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**SENATE**

S. No. 950

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Introduced by Senator Manuel "Lito" M. Lapid

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**EXPLANATORY NOTE**

When the Sexual Harassment Law was enacted in 1995, it only considered the traditional means of sending communications: verbal or oral, written statements, facial and body language. Today, new forms of communication are of widespread use: short messaging service (SMS) system or text messaging service provided by telecommunications companies to both landline and cellular phone users and the Internet system.

The use of cellular phones, Internet and electronic mails has reached unprecedented heights. The National Telecommunications Commission (NTC) estimated that there are around 9 million Filipino cellular phone users. By the end of 2000, the Department of Science and Technology and the Philippine Internet Society estimated that about million citizens have access to electronic mails and Internet. The statistics show that these new forms of communication have become the avenue for transmission of ideas and concepts.

But like every system, the new communication system is barraged with unwanted text messages and garbage-type electronic mails in the form of smutty text statements, lewd and sexist messages, graphic and lurid remarks. In fact, an ordinary cellular phone user receives at least 2 to 3 text messages with sexual underpinning daily.

This bill updates the Sexual Harassment Law by expanding the coverage to include text message, electronic mail or communication produced by similar means, pushing sexual advances or lurid remarks or messages which are by their nature vulgar, smutty, sexist, malicious and those that appeal to prurient interest.

With its enactment, it is hoped that texters or internet users will become more cautious in sending messages and would practice intelligent discretion with the use of new communication facilities.

Early approval of the bill is earnestly sought.

  
**MANUEL "LITO" M. LAPID**  
Senator

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**AN ACT**

**EXPANDING THE COVERAGE OF THE DEFINITION OF THE CRIME OF SEXUAL HARASSMENT BY INCLUDING UNWANTED TEXT MESSAGES, ELECTRONIC MAIL OR COMMUNICATIONS ADOPTING SIMILAR MEANS, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 7877, OTHERWISE KNOWN AS THE "SEXUAL HARASSMENT LAW"**

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

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

**"SEC. 3. *Work Education or Training-related Sexual Harassment.*** - Work, education or training-related sexual harassment is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainer, 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. **IT LIKEWISE INCLUDE THE SENDING OF TEXT MESSAGES, ELECTRONIC MAIL OR SIMILAR OTHER MEANS, THAT TAKES THE FORM OF SEXUAL ADVANCES OR LURID REMARKS, CAUSING EMBARRASSMENT TO THE RECEIVER OR BY THEIR NATURE MAY QUALIFY AS VULGAR, SMUTTY, SEXIST 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, terms, condition, promotions, or privileges; or the refusal to grant the sexual favor results 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 privilege under existing labor laws; or

3. The above acts would result in an intimidating, hostile, or offense 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 OTHER 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. Separability Clause.** - If any provision of this Act or the application of such provision to any person or circumstance is held invalid for any reason, the other provisions or their application to other persons or circumstances not affected thereby shall remain in full force and effect.

**SEC. 3. Repealing Clause** - All laws, decrees, orders, rules, regulations and issuances or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

**SEC. 4. Effectivity Clause.** - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

**Approved,**