

SENATE

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S.B. No. 2897

(In substitution of S.B. Nos. 2232 and 2810)

Prepared by the Committees on Women, Children, Family Relations and
Gender Equality and Justice and Human Rights with Senators Villar (C),
Padilla and Hontiveros as authors thereof

AN ACT

AMENDING REPUBLIC ACT NO. 11313 OTHERWISE KNOWN AS THE "SAFE
SPACES ACT" AND FOR OTHER PURPOSES

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

1 **SECTION 1.** Section 3 of Republic Act No. 11313 shall be amended to read as
2 follows:

3 "Definition of terms:

4 xxx

5 (g) *Public spaces* refer to streets and alleys **WHETHER IN URBAN OR**
6 **RURAL AREAS**, public parks, schools, buildings, malls, bars, restaurants,
7 **FIELDS AND FARMS, COASTAL AREAS**, transportation terminals, public
8 markets, **MULTI-PURPOSE HALLS**, spaces used as evacuation centers,
9 government offices, public utility vehicles as well as private vehicles covered by
10 app-based transport network services and other recreational spaces such as,
11 but not limited to, cinema halls, theaters and spas; and

12 **(H) GROOMING REFERS TO PREDATORY CONDUCT, ACT, OR PATTERN**
13 **OF ACTS, OF ESTABLISHING A RELATIONSHIP OF TRUST, OR**
14 **EMOTIONAL CONNECTION BY ANOTHER, WITH A CHILD OR**
15 **SOMEONE WHO IS BELIEVED TO BE A CHILD, AND/OR THE FAMILY,**
16 **GUARDIAN, AND/OR CAREGIVERS, WHETHER IN PERSON OR VIA**
17 **ELECTRONIC AND OTHER SIMILAR DEVICES, FOR THE PURPOSE OF**
18 **PERPETRATING SEXUAL ABUSE OR EXPLOITATION"**

19 **SEC. 2.** Section 12 of Republic Act No. 11313 shall be amended to read as
20 follows:

Section 12. Gender-Based Online Sexual Harassment. -Gender-based online sexual harassment includes acts that use information and communications technology, **INCLUDING ARTIFICIAL INTELLIGENCE AND OTHER EMERGING TECHNOLOGIES**, in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging, uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing of any of the victim's photos, videos, or any information online, impersonating identities of victims online or posting lies about victims to harm their reputation, or filing, false abuse reports to online platforms to silence victims.

SEC. 3. Section 14 of Republic Act No. 11313 shall be amended to read as follows:

"xxx

INTERNET INTERMEDIARIES SHALL IMMEDIATELY BLOCK ACCESS TO, REMOVE OR TAKE DOWN THE INTERNET ADDRESS, UNIFORM RESOURCE LOCATOR (URL), WEBSITES OR ANY CONTENT THEREOF CONTAINING MATERIAL CONSTITUTING VIOLATIONS OF THIS ACT, WITHIN TWENTY-FOUR (24) HOURS FROM RECEIPT OF NOTICE FROM A COMPETENT AUTHORITY: PROVIDED, THAT THESE INTERMEDIARIES SHALL PRESERVE WITHIN SIX (6) MONTHS FROM THE DATE OF THE TRANSACTION EXTENDIBLE FOR ANOTHER SIX (6) MONTHS OR DURING THE PENDENCY OF THE CASE, ALL SUBSCRIBER'S OR REGISTRATION INFORMATION AND TRAFFIC DATA IN ITS CONTROL AND POSSESSION: PROVIDED FURTHER, THAT IN THE CASE OF CONTENT DATA, THE SAME SHALL BE PRESERVED WITHIN ONE (1) YEAR, AND UPON NOTICE BY THE COMPETENT AUTHORITY, THE PRESERVATION SHALL BE EXTENDIBLE FOR ANOTHER SIX (6) MONTHS: PROVIDED FINALLY, THAT THE COMPETENT AUTHORITY SHALL, AS FAR AS PRACTICABLE, EXPRESSLY IDENTIFY AND SPECIFY SUCH RELEVANT EVIDENCE THAT NEEDS PRESERVATION."

