

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



Senate
Office of the Secretary

*16 NOV 22 A9:24

SENATE

S. B. No. 1250

RECEIVED BY: 

Introduced by Senator Ana Theresia "Risa" Hontiveros - Baraquel

**AN ACT AMENDING REPUBLIC ACT NO. 7877,
OR THE ANTI - SEXUAL HARASSMENT ACT OF 1995**

EXPLANATORY NOTE

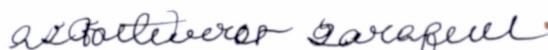
The Anti-Sexual Harassment Act of 1995 has been considered as a landmark legislation for explicitly criminalizing unwelcome sexual advances between a person in authority and his or her subordinate. The law defines Sexual Harassment as "committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other person who, having authority, influence or moral ascendancy over another in a work 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."

However, this definition is limiting in that it only addresses sexual advances when done in situations of institutional power asymmetry. Cases in which both the offender and the offended party are peers or have the same rank or status, or when the offended party is the superior officer in a work or education environment, do not fall within the current framework of sexual harassment.

This bill addresses this gap by introducing peer-to-peer sexual harassment, the net effect of which creates a hostile environment for the offended party. This bill likewise provides protections for the offended party during the duration of the investigation to ensure that there will be no reprisals and other retaliatory acts from the offender.

Sexual harassment as a form of gender-based violence (GBV) diminishes women's ability to thrive and enjoy their freedoms and liberties. Expanding the definition of sexual harassment in the Philippines and strengthening the mechanisms to address all acts of sexual harassment will ensure that women are protected from all forms of discrimination and a safe, nurturing environment is created that will promote the participation of women in all aspects of economic, social, political, cultural development.

The passage of this bill is earnestly sought.



**ANA THERESIA "RISA" HONTIVEROS -
BARAQUEL**

'16 NOV 22 A9:24

SENATE

S. B. No. 1250

RECEIVED BY: 

Introduced by Senator Ana Theresia "Risa" Hontiveros - Baraquel

**AN ACT AMENDING REPUBLIC ACT NO. 7877,
OR THE ANTI SEXUAL HARASSMENT ACT OF 1995**

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

1 **Section 1. Title.** – This Act shall be known as the "Anti-Sexual Harassment Act of 2016".
2

3 **Section 2. Sexual harassment, when and how committed.** Section 3 of Republic Act No.
4 7877, is hereby deleted and replaced with a new Section 3, which will read as follows:
5

6 **SECTION 3.**

7 **THE CRIME OF SEXUAL HARASSMENT SHALL BE DEFINED AS:**

- 8 1. AN ACT OR SERIES OF ACTS INVOLVING ANY UNWELCOME
9 SEXUAL ADVANCES, REQUESTS OR DEMAND FOR SEXUAL
10 FAVORS OR ANY ACT OF A SEXUAL NATURE, WHETHER DONE
11 VERBALLY, PHYSICALLY OR THROUGH THE USE OF
12 TECHNOLOGY, THAT HAS OR COULD HAVE A DETRIMENTAL
13 EFFECT ON THE CONDITIONS OF AN INDIVIDUAL'S EMPLOYMENT
14 OR EDUCATION, JOB PERFORMANCE OR OPPORTUNITIES;
15 2. A CONDUCT OF A SEXUAL NATURE AND OTHER CONDUCT BASED
16 ON SEX AFFECTING THE DIGNITY OF A PERSON, WHICH IS
17 UNWELCOME, UNREASONABLE, AND OFFENSIVE TO THE
18 RECIPIENT; AND
19 3. A CONDUCT THAT IS UNWELCOME AND PERVASIVE AND
20 CREATES AN INTIMIDATING, HOSTILE OR HUMILIATING
21 ENVIRONMENT FOR THE RECIPIENT;

22 **PROVIDED THAT THE CRIME OF SEXUAL HARASSMENT MAY ALSO**
23 **BE COMMITTED BETWEEN PEERS AND THOSE COMMITTED TO A**
24 **SUPERIOR OFFICER BY A SUBORDINATE, OR TO A TEACHER BY A**
25 **STUDENT, OR TO A TRAINER BY A TRAINEE.**

26 **Section 3. Privacy and protection of the offended party.** A new provision shall be
27 inserted into Republic Act No. 7877, which will read as follows:

28 **THE RIGHT OF THE OFFENDED PARTY TO PRIVACY IN ALL STAGES OF**
29 **THE INVESTIGATION, PROSECUTION AND TRIAL AND PROTECTION**
30 **FROM RETALIATORY ACTS BY THE OFFENDER SUCH AS: TERMINATION,**
31 **DENIAL OF PROMOTION, THREATS, UNJUSTIFIED NEGATIVE**

1 **EVALUATIONS, OR RETALIATORY SUITS AGAINST THE OFFENDED**
2 **PARTY SHALL BE ENSURED.**

3
4
5 **Section 4. *Separability Clause.*** - Should any provision of this Act be declared
6 unconstitutional, the remaining parts not affected thereby shall remain valid and
7 operational.

8
9 **Section 5. *Repealing Clause.*** - All laws, decrees, orders, circulars, issuances, rules and
10 regulations and parts thereof which are inconsistent with this act are hereby repealed,
11 amended or modified accordingly.

12
13 **Section 6. *Effectivity.*** - This act shall take effect fifteen (15) days after its publication in
14 the Official Gazette or in any two (2) newspaper of general circulation in the Philippines.

15
16
17
18 ***Approved,***