

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SEVENTEENTH CONGRESS
Third Regular Session

COMMITTEE REPORT NO. 1030

Submitted by the Committee on Women & Gender Equality on DEC 12 2018
Re: House Bill No. 8794

Recommending its approval in substitution of House Bills Numbered 5213, 5781 and 5956
Sponsors: Representatives Bernadette Herrera-Dy, Rep. Ramon V.A. "RAV" Rocamora, Rep. Tomasito S. Villarin, and Rep. Michelle M. Antonio.

Madam Speaker:

The Committee on Women and Gender Equality to which were referred House Bill No.5213, introduced by Representative Ramon V.A. "RAV" Rocamora, entitled:

AN ACT PENALIZING ALL FORMS OF SEXUAL HARASSMENT;

House Bill No.5781, introduced by Representative Tomasito S. Villarin, entitled:

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

and House Bill No. 5956, introduced by Representative Michelle M. Antonio, entitled:

AN ACT
DEFINING STREET, PUBLIC SPACES AND ONLINE SEXUAL HARASSMENT COMMITTED ON AND AGAINST ANY PERSONS, PROVIDING PROTECTIVE MEASURES AND PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES

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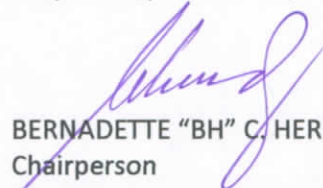
has considered the same and recommends that the attached House Bill No. _____, entitled:

AN ACT
DEFINING GENDER-BASED STREET, PUBLIC SPACES AND ONLINE SEXUAL HARASSMENT, PROVIDING PROTECTIVE MEASURES AND PRESCRIBING PENALTIES THEREFOR

be approved in substitution of House Bills Numbered 5213, 5781 and 5956 with Representatives Ramon "RAV" V.A. Rocamora, Tomasito S. Villarin, Michelle M. Antonio, Lawrence "Law" H. Fortun, Estrellita B. Suansing, Lorna C. Silverio, John Marvin "Yul Servo" C. Nieto, Lorna P. Bautista-Bandigan, Elisa Olga T. Kho, Lianda B. Bolilia, Juliette T. Uy, Shernee Abubakar Tan, Jose T. Panganiban, Jr., Eric L. Olivarez, Cecilia Leonila V. Chavez, Ma. Lourdes R. Aggabao, Rose Marie "Baby" J. Arenas, Ma. Theresa V. Collantes, Wilter "Sharky" W. Palma, II, Ma. Lucille L. Nava, M.D., Gil "Kabarangay" P. Acosta, Nancy A. Catamco, Manuel P. Sagarbarria,

Bernadette "BH" C. Herrera-Dy, Joey Sarte Salceda, Cesar V. Sarmiento, Geraldine B. Roman, Marlyn B. Alonte, Ruby M. Sahali, Divina Grace C. Yu, Reynado V. Umali, Scott Davies S. Lanete, M.D., Mercedes "Didi" C. Cagas, Makmod D. Mending, Jr., Abraham "Bambol" N. Tolentino, Jose Antonio "Kuya Jonathan R. Sy-Alvarado, Strike B. Revilla, Jocelyn S. Limkaichong, Ramon "Red" H. Durano, VI, Manuel Jose M. Dalipe, Jesus "Boying" F. Celeste, Josephine Ramirez-Sato, Ricardo "RJ" Belmonte, Vicente "Ching" S.E. Veloso, Maria Valentina G. Plaza, Maria Vida Espinosa Bravo, Teodoro G. Montoro, Jose "Pingping" I. Tejada, Marisol C. Panotes, Jonas C. Cortes, Alberto T. Ungab, Mario Vittorio "Marvi" A. Mariño, Alex "AA" L. Advincula, Paul V. Del Mar, Sol Aragonés, Florida "Rida" P. Robes, Benhur L. Salimbangon, Gabriel H. Bordado, Jr., Kaka J. Bag-ao, Anthony M. Bravo, PhD, Abdullah D. Dimaporo, Deogracias B. Ramos, Jr., Vicente "Kulit" J. Alcala, Bellaflor J. Angara-Castillo, Jesus Nonato Sacdalan, Celso L. Lobregat, Ferdinand L. Hernandez, Luisa Lloren Cuaresma, Maria Lourdes Acosta-Alba, Mauyag "Jun" B. Papandayan, Jr., Arcadio H. Gorriceta, Rozzano Rufino B. Biazon, Frederick Siao, Emi G. Calixto-Rubiano, Linabelle Ruth R. Villarica, Gus S. Tambunting, Eleanor C. Bulut-Begtang, Rolando G. Andaya, Jr., Arlene D. Brosas, Yedda Marie K. Romualdez, Rosanna "Ria" V. Vergara. Federico "Ricky" S. Sandoval II, Raymond Democrito C. Mendoza, Micaela S. Violago, Ancieto "John" D. Bertiz, III, Sarah Jane I. Elago, Anna Marie Villaraza-Suarez, Jennifer Austria Barzaga, Harry L. Roque, Jr., Winston "Winnie" T. Castelo, Sharon S. Garin, Cristina "Cristal" Bagatsing, Milagros Aquino-Magsaysay, Emmi A. de Jesus, Rodel M. Batocabe, and Carlos Isagani T. Zarate as authors thereof.

