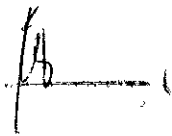


FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

8 JUL 24 26:23

SENATE

RECEIVED BY: 

S. B. No. 2477

INTRODUCED BY HONORABLE MAR ROXAS

EXPLANATORY NOTE

Republic Act No. 7877, or the Anti-Sexual Harassment law is considered as a milestone in the continuous struggle for the elimination of gender-based violence and crimes. Thirteen years after its enactment into law in March 5, 1995, however, women continue to be victims of sexual harassment with more cases left unreported. The law's very limited definition of what constitutes sexual harassment leaves most women no recourse than to keep their silence. Even the paltry penalty of imprisonment for 1 month to 6 months is enough to discourage a woman from filing a complaint.

There is clearly a need to revisit the law and make it more responsive to the realities that women face every day.

Recognizing that gender-based violence are rooted in unequal power relations, this bill proposes to expand the definition of sexual harassment to include unwanted sexual advances made by any person in the place of employment, training or education. Further, unsolicited advances of a sexual nature committed even outside the place of employment, training or education, when by any person having authority, influence or moral ascendancy over another is also a punishable offense of sexual harassment under this proposed measure. To address the concern that cases reported to some employers are left uninvestigated, employers shall be presumed to have knowledge of the act of sexual harassment – making them liable for damages – if the employer fails to create a committee on decorum or if the sexual harassment is openly practiced. As an added safeguard, the increased penalties are also proposed by this measure.

The passage of this bill is intended to curb, with the hope of eventually eliminating, the difficult plight of women, who everyday are exposed to abuses of unequal power relations.


In view of the foregoing, urgent approval of this bill is earnestly requested.


M A R ROXAS
Senator

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

8 JUL 24 P6:23

SENATE

RECEIVED BY: 

S. B. No. 2477

INTRODUCED BY HONORABLE MAR ROXAS

AN ACT

FURTHER PROVIDING PROTECTION FOR WOMEN AGAINST ABUSES OF UNEQUAL POWER RELATIONS, EXPANDING FOR THAT PURPOSE THE DEFINITION OF SEXUAL HARASSMENT AND INCREASING THE PENALTIES THEREFOR, THEREBY AMENDING REPUBLIC ACT 7877 AND FOR OTHER PURPOSES.

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

1 SECTION 1. Section 3 of R.A. 7877 is hereby amended to read as follows:

2 "Section 3. [Work, Education or Training-related] SEXUAL

3 HARASSMENT DEFINED. — [Work, education or training-related sexual

4 harassment is committed by an employer, employee, manager, supervisor,

5 agent of the employer, teacher, instructor, professor, coach, trainor, or any

6 other person who, having authority, influence or moral ascendancy over

7 another in a work or training or education environment, demands, requests or

8 otherwise requires any sexual favor from the other, regardless of whether the

9 demand, request or requirement for submission is accepted by the object of

10 said Act.

11 (a) In a work-related or employment environment, sexual harassment is

12 committed when:

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

8 (2) The above acts would impair the employee's rights or privileges under
9 existing labor laws; or

10 (3) The above acts would result in an intimidating, hostile, or offensive
11 environment for the employee.

12 (b) In an education or training environment, sexual harassment is
13 committed:

14 (1) Against one who is under the care, custody or supervision of the
15 offender;

16 (2) Against one whose education, training, apprenticeship or tutorship is
17 entrusted to the offender;

18 (3) When the sexual favor is made a condition to the giving of a passing
19 grade, or the granting of honors and scholarships or the payment of a stipend,
20 allowance or other benefits, privileges, or considerations; or

21 (4) When the sexual advances result in an intimidating, hostile or offensive
22 environment for the student, trainee or apprentice.]

