

SEVENTEENTH CONGRESS
REPUBLIC OF THE PHILIPPINES
First Regular Session

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Office of the Secretary
16 JUL 18 P5:56

SENATE
S.B. No. 412

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Introduced by Senator LOREN LEGARDA

AN ACT EXPANDING THE COVERAGE OF THE DEFINITION OF THE CRIME OF SEXUAL HARASSMENT TO INCLUDE UNWANTED TEXT MESSAGES, ELECTRONIC MAIL OR COMMUNICATIONS, OR OTHER SIMILAR MEANS, AMENDING FOR THIS PURPOSE REPUBLIC ACT NUMBERED SEVENTY EIGHT HUNDRED AND SEVENTY-SEVEN, OTHERWISE KNOWN AS THE "SEXUAL HARASSMENT LAW"

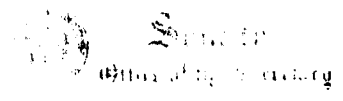
Explanatory Note

This bill seeks to expand the medium of communication by which demands and requests for sexual favors constituting acts of sexual harassment, are defined under RA 7877, otherwise known as the "Sexual Harassment Law." Enacted in 1995, this 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 2015, there are around 42.6 million subscribers of internet services and according to the Business Monitor International, the number of telecommunication subscribers in the Philippines is expected to reach 117 million by the end of 2016. 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. 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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RECEIVED BY: *J.*

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

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

4 **"SECTION 3.** Work education or Training-related Sexual Harassment
5 Defined - Work, education or training sexual harassment is committed
6 by an employer, employee, manager, supervisor, agent of the employer,
7 teacher, instructor, professor, coach, trainor, or any other person who,
8 having authority, influence or moral ascendancy over another in a work,
9 training, or education environment, demands, requests or otherwise
10 requires any sexual favor from the other, regardless of whether the
11 demand, request, or requirement for submission is accepted by the
12 object of said Act **OR THE SENDING OF TEXT MESSAGES,**
13 **ELECTRONIC MAIL OR COMMUNICATION, OR OTHER SIMILAR**
14 **MEANS THAT BY THEIR NATURE MAY QUALIFY AS VULGAR,**
15 **SMUTTY, SEXIST, OBSCENE, LURID OR MALICIOUS, OR**
16 **CONSIDERED AS SEXUAL ADVANCES.**
17

18 a) In a work-related or employment environment, sexual harassment is
19 committed **VERBALLY, IN WRITING OR THROUGH THE USE OF A**
20 **TELEPHONE, CELLULAR PHONE, FAX MACHINE, ELECTRONIC MAIL**
21 **OR OTHER SIMILAR MEANS** when:
22

- 23 (1) The sexual favor is made as a condition in the hiring or in the
24 employment, re-employment or continued employment of said individual,
25 or in granting said individual favorable compensation, term, condition,
26 promotions, or privileges; or the refusal to grant the sexual favor result in
27 limiting, segregating or classifying the employee which in any way would
28 discriminate, deprive or diminish employment opportunities or otherwise
29 adversely affect said employee;
- 30 (2) The above acts would impair the employee's right's or privileges under
31 existing labor laws; or
- 32 (3) The above acts would result in an intimidating, hostile, or offensive

1 environment for the employee.

2 (b) In an education or training environment, sexual harassment is committed
3 **THROUGH ORAL OR WRITTEN MEANS, OR WITH THE USE OF A**
4 **TELEPHONE, CELLULAR PHONE, FAX MACHINE, ELECTRONIC MAIL OR**
5 **OTHER SIMILAR MEANS**

6
7 (1) Against one who is under the care, custody or supervision of the
8 offender;

9 (2) x x x

10 (3) x x x

11 (4) x x x

12
13 **SECTION 2. Effectivity Clause.** This act shall take effect fifteen (15) days after
14 its complete publication in the Official Gazette or in at least two (2) newspapers
15 of general circulation, whichever comes earlier.

16
17 **SECTION 3. Separability Clause** - If any provision of this Act is declared
18 invalid, the remainder of this Act or any provision not affected thereby shall
19 remain in force and effect.

20
21 **SECTION 4. Repealing Clause** - All laws, presidential decrees, executive
22 orders and their implementing rules, inconsistent with the provisions of this
23 act are hereby, repealed, amended or modified accordingly.

24
25 Approved,