Respectfully submitted,



BERNADETTE "BH" C. HERRERA-DY
Chairperson

Committee on Women and Gender Equality

HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 8794

(In substitution of House Bills Numbered 5213, 5781 and 5956)

Introduced by Representatives Ramon "RAV" V.A. Rocamora, Tomasito S. Villarin, Michelle M. Antonio, Lawrence "Law" H. Fortun, Estrellita B. Suansing, Lorna C. Silverio, John Marvin "Yul Servo" C. Nieto, Lorna P. Bautista-Bandigan, Elisa Olga T. Kho, Lianda B. Bolilia, Juliette T. Uy, Shernee Abubakar Tan, Jose T. Panganiban, Jr., Eric L. Olivarez, Cecilia Leonila V. Chavez, Ma. Lourdes R. Aggabao, Rose Marie "Baby" J. Arenas, Ma. Theresa V. Collantes, Wilter "Sharky" W. Palma, II, Ma. Lucille L. Nava, M.D., Gil "Kabarangay" P. Acosta, Nancy A. Catamco, Manuel P. Sagarbarria, Bernadette "BH" C. Herrera-Dy, Joey Sarte Salceda, Cesar V. Sarmiento, Geraldine B. Roman, Marlyn B. Alonte, Ruby M. Sahali, Divina Grace C. Yu, Reynado V. Umali, Scott Davies S. Lanete, M.D., Mercedes "Didi" C. Cagas, Makmod D. Mending, Jr., Abraham "Bambol" N. Tolentino, Jose Antonio "Kuya Jonathan R. Sy-Alvarado, Strike B. Revilla, Jocelyn S. Limkaichong, Ramon "Red" H. Durano, VI, Manuel Jose M. Dalipe, Jesus "Boying" F. Celeste, Josephine Ramirez-Sato, Ricardo "RJ" Belmonte, Vicente "Ching" S.E. Veloso, Maria Valentina G. Plaza, Maria Vida Espinosa Bravo, Teodoro G. Montoro, Jose "Pingping" I. Tejada, Marisol C. Panotes, Jonas C. Cortes, Alberto T. Ungab, Mario Vittorio "Marvi" A. Mariño, Alex "AA" L. Advincula, Paul V. Del Mar, Sol Aragones, Florida "Rida" P. Robes, Benhur L. Salimbangon, Gabriel H. Bordado, Jr., Kaka J. Bag-ao, Anthony M. Bravo, PhD, Abdullah D. Dimaporo, Deogracias B. Ramos, Jr., Vicente "Kulit" J. Alcalá, Bellaflor J. Angara-Castillo, Jesus Nonato Sacdalan, Celso L. Lobregat, Ferdinand L. Hernandez, Luisa Lloren Cuaresma, Maria Lourdes Acosta-Alba, Mauyag "Jun" B. Papandayan, Jr., Arcadio H. Gorriceta, Rozzano Rufino B. Biazon, Frederick Siao, Emi G. Calixto-Rubiano, Linabelle Ruth R. Villarica, Gus S. Tambunting, Eleanor C. Bulut-Begtang, Rolando G. Andaya, Jr., Arlene D. Brosas, Yedda Marie K. Romualdez, Rosanna "Ria" V. Vergara. Federico "Ricky" S. Sandoval II, Raymond Democrito C. Mendoza, Micaela S. Violago, Ancieto "John" D. Bertiz, III, Sarah Jane I. Elago, Anna Marie Villaraza-Suarez, Jennifer Austria Barzaga, Harry L. Roque, Jr., Winston "Winnie" T. Castelo, Sharon S. Garin, Cristina "Cristal" Bagatsing, Milagros Aquino-Magsaysay, Emmi A. de Jesus, Rodel M. Batocabe, and Carlos Isagani T. Zarate