SEC. 4. Section 16 of Republic Act No. 11313 shall be amended to read as follows:

"xxx

ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL, UPON CONVICTION, BE PENALIZED BY IMPRISONMENT OF NOT LESS THAN ONE (1) MONTH NOR MORE THAN SIX (6) MONTHS, OR A FINE OF NOT LESS THAN TEN THOUSAND PESOS (P10,000) NOR MORE THAN ONE HUNDRED THOUSAND PESOS (P100,000)), OR BOTH, AT THE DISCRETION OF THE COURT.

1 **SEC. 5.** Section 19 of Republic Act No. 11313 shall be amended to read as
2 follows:

3 "Section 19. Liability of Employers. — In addition to liabilities for committing
4 acts of gender-based sexual harassment, employers may also be held
5 responsible for:

- 6 a) Non-implementation of their duties under Section 17 of this Act, as
7 provided in the penal provisions; or
8 b) Not taking action on reported acts of gender-based sexual harassment
9 committed in the workplace.

10 Any person who violates subsection (a) of this section, shall upon conviction,
11 be penalized with a fine of not less than [~~Five~~] **ONE HUNDRED** thousand pesos
12 (P [~~5~~] **100,000.00**) nor more than [~~Ten~~] **THREE HUNDRED** thousand pesos
13 (P [~~1~~] **300,000.00**).

14 Any person who violates subsection (b) of this section, shall upon conviction,
15 be penalized with a fine of not less than [~~Ten~~] **THREE HUNDRED** thousand
16 pesos (P [~~1~~] **300,000.00**) nor more than [~~Fifteen~~] **FIVE HUNDRED** thousand
17 pesos (P [~~1~~] **500,000.00**).

18 **ANY PERSON WHO VIOLATES SUBSECTIONS (A) OR (B) OF THIS**
19 **SECTION SHALL, UPON CONVICTION, BE MADE LIABLE TO PAY**
20 **EXEMPLARY DAMAGES IN THE AMOUNT OF THREE HUNDRED**
21 **THOUSAND PESOS (P300,000.00)."**

22 **SEC. 6.** A new Section 21 shall be inserted as follows, with the provisions below
23 it renumbered accordingly:

24 **SECTION 21. GENDER-BASED SEXUAL HARASSMENT IN**
25 **EDUCATIONAL AND TRAINING INSTITUTIONS. -THE CRIME OF**
26 **GENDER-BASED SEXUAL HARASSMENT IN EDUCATIONAL AND**
27 **TRAINING INSTITUTIONS INCLUDES THE FOLLOWING:**

28 **(A) AN ACT OR SERIES OF ACTS INVOLVING ANY UNWELCOME**
29 **SEXUAL ADVANCES, REQUESTS OR DEMAND FOR SEXUAL**
30 **FAVORS OR ANY ACT OF SEXUAL NATURE, WHETHER DONE**
31 **VERBALLY, PHYSICALLY OR THROUGH THE USE OF**
32 **TECHNOLOGY SUCH AS TEXT MESSAGING OR ELECTRONIC**
33 **MAIL OR THROUGH ANY OTHER FORMS OF INFORMATION AND**
34 **COMMUNICATION SYSTEMS;**

35 **(B) A CONDUCT OF SEXUAL NATURE AND OTHER CONDUCT-**
36 **BASED ON SEX AFFECTING THE DIGNITY OF A PERSON, WHICH**
37 **IS UNWELCOME, UNREASONABLE, AND OFFENSIVE TO THE**
38 **RECIPIENT, WHETHER DONE VERBALLY, PHYSICALLY OR**
39 **THROUGH THE USE OF TECHNOLOGY SUCH AS TEXT**
40 **MESSAGING OR ELECTRONIC MAIL OR THROUGH ANY OTHER**
41 **FORMS OF INFORMATION AND COMMUNICATION SYSTEMS,**
42 **INCLUDING ARTIFICIAL INTELLIGENCE TECHNOLOGIES;**

