



S E N A T E

S. No. 2897

PREPARED AND SUBMITTED JOINTLY BY THE COMMITTEES
ON WOMEN, CHILDREN, FAMILY RELATIONS AND
GENDER EQUALITY; AND JUSTICE AND HUMAN RIGHTS
WITH SENATORS VILLAR (C.), PADILLA, HONTIVEROS,
AND TULFO 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
2 be amended to read as follows:

3 “SEC. 3. *Definition of Terms.* As used in
4 the Act:

5 xxx

6 (g) *Public spaces* refer to streets and
7 alleys WHETHER IN URBAN OR RURAL
8 AREAS, public parks, schools, buildings, malls,

1 bars, restaurants, FIELDS AND FARMS,
2 COASTAL AREAS, transportation terminals,
3 public markets, MULTI-PURPOSE HALLS,
4 spaces used as evacuation centers, government
5 offices, public utility vehicles as well as private
6 vehicles covered by app-based transport
7 network services, and other recreational spaces
8 such as, but not limited to, cinema halls,
9 theaters and spas; [~~and~~]

10 (h) *Stalking* xxx; AND

11 (I) *GROOMING* REFERS TO PREDATORY
12 CONDUCT, AN ACT, OR PATTERN OF ACTS
13 OF ESTABLISHING A RELATIONSHIP OF
14 TRUST OR EMOTIONAL CONNECTION BY A
15 PERSON WITH A CHILD OR SOMEONE WHO
16 IS BELIEVED TO BE A CHILD, AND/OR THE
17 CHILD'S FAMILY, GUARDIAN, OR CAREGIVERS,
18 WHETHER IN PERSON OR VIA ELECTRONIC
19 AND OTHER SIMILAR DEVICES, FOR THE

PURPOSE OF PERPETRATING SEXUAL ABUSE
OR EXPLOITATION.”

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

“SEC. 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

1 content, any unauthorized recording and
2 sharing of any of the victim's photos, videos, or
3 any information online, impersonating
4 identities of victims online or posting lies about
5 victims to harm their reputation, or filing[7]
6 false abuse reports to online platforms to
7 silence victims.”

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

10 “SEC. 14. *Penalties for Gender-Based*
11 *Online Sexual Harassment.* –

12 xxx

13 Any record, photo [œ], video, or copy
14 thereof of any person that is in violation of the
15 preceding sections shall not be admissible in
16 evidence in any judicial, quasi-judicial,
17 legislative, or administrative hearing or
18 investigation.

19 INTERNET INTERMEDIARIES SHALL
20 IMMEDIATELY BLOCK ACCESS TO, REMOVE,

1 OR TAKE DOWN THE INTERNET ADDRESS,
2 UNIFORM RESOURCE LOCATOR (URL),
3 WEBSITE, OR ANY CONTENT THEREOF
4 WHICH VIOLATE THIS ACT, WITHIN
5 TWENTY-FOUR (24) HOURS FROM RECEIPT
6 OF NOTICE FROM A COMPETENT
7 AUTHORITY: *PROVIDED*, THAT THE
8 INTERMEDIARIES SHALL PRESERVE ALL
9 SUBSCRIBERS OR REGISTRATION
10 INFORMATION AND TRAFFIC DATA IN ITS
11 CONTROL AND POSSESSION FOR A PERIOD
12 OF SIX (6) MONTHS FROM THE DATE OF THE
13 TRANSACTION, EXTENDIBLE FOR ANOTHER
14 SIX (6) MONTHS OR DURING THE PENDENCY
15 OF THE CASE: *PROVIDED, FURTHER*, THAT
16 CONTENT DATA SHALL BE PRESERVED FOR
17 A PERIOD OF ONE (1) YEAR, EXTENDIBLE
18 FOR ANOTHER SIX (6) MONTHS, UPON
19 NOTICE BY COMPETENT AUTHORITY:
20 *PROVIDED, FINALLY*, THAT THE COMPETENT