23 A. IN THE PLACE OF EMPLOYMENT, TRAINING OR EDUCATION,
24 SEXUAL HARASSMENT IS COMMITTED BY ANY PERSON WHO
25 ENGAGES IN ANY UNWANTED OR UNWELCOME SEXUAL ADVANCE,

1 REQUEST OR DEMAND FOR SEXUAL FAVOR OR OTHER VERBAL OR
2 PHYSICAL CONDUCT OF A SEXUAL NATURE AGAINST AN EMPLOYEE,
3 EMPLOYER, TRAINEE, TRAINOR, STUDENT, INSTRUCTOR, TEACHER
4 OR PROFESSOR REGARDLESS OF WHETHER THE DEMAND OR
5 REQUEST FOR SUBMISSION IS ACCEPTED BY THE OBJECT OF SAID
6 ACT;

7 B. OUTSIDE THE PLACE OF EMPLOYMENT, TRAINING OR EDUCATION,
8 SEXUAL HARASSMENT IS COMMITTED BY AN EMPLOYER, MANAGER,
9 SUPERVISOR, AGENT OF EMPLOYER, TEACHER, INSTRUCTOR,
10 PROFESSOR, COACH, TRAINOR OR ANY OTHER PERSON, WHO
11 HAVING AUTHORITY, INFLUENCE OR MORAL ASCENDANCY OVER
12 ANOTHER, MAKES ANY UNWANTED OR UNWELCOME SEXUAL
13 ADVANCE, REQUEST OR DEMAND FOR SEXUAL FAVOR OR OTHER
14 VERBAL OR PHYSICAL CONDUCT OF A SEXUAL NATURE, REGARDLESS
15 OF THE DEMAND OR REQUEST FOR SUBMISSION IS ACCEPTED BY THE
16 OBJECT OF SAID ACT;

17 Any person who directs or induces another to commit any act of sexual
18 harassment as herein defined, or who cooperates in the commission thereof by
19 another without which it would not have been committed, shall also be held
20 liable under this Act.

21 SECTION 2. Section 5 of RA 7877 is hereby amended as follows:

22 "Section 5. Liability of the Employer, Head of Office, Educational or
23 Training Institution. – The employer or head of office, educational or training
24 institution shall be solidarily liable for damages arising from the acts of sexual
25 harassment committed in the employment, education or training environment

1 if the employer or head of office, educational or training institution is
2 informed of such acts by the offended party and no immediate action is taken
3 thereon. THE EMPLOYER IS PRIMA FACIE PRESUMED TO HAVE
4 KNOWLEDGE OF THE SEXUAL HARASSMENT ACT OR ACTS IF THE
5 EMPLOYER FAILED TO CREATE A COMMITTEE ON DECORUM AS
6 MANDATED BY THIS ACT; OR IF A COMPLAINT WAS MADE BEFORE
7 THE COMMITTEE OR AUTHORITY DESIGNATED TO RECEIVE
8 COMPLAINTS; OR WHEN THE SEXUAL HARASSMENT IS OPENLY
9 PRACTICED OR WELL-KNOWN AMONG EMPLOYEES, STUDENTS OR
10 TRAINEES.”

11 SECTION 3. Section 7 of RA 7877 is hereby amended as follows:

12 “Section 7. Penalties. – Any person who violates the provisions of this
13 Act shall, upon conviction, be penalized by imprisonment of not less than [one
14 (1) month] SIX (6) MONTHS nor more than six (6) [months] YEARS, or a fine
15 of not less than [Ten thousand pesos (P10,000.00)] FIFTY THOUSAND PESOS
16 (P50,000.00) nor more than [Twenty thousand pesos (P20,000.00)] ONE
17 HUNDRED THOUSAND PESOS (P100,000), or both such fine and
18 imprisonment at the discretion of the court.

19 Any action arising from the violation of the provisions of this Act shall
20 prescribe in three (3) years.”

21 SECTION 4. *Separability Clause.* – If, for any reason, any section or provision of this
22 Act shall be held unconstitutional or invalid, the other section or provision not otherwise
23 affected shall remain in full force and effect.

24 SECTION 5. *Repealing Clause.* - Any provision of law, decree, executive order or
25 issuance inconsistent herewith is hereby repealed and/or modified accordingly.

1 SECTION 6. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after the
2 completion of its publication in the Official Gazette or in at least two (2) national newspapers
3 of general circulation.

4

5 Approved,