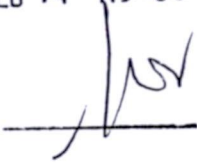


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'17 FEB 14 A9:00

SENATE

RECEIVED BY: 

S. B. No. 1326

Introduced by Senator Ana Theresia "Risa" Hontiveros - Baraquel

**AN ACT DEFINING GENDER-BASED STREET AND PUBLIC SPACES
HARASSMENT, PROVIDING PROTECTIVE MEASURES AND PRESCRIBING
PENALTIES THEREFOR, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

An overwhelming 88% of women aged 18 to 24 years old experienced sexual harassment in the streets (SWS, 2016). While wolf-whistling and catcalling are the more common cases, other forms of sexual harassment include lascivious language, stalking, rubbing or touching, indecent gestures, exhibitionism and public masturbation. 58% of these incidents take place on the streets and small alleys, they have also been reported to happen in public vehicles, public washrooms, schools, and workplaces.

This phenomenon hampers freedom of movement. Evidence compiled by the *United Nations Safe Cities and Safe Public Spaces Program* demonstrate indubitably harassment in public spaces reduces the ability to participate in school, work and public life, and access to essential services and their enjoyment of cultural and recreational opportunities. It also negatively impacts their health and well-being.

Despite the fact that street harassment is a daily reality for an overwhelming majority of Filipinas and LGBTs, there are no clear-cut laws that specifically address this malaise. Provisions of the Revised Penal Code on unjust vexation do not cover with exactitude gender-based, misogynistic and homophobic public spaces harassment, whilst provisions on sexual harassment only at present cover harassment in the workplace between a superior and subordinate.

Hence, a law that penalizes gender-based street and public spaces harassment is long-overdue. This bill provides penalties against unwanted comments, gestures, and actions forced on a person in a public place without their consent and is directed at them because of their actual or perceived sex, gender, gender expression, or sexual orientation and identity, including but not limited to unwanted cursing, wolf-whistling, cat-calling, leering, sexist, homophobic or transphobic slurs, persistent requests for someone's name, number or destination after clear refusal, persistent telling of sexual jokes, use of sexual names, comments and demands, following, flashing, public masturbation, groping, and stalking. It contains specific provisions for harassment in schools, harassment in streets, harassment in public utility vehicles, and harassment in privately-owned spaces that are open to the public. It provides instances of 'qualified gender-based street and public spaces harassment', i.e., when the offense takes places in a public utility vehicle and the perpetrator is the driver and the victim is a passenger, when the victim is a minor, when the perpetrator is a member of the uniformed services, and lastly, when the offense takes place in the

premises of a government agency and the perpetrator is a government employee. Lastly, the bill provides for awareness-raising programs and educational modules in order to propagate awareness of and vigilance against gender-based street and public spaces harassment.

The passage of this bill is earnestly sought.


ANA THERESIA "RISA" HONTIVEROS -
BARAQUEL

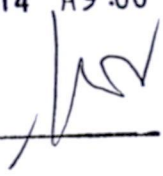


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AN ACT DEFINING GENDER-BASED STREET AND PUBLIC SPACES HARASSMENT, PROVIDING PROTECTIVE MEASURES AND PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES

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 “Safe Streets and Public Spaces Act
2 of 2017.”
3

4 **SECTION 2. Declaration of Principles.** – It is the policy of the State to value the dignity
5 of every human person and guarantee full respect for human rights. It is likewise the
6 policy of the state to recognize the role of women in nation-building and ensure the
7 fundamental equality before the law of women and men.
8

9 **SECTION 3. Gender-based Street and Public Spaces Harassment.** – Gender-based
10 street and public spaces harassment is constitutive of unwanted comments, gestures,
11 and actions forced on a person in a public space without their consent and is directed at
12 them because of their actual or perceived sex, gender, gender expression, or sexual
13 orientation and identity, including but not limited to unwanted cursing, wolf-whistling,
14 cat-calling, leering, sexist, homophobic or transphobic slurs, persistent requests for
15 someone’s name, number and destination after clear refusal, persistent telling of sexual
16 jokes, use of sexual names, comments and demands, following, flashing, public
17 masturbation, groping, stalking, and all analogous cases of sexual harassment and/or
18 assault; provided that legitimate expressions of indigenous culture and tradition with no
19 intent to harass shall not be penalized. Public spaces shall include but are not limited to,
20 streets and alleys, public parks, schools, government buildings, malls, bars, restaurants,
21 transportation terminals, public markets, and public utility vehicles.
22

