitle to a nd
27 thereafter granted probation upon conviction under the provisions of Presidential
28 Decree 968m as amended, or the Probation Law, the probation order shall impose the
29 following conditions:

- 1 (a) that the probationer will refrain from further molesting the offended party
2 during the period of probation; and
- 3 (b) that the probationer will undergo medical, psychological or psychiatric
4 examination and treatment and enter and remain in a specific institution,
5 when required for that purpose.

6 Any violation of the aforementioned conditions, when proved in a hearing for that
7 purpose, shall be considered a "serious violation" within the purview of Section 15 of the
8 Probation Law and will be sufficient ground to warrant the arrest of the probationer and
9 his incarceration to serve his original sentence, unless another prosecution is instituted
10 for acts of staking committed by the probationer after his original conviction.

11 SEC. 8. *Separability Clause.* – If any provision of this Act or the application
12 thereof to any person or circumstance is held invalid or unconstitutional, the remaining
13 provisions of this Act and the application of such provisions to other persons or
14 circumstances shall be not be affected thereby.

15 SEC. 9. *Effectivity.* – This Act shall take effect fifteen (15) days after its
16 publication in two (2) newspapers of general circulation.

17 Approved.