1 AUTHORITY SHALL, AS FAR AS
2 PRACTICABLE, EXPRESSLY IDENTIFY AND
3 SPECIFY THE EVIDENCE THAT NEEDS
4 PRESERVATION.”

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

7 “SEC.16. *Gender-Based Sexual Harassment*
8 *in the Workplace.* – xxx

9 (a) xxx

10 (b) xxx

11 (c) xxx

12 (d) xxx

13 ANY PERSON WHO VIOLATES THE
14 PROVISIONS OF THIS SECTION SHALL,
15 UPON CONVICTION, BE PENALIZED BY
16 IMPRISONMENT OF NOT LESS THAN
17 ONE (1) MONTH NOR MORE THAN SIX (6)
18 MONTHS, OR A FINE OF NOT LESS THAN
19 TEN THOUSAND PESOS (P10,000.00) NOR
20 MORE THAN ONE HUNDRED THOUSAND

PESOS (P100,000.00), OR BOTH, AT THE
DISCRETION OF THE COURT.”

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

“SEC. 19. *Liability of Employers.* – In
addition to liabilities for committing acts of
gender-based sexual harassment, employers
may also be held responsible for:

(a) Non-implementation of their duties
under Section 17 of this Act, as provided in the
penal provisions; or

(b) Not taking action on reported acts of
gender-based sexual harassment committed in
the workplace.

Any person who violates subsection (a) of
this section, shall upon conviction, be penalized
with a fine of not less than [~~Five~~] ONE
HUNDRED thousand pesos [~~(P5,000.00)~~]
(P100,000.00) nor more than [~~Ten~~] THREE

HUNDRED thousand pesos [~~(P10,000.00)~~
(P300,000.00).

Any person who violates subsection (b) of
this section, shall upon conviction, be penalized
with a fine of not less than [~~Ten~~] THREE
HUNDRED thousand pesos [~~(P10,000.00)~~
(P300,000.00) nor more than [~~Fifteen~~] FIVE
HUNDRED thousand pesos [~~(P15,000.00)~~
(P500,000.00).

ANY PERSON WHO VIOLATES
SUBSECTION (A) OR (B) OF THIS SECTION
SHALL, UPON CONVICTION, BE LIABLE
FOR EXEMPLARY DAMAGES IN THE
AMOUNT OF THREE HUNDRED
THOUSAND PESOS (P300,000.00).”

SEC. 6. The title of Section 21 of Republic Act No.
11313 shall be amended as follows:

“SEC. 21. ~~[Gender Based Sexual Harassment~~
~~in Educational and Training Institutions]~~
ADMINISTRATIVE REMEDIES AGAINST

*GENDER-BASED SEXUAL HARASSMENT IN
SCHOOLS AND EDUCATIONAL
INSTITUTIONS. – xxx”*

SEC. 7. A new Section 21-A shall be inserted as
follows:

“SEC. 21-A. *GENDER-BASED SEXUAL
HARASSMENT IN EDUCATIONAL AND
TRAINING INSTITUTIONS; PENALTIES;
PRE-HIRING SAFETY CLEARANCE; AND
OTHER PROTECTION MECHANISMS. –
THE CRIME OF GENDER-BASED SEXUAL
HARASSMENT IN EDUCATIONAL AND
TRAINING INSTITUTIONS SHALL
INCLUDE:*

(A) AN ACT OR SERIES OF ACTS
INVOLVING ANY UNWELCOME SEXUAL
ADVANCES, REQUESTS, OR DEMANDS
FOR SEXUAL FAVORS OR ANY ACT OF
SEXUAL NATURE, WHETHER DONE
VERBALLY, PHYSICALLY, OR THROUGH

1 THE USE OF TECHNOLOGY SUCH AS
2 TEXT MESSAGING, ELECTRONIC MAIL, OR
3 THROUGH ANY OTHER FORM OF
4 INFORMATION AND COMMUNICATION
5 SYSTEMS;