AN ACT
DEFINING GENDER-BASED STREET, PUBLIC SPACES AND ONLINE SEXUAL HARASSMENT,
PROVIDING PROTECTIVE MEASURES AND PRESCRIBING PENALTIES THEREFOR

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

1 SECTION 1. **Short Title.** – This Act shall be known as the “Safe Street, Public and Online Spaces
2 Act.”

3
4 SEC. 2. **Declaration of Policies.** – It is the policy of the State to value the dignity of every human
5 person and guarantee full respect for human rights. It is likewise the policy of the State to
6 recognize the role of women in nation-building and ensure the fundamental equality before
7 the law of women and men. The State also recognizes that both men and women must have
8 equality, security and safety not only in private, but also on the streets, public spaces and
9 online.

10
11 SEC. 3. **Definitions.** As used in this Act:

- 12
13 a. *Gender* refers to a set of socially ascribed characteristics, norms, roles, attitudes,
14 values and expectations identifying the social behavior of men and women, and the
15 relations between them;
- 16 b. *Gender identity* refers to the personal sense of identity as characterized, among others,
17 by manner of clothing, inclinations, and behavior in relation to masculine or feminine
18 conventions. A person may have a male or female identity with physiological
19 characteristics of the opposite sex, in which case this person is considered transgender;
- 20 c. *Public spaces* refer to streets and alleys, public parks, schools, buildings, malls, bars,
21 restaurants, transportation terminals, public markets, public utility vehicles as well as
22 private vehicles covered by app-based transport network services and other
23 recreational spaces such as cinema halls, theaters and spas;
- 24 d. *Online sexual harassment* refers to an online conduct targeted at a particular person
25 that causes or likely to cause another mental, emotional or psychological distress, and
26 fear of personal safety, sexual harassment acts including unwanted sexual remarks and
27 comments, threats, uploading or sharing of one’s photos without consent, video and
28 audio recordings, cyber-stalking and online identity theft;
- 29 e. *Stalking* refers to conduct directed at a person involving the repeated visual or physical
30 proximity, non-consensual communication, or a combination thereof that cause or will
31 likely cause a person to fear for one’s own safety or the safety of others, or to suffer
32 emotional distress;
- 33 f. *Catcalling* refers to unwanted remarks directed towards a person, commonly done in
34 the form of wolf-whistling and misogynistic and sexist slurs which result to or will likely
35 result to invasion of any person’s personal space and, to fears of one’s personal safety;
- 36 g. *Harasser* refers to the perpetrator of the acts of harassment regardless of sex, gender,
37 age, or race who commits the prohibited acts; and
- 38 h. *Victim* refers to the person at the receiving end of the acts of harassment.
- 39
40

1 **SEC. 4. Acts Constituting Gender-Based Street, Public Spaces and Online Sexual Harassment.**

2 – The crimes of gender-based street, public spaces and online sexual harassment are
3 committed through any unwanted and uninvited sexual actions or remarks against any
4 person that result or will likely result an invasion of the victim’s sense of personal safety,
5 regardless of the motive for committing such action or remarks.
6

