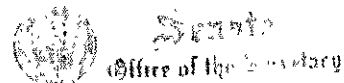


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



13 JUL -3 P2:52

SENATE
S. No. 397

RECORDED BY: *ju*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

A safe school environment is necessary for students to learn and achieve. Student development is hampered when there are incidents of violence, harassment, and fear among students, most exemplified in cases of bullying. Bullying causes physical, psychological, and emotional harm to students and interferes with students' ability to learn and participate in school activities. It has also been linked to other forms of anti-social behavior such as vandalism, shoplifting, skipping and dropping out of school, fighting, using drugs and alcohol, sexual harassment, and sexual violence.

A new form of bullying is fast emerging with the advancements of technology. Cyber-bullying happens in a realm where state power is weak and where very few laws are passed for regulation.

This bill mandates schools to create a policy to address the existence of bullying and cyber-bullying in their respective institutions. When there is institutional recognition of this power imbalance among students, there will be more and better venues to address incidents of bullying. This also seeks to instill the importance of anti-bullying measures in academic institutions and among school administrators.

A direct correlation with the reduction of bullying incidents is the increase in awareness and concern among school administrators of these incidents, and the positive action of providing venues for parents, faculty, and school officials to report such incidents to the authorities. The quest for equality among persons and the advancement of human rights start from basic

education. Children learn the values of *cura personalis* and being men and women for others from their teachers and apply what they have learned to their classmates and friends.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed during the Fifteenth Congress, First Regular Session.



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SENATE
S. No. 397

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 MANDATING SCHOOLS, COLLEGES, AND UNIVERSITIES TO CREATE
3 ANTI-BULLYING POLICIES IN THEIR INSTITUTIONS

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 "Anti-Bullying School Policy
5 Act."

6 SECTION 2. *Definition of Bullying.* - Bullying is committed when a minor student
7 commits a series of two or more acts directed towards another minor student, or a series of single
8 acts directed towards several minor students in a school setting or a place of learning, with the
9 intent to constitute harassment, intimidation, force or humiliation. Such acts consist of any or
10 more of the following:

- 11 a. Threats to a person with the infliction upon the person, honor or property of the
12 person or of his family or any wrong;
- 13 b. Stalking or constantly following or pursuing a person in his daily activities with
14 unwanted, obsessive attention;
- 15 c. Theft;
- 16 d. Public humiliation or public and malicious imputation of a crime or of a vice of
17 defect, real or imaginary, or any act, omission, condition, status, or circumstance
18 tending to cause the dishonor, discredit or contempt against a person;
- 19 e. Deliberate destruction, defacement or damage of another's property;

- 1 f. Physical violence committed upon a minor student, which may or may not result to
- 2 harm or injury, with or without the aid of a weapon. Such violence may be in the
- 3 form of mauling, hitting, punching, kicking, throwing things at a student, pinching,
- 4 spanking, or other similar acts;
- 5 g. Demanding, requesting or requiring sexual or monetary favors, or demands property
- 6 from a minor student; and
- 7 h. Restraining the liberty and freedom of a minor student.

8 SECTION 3. *Cyber-bullying*. – Cyber-bullying is any conduct defined in Section 2 of this
9 Act which are made through electronic devices such as, but are not limited to texting, instant
10 messaging, chatting, Internet and social networking websites. For purposes of this Act, the
11 phrase “acts of bullying” shall include the acts enumerated under Section 2 and Cyber-bullying
12 as defined under this Section.

13 SECTION 4. *School Policy*. – All schools, colleges or universities, whether public or
14 private, shall create a policy to address the existence of bullying in their respective institutions.
15 Such policy shall include but is not limited to the following provisions:

- 16 a. Process for addressing incidents of bullying in school;
- 17 b. Anonymous reporting of acts of bullying to teachers and school administrators, which
- 18 shall not, by itself, be a ground for disciplinary action;
- 19 c. Remedy which allows parents or guardians of students to file written reports of
- 20 suspected bullying;
- 21 d. Provisions requiring teachers and other school staff who witnessed acts of bullying or
- 22 received report of bullying to report the same to school administration;
- 23 e. Provisions requiring school administrators to investigate any reports on acts of
- 24 bullying;
- 25 f. Inclusion of language in student codes of conduct concerning bullying;
- 26 g. Notification of parents or guardians of students who committed or are victims of acts
- 27 of bullying; and

1 h. Maintenance of a public record of relevant information and statistics on acts of
2 bullying in school, provided that the names of students who committed acts of
3 bullying shall be only made available to the school administration, teachers directly
4 responsible for the said students and parents or guardians of students who are or have
5 been victims of acts of bullying.

6 SECTION 5. *Submission of Policy.* – Anti-bullying policies created pursuant to Sections
7 4 and 5 of this Act shall be submitted to the Department of Education (DepEd), Commission on
8 Higher Education (CHED), or the Technical Education and Skills Development Authority
9 (TESDA), as may be applicable, within six (6) months from the effectivity of this Act for
10 existing schools, colleges, and universities, and shall be an administrative requirement prior to
11 the operation of new schools, colleges, and universities.

12 SECTION 6. *Liability of School Administration.* – The DepEd, CHED, and TESDA shall
13 provide for sanctions to school administrations who fail to comply with the requirements of this
14 Act.

15 SECTION 7. *Extra-institutional Recourse.* – The DepEd, CHED, and TESDA shall also
16 provide for recourse to students who are victims of acts of bullying and/or their parents or
17 guardians to compel the school administration to act on their complaints on acts of bullying.

18 SECTION 8. *Other Offenses Punishable by Law.* – This Act shall be without prejudice to
19 other criminal, civil, or administrative remedies provided by law and shall not prevent the
20 victims from availing of the same independent of the remedies provided for in this Act.

21 SECTION 9. *Separability Clause.* – If, for any reason, any provision of this Act is
22 declared to be unconstitutional or invalid, the other sections or provisions hereof which are not
23 affected thereby shall continue to be in full force and effect.

1 SECTION 10. *Repealing Clause.* – All laws, decrees, orders, rules, and regulations or
2 parts thereof inconsistent with the provisions of this Act are hereby repealed, amended, or
3 modified accordingly.

4 SECTION 11. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days
5 following its publication in two (2) newspapers of general circulation.

Approved,