

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

OFFICE OF THE SECRETARY

10 JUL 21 PM 39

SENATE
S. No. 1778

RECEIVED BY: *[Signature]*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution mandates the State to uphold human rights, including the dignity of every human person, and the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose.

Further, the Civil Code provides:

“Art. 26. Every person shall respect the dignity, personality, privacy and peace of mind of his neighbors and other persons. The following and similar acts, though they may not constitute a criminal offense, shall produce a cause of action for damages, prevention and other relief:

- (1) Prying into the privacy of another’s residence;
- (2) Meddling with or disturbing the private life or family relations of another;
- (3) Intriguing to cause another to be alienated from his friends;
- (4) Vexing or humiliating another on account of his religious beliefs, lowly station in life, place of birth, physical defect, or other personal condition.”

These legal rights are violated by “stalking,” which is an act described herein as harassing, bothering, frightening and otherwise interfering with the private lives of people. The act is a form of disguised intimidation, which may be a subtle attempt at harassment.

Existing civil and criminal remedies are insufficient to prevent the commission of the act. This bill therefore, seeks to define and penalize the acts constituting the crime of stalking.

This bill is a product of several public hearing conducted during the Tenth Congress.*

acc. *Miriam Defensor Santiago*
MIRIAM DEFENSOR SANTIAGO

* This bill was re-filed during the Thirteenth Congress, First Regular Session.

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SENATE
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1 AN ACT
2 DEFINING THE CRIME OF STALKING
3 AND PROVIDING THE PENALTIES THEREFOR

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

4 SECTION 1. *Short Title.* – This Act shall be known as the “Anti-Stalker Act.”

5 SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
6 penalize stalking acts, which violate the right of every person to privacy.

7 SECTION 3. *Definition of Terms.* – For the purpose of this Act, the term:

8 (A) “Harasses” means to engage in a knowing and willful conduct that –

9 (1) Is directed at a particular person;

10 (2) Seriously alarms, disturbs, or terrorizes the person;

11 (3) Serves no legitimate purpose;

12 (4) Would cause a reasonable person to suffer substantial emotional distress; and

13 (5) In fact causes substantial emotional stress to the person.

14 (B) “Course of conduct” means a pattern of conduct composed of a series of acts over a
15 period of time, however short, evidencing a continuity of purpose. Constitutionally
16 protected activity is not included within the meaning of “course of conduct.”

17 (C) “Credible threat” means a threat made with the intent to cause the person who is the
18 target to reasonably fear his or her safety. The threat must be against the life of, or a
19 threat to cause bodily injury to, a person.

20 (D) “Emotional distress” means temporary or permanent state of great physical or
21 mental strain.

1 (E) "Family or household member" means spouses, or persons who have been spouses,
2 persons living as spouses, parents and children, other persons related by
3 consanguinity or affinity within the fourth degree, current or former live-in partners
4 or persons who share biological parenthood.

5 SECTION 4. *Punishable Acts.* A person commits stalking when he or she harasses
6 another by:

7 (A) Making repeated unsolicited telephone calls without the purpose of legitimate
8 communication;

9 (B) Making repeated communications anonymously or at extremely inconvenient hours,
10 or in offensively course language;

11 (C) Making repeated visits to the victim's home or workplace;

12 (D) Following or repeatedly maintaining visual or physical proximity to the victim in or
13 about a public place or places; or

14 (E) Engaging in any other course of alarming conduct.

15 SECTION 5. *Penalty.* – Any person who commits any of the acts mentioned in section 4
16 shall be punished by *arresto mayor* in its maximum period to *prision correccional* in its
17 minimum period or a fine ranging from One Thousand Pesos (P1,000.00) to Five Thousand
18 Pesos (P5,000.00).

19 If the offender subsequently commits the same crime or is a family or household member
20 of the victim, the next higher penalty shall be imposed.

21 SECTION 6. *Separability Clause.* – If any provision, or part hereof, is held invalid or
22 unconstitutional, the remainder of the law or the provision otherwise affected shall remain valid
23 and subsisting.

24 SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive
25 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent,
26 with the provision of this Act is hereby modified, or amended accordingly.

1 SECTION 8. *Effectivity Clause*. – This Act shall take effect fifteen (15) days after its
2 publication in at least two (2) newspapers of general circulation.

Approved,