7 Gender-based street and public spaces harassment includes catcalling, wolf-whistling,
8 unwanted invitations, misogynistic and sexist slurs, persistent uninvited comments or
9 gestures on a person’s appearance, relentless requests for personal details, statement of
10 sexual comments and suggestions, public masturbation or flashing of private parts, groping,
11 or any advances, whether verbal or physical, that is unwanted and has threatened one’s sense
12 of personal space and physical safety, and committed in public spaces such as alleys, roads,
13 sidewalks and parks. Acts constitutive of street harassment are those performed in buildings,
14 schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets,
15 transportation terminals or public utility vehicles.
16

17 Online sexual harassment includes acts that use information and communications
18 technology in terrorizing and intimidating victims through physical, psychological, and
19 emotional threats, unwanted sexual and sexist remarks and comments online whether
20 publicly or through direct and private messages, invasion of victim’s privacy through cyber
21 stalking and incessant messaging, uploading and sharing without the consent of the victim,
22 any form of media that contains photos, voice, or video with sexual content, any
23 unauthorized recording and sharing of any of the victim’s photos, videos, or any information
24 online, impersonating identities of victims online or posting lies about victims to harm their
25 reputation, or filing false abuse reports to online platforms to silence victims.
26

27 **SEC. 5. Penalties.** – The following acts are unlawful and shall be penalized as follows:

28
29 **A. GENDER-BASED STREET AND PUBLIC SPACES HARASSMENT**

- 30
31 a. For acts such as cursing, wolf-whistling, cat-calling, leering and intrusive gazing,
32 taunting, cursing, unwanted invitations, misogynistic and sexist slurs, persistent
33 unwanted comments on one’s appearance, relentless requests for one’s personal
34 details such as name, contact and social media details or destination, the use of words,
35 gestures or actions that ridicule on the basis of sex, gender or sexual orientation,
36 identity and expression including sexist, homophobic, and transphobic statements and
37 slurs, the persistent telling of sexual jokes, use of sexual names, comments and
38 demands, and any statement that has made an invasion on a person’s personal space
39 or threatens the person’s sense of personal safety -
40

- 41 1. The first offense shall be punished by a fine of Ten thousand pesos
42 (Php10,000.00) or community service of twelve (12) hours inclusive

1 of attendance to a Gender Sensitivity Seminar to be conducted by the
2 Philippine National Police (PNP) in coordination with the local
3 government unit and the Philippine Commission on Women (PCW);
4

5 2. The second offense shall be punished by *arresto menor* in its
6 minimum period or a fine of Twenty thousand pesos (Php20,000.00);
7

8 3. The third offense shall be punished by *arresto menor* in its medium
9 period or a fine of Thirty thousand pesos (Php30, 000.00).
10

11 b. For acts such as making offensive body gestures at someone, and exposing private
12 parts for the sexual gratification of the perpetrator with the effect of demeaning,
13 harassing, threatening or intimidating the offended party including flashing of private
14 parts, public masturbation, groping, and similar lewd sexual actions -
15

16 1. The first offense shall be punished by a fine of Thirty thousand pesos
17 (Php30,000.00) and community service of twelve (12) hours inclusive
18 of attendance to a Gender Sensitivity Seminar, to be conducted by the
19 PNP in coordination with the local government unit and the PCW;

20 2. The second offense shall be punished by *arresto menor* in its medium
21 period or a fine of Forty thousand pesos (Php40,000.00);

22 3. The third offense shall be punished by *arresto mayor* in its maximum
23 period or a fine of Fifty thousand pesos (Php50, 000.00).
24

25 c. For acts such as stalking, and any of the acts mentioned in Section 5, paragraphs a and
26 b, when accompanied by touching, pinching or brushing against the body of the
27 offended person; or any touching, pinching, or brushing against the genitalia, face,
28 arms, anus, groin, breasts, inner thighs, face, buttocks or any part of the victim's body
29 even when not accompanied by acts mentioned in Section 5 paragraphs a and b -
30

31 1. The first offense shall be punished by *arresto menor* in its medium
32 period or a fine of One hundred thousand pesos (Php100,000.00),
33 provided that it includes attendance in a Gender Sensitivity Seminar, to
34 be conducted by the PNP in coordination with the local government
35 unit and the PCW;