6 (B) CONDUCT OF SEXUAL NATURE
7 AFFECTING THE DIGNITY OF A PERSON,
8 WHICH IS UNWELCOME, UNREASONABLE,
9 AND OFFENSIVE TO THE RECIPIENT,
10 WHETHER DONE VERBALLY, PHYSICALLY,
11 OR THROUGH THE USE OF TECHNOLOGY
12 SUCH AS TEXT MESSAGING, ELECTRONIC
13 MAIL, OR THROUGH ANY OTHER FORM OF
14 INFORMATION AND COMMUNICATION
15 SYSTEMS, INCLUDING ARTIFICIAL
16 INTELLIGENCE TECHNOLOGIES;

17 (C) CONDUCT THAT IS UNWELCOME,
18 PERVASIVE, AND CREATES AN INTIMIDATING,
19 HOSTILE, OR HUMILIATING ENVIRONMENT
20 FOR THE RECIPIENT: *PROVIDED*, THAT THE

1 CRIME OF GENDER-BASED SEXUAL
2 HARASSMENT MAY ALSO BE COMMITTED
3 BETWEEN PEERS, BY A SUBORDINATE TO A
4 SUPERIOR OFFICER, BY A STUDENT TO A
5 TEACHER, OR BY A TRAINEE TO A TRAINER;
6 AND

7 (D) CONDUCT THAT CONSTITUTES
8 GROOMING AS DEFINED IN SECTION 3 OF
9 THIS ACT.

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

1 ANY PERSON WHO VIOLATES THE
2 PROVISIONS OF THIS ACT SHALL, UPON
3 CONVICTION, BE PENALIZED BY
4 IMPRISONMENT OF NOT LESS THAN ONE
5 (1) MONTH NOR MORE THAN SIX (6)
6 MONTHS, OR A FINE OF NOT LESS THAN
7 TEN THOUSAND PESOS (P10,000.00) NOR
8 MORE THAN ONE HUNDRED THOUSAND
9 PESOS (P100,000.00), OR BOTH, AT THE
10 DISCRETION OF THE COURT: *PROVIDED*,
11 THAT IF THE PERPETRATOR IS AN ADULT
12 AND THE VICTIM IS A CHILD, THE
13 PENALTY OF IMPRISONMENT SHALL BE
14 MANDATORY.

15 WITHIN SIX (6) MONTHS FROM THE
16 PASSAGE OF THIS ACT, THE DEPARTMENT
17 OF JUSTICE (DOJ), THE DEPARTMENT OF
18 EDUCATION (DepEd), THE COMMISSION ON
19 HIGHER EDUCATION (CHED), AND THE
20 CHILD WELFARE COUNCIL (CWC) SHALL

1 FORMULATE RULES TO INSTITUTIONALIZE
2 A PRE-HIRING SAFETY CLEARANCE
3 MECHANISM TO ENSURE THAT ADULTS
4 REGULARLY WORKING IN CLOSE
5 PROXIMITY TO MINORS, SUCH AS
6 TEACHERS AND OTHER SCHOOL
7 PERSONNEL, HAVE NO HISTORY OF
8 ABUSIVE OR PREDATORY BEHAVIOR. THIS
9 PRE-HIRING SAFETY CLEARANCE SHALL
10 NOT BE UNDULY BURDENSOME TO
11 APPLICANTS, AND SHALL BALANCE THE
12 INTERESTS OF DUE PROCESS AND CHILD
13 SAFETY.

14 GENDER SENSITIVITY AND CHILD
15 PROTECTION TRAININGS SHALL BE
16 MANDATORY FOR ALL STAFF MEMBERS.”

17 SEC. 8. Section 23 of Republic Act No. 11313 shall be
18 amended to read as follows:

19 “SEC. 23. *Liability of School Heads.* – In
20 addition to liability for committing acts of

gender-based sexual harassment, principals, school heads, teachers, instructors, professors, coaches, trainers, or any other person who has authority, influence, or moral ascendancy over another in an educational or training institution, may also be held responsible for:

(a) Non-implementation of their duties under Section 22 of this Act, as provided in the penal provisions; ~~[or]~~

(b) Failure to act on reported acts of gender-based sexual harassment committed in the educational institution~~[-]~~; OR

(c) VIOLATING THE RIGHTS OF THE VICTIM AGAINST RETRIBUTION AND TO CONFIDENTIALITY.