1 (C) A CONDUCT THAT IS UNWELCOME AND PERVASIVE AND
2 CREATES AN INTIMIDATING, HOSTILE OR HUMILIATING
3 ENVIRONMENT FOR THE RECIPIENT: *PROVIDED*, THAT THE
4 CRIME OF GENDER-BASED SEXUAL HARASSMENT MAY ALSO BE
5 COMMITTED BETWEEN PEERS AND THOSE COMMITTED TO A
6 SUPERIOR OFFICER BY A SUBORDINATE, OR TO A TEACHER BY
7 A STUDENT, OR TO A TRAINER BY A TRAINEE;

8 (D) CONDUCT THAT CONSTITUTES GROOMING IN
9 ACCORDANCE WITH SECTION 3 OF THIS ACT.

10 INFORMATION AND COMMUNICATION SYSTEM REFERS TO A SYSTEM
11 FOR GENERATING, SENDING, RECEIVING, STORING OR OTHERWISE
12 PROCESSING ELECTRONIC DATA MESSAGES OR ELECTRONIC
13 DOCUMENTS AND INCLUDES THE COMPUTER SYSTEM OR OTHER
14 SIMILAR DEVICES BY OR IN WHICH DATA ARE RECORDED OR
15 STORED AND ANY PROCEDURE RELATED TO THE RECORDING OR
16 STORAGE OF ELECTRONIC DATA MESSAGES OR ELECTRONIC
17 DOCUMENTS.

18 ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS ACT SHALL,
19 UPON CONVICTION, BE PENALIZED BY IMPRISONMENT OF NOT LESS
20 THAN ONE (1) MONTH NOR MORE THAN SIX (6) MONTHS, OR A FINE
21 OF NOT LESS THAN TEN THOUSAND PESOS (P10,000) NOR MORE
22 THAN ONE HUNDRED THOUSAND PESOS (P100,000)), OR BOTH, AT
23 THE DISCRETION OF THE COURT. IF THE PERPETRATOR IS AN ADULT
24 AND THE VICTIM IS A CHILD, THE PENALTY OF IMPRISONMENT
25 SHALL BE IMPOSED MANDATORILY.

26 WITHIN SIX (6) MONTHS FROM THE PASSAGE OF THIS ACT, THE
27 DEPARTMENT OF JUSTICE, THE DEPARTMENT OF EDUCATION, THE
28 COMMISSION ON HIGHER EDUCATION, AND THE CHILD WELFARE
29 COUNCIL (CWC) SHALL FORMULATE RULES FOR THE
30 INSTITUTIONALIZATION OF A PRE-HIRING SAFETY CLEARANCE
31 MECHANISM TO ENSURE THAT ADULTS REGULARLY WORKING IN
32 CLOSE PROXIMITY TO MINORS, SUCH AS TEACHERS AND OTHER
33 SCHOOL PERSONNEL, HAVE NO HISTORY OF ABUSIVE OR
34 PREDATORY BEHAVIOR. THIS PRE-HIRING SAFETY CLEARANCE
35 SHALL NOT BE UNDULY BURDENSOME TO APPLICANTS, AND SHALL
36 BALANCE THE INTERESTS OF DUE PROCESS AND CHILD SAFETY.

37 GENDER SENSITIVITY AND CHILD PROTECTION TRAININGS SHALL
38 BE MANDATORY FOR ALL STAFF.

39 **SEC. 7.** Section 23 of Republic Act No. 11313 shall be amended as follows:
40 "**Section ____.** In addition to liabilities for committing acts of gender-based
41 sexual harassment, principals, school heads, teachers, instructors, professors,
42 coaches, trainers, or any other person who has authority, influence, or moral
43 ascendancy over another in an educational or training institution, may also be
44 held responsible for:

- 1 a) Non-implementation of their duties under Section 21 of this Act, as
2 provided in the penal provisions; or
3 b) Not taking action on reported acts of gender-based sexual harassment
4 committed in the workplace; **OR**
5 c) **VIOLATING THE RIGHTS OF THE VICTIM AGAINST**
6 **RETRIBUTION AND TO CONFIDENTIALITY.**

7 Any person who violates subsection (a) of this section, shall upon conviction,
8 be penalized with a fine of not less than [Five] **ONE HUNDRED** thousand pesos
9 (P ~~[5]~~ 100,000.00) nor more than [~~Ten~~] **THREE HUNDRED** thousand pesos (P
10 ~~[1]~~ 300,000.00).

11 Any person who violates subsection (b) of this section, shall upon conviction,
12 be penalized with a fine of not less than [~~Ten~~] **THREE HUNDRED** thousand
13 pesos (P ~~[1]~~ 300,000.00) nor more than [~~Fifteen~~] **FIVE HUNDRED** thousand
14 pesos (P ~~[1]~~ 500,000.00).

15 **ANY PERSON WHO VIOLATES SUBSECTIONS (A) OR (B) OF THIS**
16 **SECTION SHALL, UPON CONVICTION, BE MADE LIABLE TO PAY**
17 **EXEMPLARY DAMAGES IN THE AMOUNT OF THREE HUNDRED**
18 **THOUSAND PESOS (P300,000.00)."**

19 **SEC. 8. Protection Orders.** A new Section shall be inserted as follows:

20 **"IN ADDITION TO THE RELIEFS PROVIDED UNDER THIS ACT, VICTIMS**
21 **SHALL ALSO BE ENTITLED TO APPLY FOR A PROTECTION ORDER FOR THE**
22 **PURPOSE OF PREVENTING FURTHER VIOLATIONS OF THIS ACT.**

23 **APPLICATIONS FOR BARANGAY PROTECTION ORDERS SHALL FOLLOW THE**
24 **RULES ON VENUE UNDER SECTION 409 OF THE LOCAL GOVERNMENT CODE**
25 **OF 1991. AN APPLICATION FOR TEMPORARY OR PERMANENT PROTECTION**
26 **ORDER MAY BE FILED IN THE TRIAL COURT WITH JURISDICTION OVER**
27 **THE APPLICANT/VICTIM.**

28 **WITHIN SIX (6) MONTHS FROM THE PASSAGE OF THIS ACT, THE**
29 **DEPARTMENT OF JUSTICE, THE DEPARTMENT OF SOCIAL WELFARE AND**
30 **DEVELOPMENT, AND THE PHILIPPINE COMMISSION ON WOMEN, SHALL**
31 **FORMULATE RULES FOR THE IMPLEMENTATION OF THIS PROVISION. THE**
32 **RELEVANT PROVISIONS OF REPUBLIC ACT NO. 9262 SHALL APPLY IN A**
33 **SUPPLETORY MANNER."**

34 **SEC. 9.** Section 36 of Republic Act No. 11313 is likewise amended to read as
35 follows:

36 "Section 36. Prescriptive Period. — Any action arising from the violation of any of the
37 provisions of this Act shall prescribe as follows:

- 38 a) XXX
39 b) XXX
40 c) XXX

- 1 d) XXX
2 e) Offences committed under Sections 16 and 21 of this Act shall prescribe in [five
3 {5}] **TEN (10)** years."

4 **SEC. 10.** Separability Clause. — If any provision of this Act shall be held
5 unconstitutional or invalid, the other provisions not otherwise affected shall remain in
6 full force and effect.

7 **SEC. 11.** Repealing Clause. — All laws, decrees, orders, issuances, and rules and
8 regulations or parts thereof inconsistent with the provisions of this Act are hereby
9 repealed or modified accordingly.

10 **SEC. 12.** Effectivity Clause. — This Act shall take effect fifteen (15) days after its
11 publication in the Official Gazette or in at least two (2) newspapers of general
12 circulation.

13 *Approved,*