23 **SECTION 4. Specific Acts and Penalties.** – The following acts constitutive of gender-
24 based street and public spaces harassment will be penalized under the corresponding
25 schedule:
26

27 a. Light violations. – Cursing, wolf-whistling, cat-calling, leering; persistent requests
28 for name and contact details; the use of words tending to ridicule on the basis of
29 actual or perceived sex, gender expression, or sexual orientation and identity
30 including sexist, homophobic and transphobic slurs; or the persistent telling of
31 sexual jokes,
32

33 i. First offense shall be punished by a fine of PhP1000.00 and/or
34 community service of eight (8) hours inclusive of a Gender
35 Sensitivity Seminar to be conducted by the Philippine National

1 Police (PNP) in coordination with the local government unit and the
2 Philippine Commission on Women (PCW),
3

4 ii. Second offense shall be shall be punished by aresto menor (six to
5 ten days) or a fine of PhP2000.00,
6

7 iii. Third offense shall be punished by aresto menor (eleven to thirty
8 days) or a fine of PhP3000.00.
9

10 b. Medium violations. – Making offensive body gestures at someone, exposing
11 private parts for the sexual gratification of the perpetrator with the effect of
12 demeaning, harassing, threatening or intimidating the offended party,
13

14 i. First offense shall be punished by a fine of PhP3000.00 and/or
15 community service of eight (8) hours inclusive of a Gender
16 Sensitivity Seminar, to be conducted by the PNP in coordination
17 with the local government unit and the PCW,
18

19 ii. Second offense shall be punished by aresto menor (eleven to thirty
20 days) or a fine of PhP4000.00,
21

22 iii. Third offense shall be punished by aresto mayor (one to six months)
23 or a fine of PhP5000.00.
24

25 c. Severe violations – Stalking; all the acts mentioned in paragraphs a and b, when
26 accompanied by touching, pinching or brushing against the body of a person; or
27 any touching, pinching, or brushing against the genitalia, anus, groin, breasts,
28 inner thighs, face, or buttocks even when not accompanied by acts mentioned in
29 paragraphs a and b,
30

31 i. First offense shall be punished by aresto menor (eleven to thirty
32 days) or a fine of PhP4000.00, provided that it includes attendance
33 in a Gender Sensitivity Seminar, to be conducted by the PNP in
34 coordination with the local government unit and the PCW,
35

36 ii. Second offense shall be punished by aresto mayor (one to six
37 months) or a fine of PhP5000.00,
38

39 iii. Third offense shall be punished by aresto mayor (one to six months)
40 or a fine of PhP10,000.00.
41

42 Above penalties are without prejudice to administrative sanctions that may be imposed
43 if the perpetrator is a government employee. Nothing in this law shall prevent LGUs
44 from coming up with ordinances that impose heavier penalties under the acts specified
45 herein. When the perpetrator is a stranger to the victim, absence of consent is
46 presumed.
47

48 **SECTION 5.** *“No means no” Principle.* When the victim utters the phrase, “no means
49 no” or its translation in the local dialect, the presumption of absence of consent is
50 rendered conclusive. The National Commission on the Filipino language shall provide
51 official translations of the aforementioned phrase in all local languages. Local
52 government units shall disseminate the phrase in its local translation in their
53 implementation of this Act and in all information campaigns pertinent to the same.
54

55 **SECTION 6.** *Authority to Apprehend Gender-based Street Harassment Perpetrators for*
56 *Light and Medium Offenses.* The Metro Manila Development Authority (MMDA) for
57 Metro Manila, and the local units of the PNP for other provinces, will deputize its

1 enforcers to be Anti Sexual Harassment Enforcers (A-SHE). They will be deputized to
2 receive complaints on the street and immediately apprehend the offender if the same
3 was caught in flagrante delicto. For light and medium offenses, A-SHEs may
4 immediately impose the fine for, or issue orders for Community Service. The A-SHE
5 unit, together with the Women and Children's Desk of PNP stations, will keep a ledger
6 of offenders of this Act for purposes of determining if the offender is a first, second, or
7 third offender.

8
9 **SECTION 7. *Qualified Gender-based Street and Public Spaces Harassment.*** - The
10 penalty next higher in degree will be applied in the following cases:

- 11
12 a. if the Act takes place in a common carrier or public utility vehicle, including but
13 not limited to jeepneys, taxis, tricycles, or app-based transport network vehicle
14 services, where the perpetrator is the driver of the vehicle and the offended party
15 is a passenger;
- 16 b. if the offended party is a minor;
- 17 c. if the perpetrator is a member of the uniformed services, such as the PNP and
18 the Armed Forces of the Philippines, and the act was perpetrated while the
19 perpetrator was in uniform.
- 20 d. If the Act takes place in the premises of a government agency offering front-line
21 services to the public and the perpetrator is a government employee.

