


FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

7 JUL -4 03 10

SENATE
S.B. No. 1098

RECEIVED BY: 

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks to expand the medium of communication by which demands and requests for sexual favor which constitute acts of sexual harassments as defined under Republic Act No. 7877, otherwise known as the "Sexual Harassment Law".

Republic Act No. 7877, which was enacted in 1995, is a landmark law providing a comprehensive policy and legal framework for the recognition of the problem of sexual harassment and penalizing perpetrators of said crime. Since its enactment, there has been unprecedented expansion in electronic and telecommunications such as cellular phones, text messaging, internet and electronic mail. Data from the National Telecommunications Commission shows that as of 2005, there are around 1.4 million subscribers of internet service providers and 34.77 million subscribers of cellular phones. Such modern forms of communication are widely used today and have been a common medium of work-related and personal communication.

Like traditional forms of communication, these new forms of communication can be used to convey messages that are vulgar, smutty, sexist and may also be used to push for demand or request for sexual advances to sexually harass the recipients of such messages.

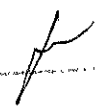
This bill amends Section 3 of R.A. No. 7877 by expanding the coverage of sexual harassment acts to include sending text messages, electronic mail, internet and similar means of communication that constitute sexual harassment under the said law.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


LOREN LEGARDA
Senator

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

7 JUL -4 13 00

RECEIVED BY: 

SENATE
S.B. No. 1098

Introduced by Senator Loren Legarda

AN ACT

EXPANDING THE COVERAGE OF THE DEFINITION OF THE CRIME OF SEXUAL HARASSMENT BY INCLUDING UNWANTED TEXT MESSAGE, ELECTRONIC MAIL OR COMMUNICATIONS ADOPTING SIMILAR MEANS, AMENDING FOR THIS PURPOSE REPUBLIC ACT NUMBERED SEVENTY EIGHT HUNDRED AND SEVENTY-SEVEN, OTHERWISE KNOWN AS THE "SEXUAL HARASMENT LAW"

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

SECTION 1. Section 3 Republic Act 7877 is hereby amended to read as follows:

"SECTION 3. Work education or Training-related Sexual Harassment Defined - Work, education or training sexual harassment is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said Act **OR THE SENDING OF TEXTMESSAGE, ELECTRONIC MAIL OR SIMILAR OTHER MEANS, PUSHING SEXUAL ADVANCE OR LURID REMARKS, CAUSING EMBARRASSMENT TO THE RECEIVER OR BY THEIR NATURE MAY QUALIFY ASVULGAR, SMUTTY, SEXIST, APPEALS TO PRURIENT INTEREST OR MALICIOUS.**

a) In a work-related or employment environment, sexual harassment is committed **VERBALLY, IN WRITING OR THROUGH THE USE OF TELEPHONE, CELLULAR PHONE, FAX MACHINE, ELECTRONIC MAIL OF SIMILAR MEANS** when:

- (1) The sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, term, condition, promotions, or privileges; or the refusal to grant the sexual favor result in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;

- (2) The above acts would impair the employee's rights or privileges under existing labor laws; or
- (3) The above acts would result in an intimidating, hostile, or offensive environment for the employee.

(b) In an education or training environment, sexual harassment is committed **THROUGH ORAL, WRITTEN OR WITH THE USE OF TELEPHONE, CELLULAR PHONE, FAX MACHINE, ELECTRONIC MAIL OR SIMILAR MEANS:**

- (1) Against one who is under the care, custody or supervision of the offender;
- (2) X x x
- (3) X x x
- (4) X x x

SEC. 2. This act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Sec. 3. Separability Clause - If any provision of this Act is declared invalid, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

Sec. 4. Repealing Clause - All laws, presidential decrees, executive orders and their implementing rules, inconsistent with the provisions of this act are hereby, repealed, amended or modified accordingly.

Sec. 5. Effectivity - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,