

**EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**
First Regular Session

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Senate
Office of the Secretary

SENATE

S. No. 812

'19 JUL 29 P5:37

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INTRODUCED BY SENATOR RISA HONTIVEROS

**AN ACT
DEFINING GENDER-BASED ELECTRONIC VIOLENCE, PROVIDING
PROTECTIVE MEASURES AND PRESCRIBING PENALTIES THEREFOR, AND
FOR OTHER PURPOSES**

EXPLANATORY NOTE

The Anti Violence Against Women Act (R.A. 9262) has provided additional legal options for women who are victims of violence in the context of domestic or sexual relationships. On the other hand, R.A. 9995, or the Anti Photo and Video Voyeurism Act, penalizes the unauthorized recording and sharing of photographs and videos. However, there is a vacuum of legal remedies available when the nature of the violence tends to disparage the personhood and identity of the victims on account of his or her gender, and such violence takes place outside the context of a domestic or sexual relationship. Likewise, there is a vacuum of legal remedies available when the victim of the violence is LGBTQ.

Misogynistic and homophobic attacks on social media are examples of gender-based electronic violence. Many of the victims are young people, who use social media as their primary outlet of expression. These attacks have the effect of silencing this expression and contributing to a culture of misogyny and hate.

This bill proposes to prohibit "gender-based electronic violence", institutes protective measures such as the issuance of a protective order, imposes penalties on perpetrators, and provides for educational tools against gender-based electronic violence.

The immediate passage of this bill is earnestly sought.

Risa Montiveros
RISA HONTIVEROS

Senator



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

1 Section 1. *Title.* – This Act shall be known as the “Gender-based Electronic
2 Violence Act of 2019”.

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

7 Sec. 3. *Gender-based electronic violence.* – Gender-based electronic violence
8 (GBEV) is an offense refers to any acts or omissions involving the use or exploitation of
9 ephemeral data or any form of information and communications technology (ICT) which
10 causes or is likely to cause mental, emotional, or psychological distress or suffering to
11 the female victim or Lesbian Gay Bisexual Transgender Queer (LGBTQ) victim, and
12 tending to disparage the dignity and personhood of the same on account of his or her
13 gender, including but not limited to:

14 a) Unauthorized recording, reproduction or distribution of videos showing
15 the victim’s naked or undergarment-clad genitals, public area, buttocks
16 or breasts;

17 b) Uploading or sharing without the consent of the victim, any form of
18 media that contain pictures, voice or video of the victim with lewd,
19 indecent, obscene or sexual content;

- 1 c) Harassing or threatening the victim through text messaging, obscene,
2 misogynistic, homophobic or indecent posts in social media sites, or
3 other cyber, electronic or multimedia means;
- 4 d) Cyber-stalking which includes, but is not limited to the hacking of
5 personal accounts on social networking sites, the use of location
6 trackers on cellular devices; and
- 7 e) Unauthorized use of the victim's picture, video, voice, name or any other
8 aspect of the victim's identity and distributing the same in any video
9 game, phone application, program and the like, which deliberately
10 exposes the victim to harassment and attack and puts or tends to put
11 the victim in a bad light or injure the victim's reputation.

12 *Sec. 4. GBEV protection order.* - A protection order is an order issued under this
13 Act for the purpose of preventing further acts of gender-based electronic violence
14 specified in Section 3 of this Act. The relief granted under a protection order serves the
15 purpose of safeguarding the victim from further harm and electronic violence,
16 minimizing any disruption in the victim's daily life and activities, including social media
17 activities. An application for a GBEV protection order must be in writing, signed and
18 verified under oath by the applicant. It may be filed as an independent action or as an
19 incidental relief in any civil or criminal case the subject matter or issues thereof
20 partakes of a violence as described under this Act.

21 *Sec. 5. Penalties.* - The penalty of imprisonment of not less than three (5) years
22 but not more than ten (10) years and a fine of not less than One hundred thousand
23 pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00), or
24 both, at the discretion of the court shall be imposed upon any person found guilty of
25 violating Section 3 of this Act.

26 If the violator is a juridical person, its license or franchise shall be automatically be
27 deemed revoked and the persons liable shall be the officers thereof including the editor
28 and reporter in the case of print media, and the station manager, editor and
29 broadcaster in the case of a broadcast media.

30 If the offender is a public officer or employee, or a professional, he/she shall be
31 administratively liable.

32 If the offender is an alien, he/she shall be subject to deportation proceedings after
33 serving his/her sentence and payment of fines.

34 Nothing in this Act shall be construed as reducing penalties or diminishing remedies
35 available under other existing legislation.

1 Sec. 6. *Mandatory education against gender-based electronic violence.* –
2 Information and communication technology (ICT) courses in high school shall include
3 age-appropriate educational modules against gender-based electronic violence, such
4 modules to be developed by the Department of Education (DepEd).

5 Sec. 7. *Exemption.* - Nothing contained in this Act, however, shall render it
6 unlawful or punishable for any peace officer, who is authorized by a written order of the
7 court, to use the record or any copy thereof as evidence in any civil, criminal
8 investigation or trial of the crime of gender based electronic violence: Provided, That
9 such written order shall only be issued or granted upon written application and the
10 examination under oath or affirmation of the applicant and the witnesses he/she may
11 produce, and upon showing that there are reasonable grounds to believe that gender
12 based electronic violence has been committed or is about to be committed, and that the
13 evidence to be obtained is essential to the conviction of any person for, or to the
14 solution or prevention of such, crime.

15 Sec. 8. *Inadmissibility of Evidence.* – Any record, photo or video, or copy thereof,
16 obtained or secured by any person in violation of the preceding sections shall not be
17 admissible in evidence in any judicial, quasi-judicial, legislative or administrative hearing
18 or investigation.

19 Sec. 9. *Separability Clause.* – If any provision or part hereof is held invalid or
20 unconstitutional, the remaining provisions not affected thereby shall remain valid and
21 subsisting.

22 Sec. 10. *Repealing Clause.* – Any law, presidential decree or issuance, executive
23 order, letter of instruction, administrative order, rule or regulation contrary to or
24 inconsistent with the provisions of this Act is hereby repealed, modified or amended
25 accordingly.

26 Sec. 11. *Effectivity.* – This act shall take effect fifteen (15) days after its
27 publication in the Official Gazette or in any two (2) newspapers of general circulation in
28 the Philippines.

Approved,