Any person who violates subsection (a) of this section, shall upon conviction, be penalized with a fine of not less than ~~[Five]~~ ONE HUNDRED thousand pesos ~~[(P5,000.00)]~~ (P100,000.00) nor more than ~~[Ten]~~ THREE

1 HUNDRED thousand pesos [~~(P10,000.00)~~]
 2 (P300,000.00).

3 Any person who violates subsection (b)
 4 OR (C) of this section, shall upon conviction, be
 5 penalized with a fine of not less than [~~Ten~~]
 6 THREE HUNDRED thousand pesos
 7 [~~(P10,000.00)~~] (P300,000.00) nor more than
 8 [~~Fifteen~~] FIVE HUNDRED thousand pesos
 9 [~~(P15,000.00)~~] (P500,000.00).

10 ANY PERSON WHO VIOLATES
 11 SUBSECTION (A), (B), OR (C) OF THIS
 12 SECTION SHALL, UPON CONVICTION, BE
 13 LIABLE FOR EXEMPLARY DAMAGES IN THE
 14 AMOUNT OF THREE HUNDRED THOUSAND
 15 PESOS (P300,000.00).”

16 SEC. 9. A new Section 32-A shall be inserted after
 17 Section 32 of Republic Act No. 11313, to read as follows:

18 “SEC. 32-A. *PROTECTION ORDERS.* –
 19 IN ADDITION TO THE RELIEFS PROVIDED
 20 HEREIN, VICTIMS SHALL ALSO BE

1 ENTITLED TO APPLY FOR A PROTECTION
2 ORDER TO PREVENT FURTHER
3 VIOLATIONS OF THIS ACT.

4 APPLICATIONS FOR BARANGAY
5 PROTECTION ORDERS SHALL FOLLOW THE
6 RULES ON VENUE UNDER SECTION 409 OF
7 THE LOCAL GOVERNMENT CODE OF 1991. AN
8 APPLICATION FOR TEMPORARY OR
9 PERMANENT PROTECTION ORDER MAY BE
10 FILED IN THE TRIAL COURT WHICH HAS
11 JURISDICTION OVER THE APPLICANT/VICTIM.

12 WITHIN SIX (6) MONTHS FROM THE
13 PASSAGE OF THIS ACT, THE DOJ, THE
14 DEPARTMENT OF SOCIAL WELFARE AND
15 DEVELOPMENT (DSWD), AND THE
16 PHILIPPINE COMMISSION ON WOMEN
17 (PCW), SHALL FORMULATE RULES FOR
18 THE IMPLEMENTATION OF THIS
19 PROVISION. THE RELEVANT PROVISIONS

1 OF REPUBLIC ACT NO. 9262 SHALL APPLY
2 IN A SUPPLEMENTARY MANNER.”

3 SEC. 10. Section 36 of Republic Act No. 11313 shall
4 be amended to read as follows:

5 “SEC. 36. *Prescriptive Period.* – Any action
6 arising from the violation of any of the
7 provisions of this Act shall prescribe as follows:

8 (a) xxx

9 (b) xxx

10 (c) xxx

11 (d) xxx

12 (e) Offenses committed under Sections 16
13 and 21 of this Act shall prescribe in [~~five (5)~~]
14 TEN (10) years.”

15 SEC. 11. *Separability Clause.* – If any provision of
16 this Act is held unconstitutional or invalid, the other
17 provisions not otherwise affected shall remain in full force
18 and effect.

1 SEC. 12. *Repealing Clause.* – All laws, decrees, orders,
2 issuances, and rules and regulations or parts thereof
3 inconsistent with the provisions of this Act are hereby
4 repealed or modified accordingly.

5 SEC. 13. *Effectivity Clause.* – This Act shall take
6 effect fifteen (15) days after its publication in the *Official*
7 *Gazette* or in at least two (2) newspapers of general
8 circulation.

Approved,