22
23 **SECTION 8. *Gender-based Harassment in Restaurants, Bars, Cinemas, Malls,***
24 ***Buildings and Other Privately-owned Places Open to the Public.*** Restaurants, bars,
25 cinemas, malls, buildings and other privately-owned places open to the public shall
26 adopt a zero-tolerance policy against harassment. These establishments should provide
27 assistance to victims of harassment by helping coordinate with local police authorities in
28 the immediate aftermath of the reported harassment, making CCTV footage available,
29 and providing a safe gender-sensitive environment to encourage victims to report
30 harassment at the first instance. The PCW will develop a mandatory seminar against
31 public spaces harassment, attendance in which shall be made a prerequisite for
32 business permit renewal. All restaurants, bars, cinemas and other places of recreation
33 shall install in their business establishments clearly-visible warning signs against public
34 spaces harassment, including the anti-harassment hotline number in bold letters, and
35 shall designate at least one anti-sexual harassment officer to receive gender-based
36 harassment complaints. Security guards in these places may be deputized to
37 apprehend perpetrators caught in flagrante delicto and are required to immediately
38 coordinate with local authorities.

39
40 **SECTION 9. *Gender-based Harassment in Schools.*** Each school, whether grade
41 school, high school, tertiary, or vocational institutions, shall designate an officer in
42 charge of receiving complaints regarding violations of this Act, and shall ensure that
43 complainants are provided with a gender-sensitive environment that is both respectful of
44 complainants' needs and conducive to truth-telling. Every school must adopt and
45 publish grievance procedures for students to file complaints under this Act. Even if an
46 individual does not want to file a complaint or does not request that the school take any
47 action on the student's behalf, if a school knows or reasonably should know about
48 possible sexual harassment or sexual violence, it must promptly investigate to
49 determine what occurred and then take appropriate steps to resolve the situation. If a
50 school knows or reasonably should know about sexual harassment or sexual violence
51 that creates a hostile environment, the school must take immediate action to eliminate
52 the sexual harassment or sexual violence, prevent its recurrence, and address its
53 effects.

54
55 **SECTION 10. *Gender-based Harassment in Public Utility Vehicles.*** In addition to the
56 penalties in Section 4 and Section 6.a of this Act, the Land Transportation Office (LTO)

1 may also cancel the license of perpetrators, and the Land Transportation Franchising
2 and Regulatory Board (LTFRB) may suspend or revoke the franchise of transportation
3 operators. Gender-based harassment in PUVs where the perpetrator is the driver of the
4 vehicle shall also constitute a breach of contract of carriage, for the purpose of creating
5 a presumption of negligence on the part of the owner/operator of the vehicle in the
6 selection and supervision of employees and rendering the former solidarily liable for the
7 offenses of the latter.

8
9 **SECTION 11. *PNP Women and Children's Desks.*** The Women and Children's desks
10 now existing in all police stations shall act on and attend to all complaints covered under
11 this Act, and shall coordinate with A-SHE officers on the street, security guards in
12 privately-owned spaces open to the public, and anti-sexual harassment officers in
13 government and private offices or schools in the enforcement of the provisions of this
14 Act.

15
16 **SECTION 12. *Educational Modules.*** Courses in high school and college shall include
17 age-appropriate educational modules against street and public spaces harassment,
18 such modules to be developed by the Department of Education (DepEd), the
19 Commission on Higher Education (CHED) and the PCW.

20
21 **SECTION 13. *Safety Audits.*** Local government units are required to conduct safety
22 audits every three years to determine effective implementation of the Act within their
23 jurisdictions. Such audits shall be multi-sectoral and participatory, with consultations
24 undertaken with schools, police officers, and civil society organizations.

25
26 **SECTION 14. *Separability Clause.*** - If any provision or part hereof is held invalid or
27 unconstitutional, the remaining provisions not affected thereby shall remain valid and
28 subsisting.

29
30 **SECTION 15. *Repealing Clause.*** - Any law, presidential decree or issuance, executive
31 order, letter of instruction, administrative order, rule or regulation contrary to or
32 inconsistent with the provisions of this Act is hereby repealed, modified or amended
33 accordingly.

34
35 **SECTION 16. *Effectivity.*** - This act shall take effect fifteen (15) days after its publication
36 in the Official Gazette or in any two (2) newspapers of general circulation in the
37 Philippines.

38
39
40
41 ***Approved,***