

10 JUL 13 P4:05

SENATE

S.B. No. 1412

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Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks to expand the medium of communication by which demands and requests for sexual favors constituting acts of sexual harassment, as defined under RA 7877, otherwise known as the "Sexual Harassment Law". Said law, 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 almost 15 years ago, there has been an unprecedented expansion in electronic and telecommunications such as cellular phones, text messaging, internet and electronic mail. Data from the National Telecommunications Commission (NTC) shows that as of 2005, there are around 1.4 million subscribers of internet services and 34.77 million subscribers of telecommunication services. 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 as well as push for, demand or request for sexual favors. These messages, in whatever means they are communicated, sexually harass the recipients of the same.

This bill amends Section 3 of RA 7877 by expanding the coverage of sexual harassment acts to include sending SMS messages, electronic mail, internet chat and other similar means of conveying messages via electronic 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

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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 NUMEERED 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, 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 TEXT MESSAGES, ELECTRONIC MAIL OR OTHER SIMILAR MEANS, MAKING SEXUAL ADVANCES OR LURID REMARKS, CAUSING EMBARRASSMENT TO THE RECEIVER OR BY THEIR NATURE MAY QUALIFY AS VULGAR, SMUTTY, SEXIST, OBSCENE OR MALICIOUS.

a) In a work-related or employment environment, sexual harassment is committed VERBALLY, IN WRITING OR THROUGH THE USE OF A TELEPHONE, CELLULAR PHONE, FAX MACHINE, ELECTRONIC MAIL OR OTHER 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 right's 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 A 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

SECTION 2. *Effectivity Clause.* 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.

SECTION 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.

SECTION 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.

Approved,