36 2. The second offense shall be punished by *arresto mayor* in its medium
37 period or a fine of One hundred fifty thousand pesos (Php150,000.00),

38 3. The third offense shall be punished by *arresto mayor* in its maximum
39 period or a fine of Two hundred thousand pesos (Php200,000.00).
40

41 B. GENDER-BASED ONLINE SEXUAL HARASSMENT 42

43 1. The penalty for imprisonment of *prision correccional* in its medium
44 period or a fine of not less than One hundred thousand pesos (Php
45 100,000.00) but not more than Five hundred thousand pesos (Php
46 500,000.00), or both, at the discretion of the court shall be imposed

1 **SEC. 6. *Implementing Bodies for Gender-based Street, Public Spaces and Online Sexual***
2 ***Harassment Offenses.*** The Metro Manila Development Authority (MMDA) for Metro Manila,
3 the local units of the PNP for other provinces, and the Women and Children's Protection Desk
4 (WCPD) of the PNP shall have the authority to apprehend harassers and enforce the law
5 provided that they have undergone prior Gender Sensitivity Training (GST). The PCW,
6 Department of the Interior and Local Government (DILG) and Department of Information and
7 Communications Technology (DICT) shall be the national bodies responsible for overseeing
8 the implementation of this Act and formulating policies that will ensure the strict
9 implementation of this Act.

10
11 For gender-based street and public spaces sexual harassment, the Metro Manila
12 Development Authority (MMDA) for Metro Manila and the local units of the PNP for other
13 provinces shall deputize its enforcers to be Anti-Sexual Harassment Enforcers (ASHE). They
14 shall be deputized to receive complaints on the street and immediately apprehend a harasser
15 if caught in *flagrante delicto*. The harasser shall be immediately brought to the nearest PNP
16 station to face charges of the offense committed. The ASHE unit together with the Women's
17 and Children's Desk of PNP stations will keep a ledger of harassers who have committed acts
18 prohibited under this Act for purposes of determining if a harasser is a first-time, second-time
19 or third-time offender. The DILG shall also ensure that all local government bodies expedite
20 the receipt and processing of complaints by setting up an Anti-Sexual Harassment Desk in all
21 barangay and city halls and to ensure the set-up of CCTVs in major roads, alleys and sidewalks
22 in their respective areas to aid in the filing of cases and gathering of evidence. The DILG, the
23 DSWD in coordination with the DOH and the PCW shall coordinate if necessary to ensure that
24 victims are provided the proper psychological counseling support services.

25
26 For online sexual harassment, the PNP Anti-Cyber Crime Group (PNPACG) as the National
27 Operational Support Unit of the PNP primarily responsible for the implementation of
28 pertinent Philippine laws on cybercrime, shall receive complaints of online sexual harassment
29 and develop an online mechanism for reporting real-time online sexual harassment acts and
30 apprehend harassers. The Cybercrime Investigation and Coordinating Center (CICC) of the
31 DICT shall also coordinate with the PNPACG to prepare appropriate and effective measures to
32 monitor and penalize online sexual harassment.

33 **SEC. 7. *Qualified Gender-based Street, Public Spaces Harassment and Online Sexual***
34 ***Harassment.*** - The penalty next higher in degree shall be applied in the following cases:

- 35 a. If the violation is committed in a common carrier or public utility vehicle including
36 jeepneys, taxis, tricycles, or transport network vehicle services, where the harasser is
37 the driver of the vehicle and the offended party is a passenger;
38 b. If the offended party is a minor, a senior citizen or a person with disability (PWD);
39 c. If the harasser is a member of the uniformed services, such as the PNP and the Armed
40 Forces of the Philippines (AFP);

1 d. If the violation takes place in the premises of a government agency or the harasser is
2 a government employee or a government official whether appointed or elected as
3 well those working in a government institution under any mode of employment and
4 engagement.

5
6 SEC. 8. **Street Harassment Committed by Minors.** – In case the offense is committed by a
7 minor, the DSWD shall take necessary disciplinary measures as provided for under Republic
8 Act No. 9344, otherwise known as the “Juvenile Justice and Welfare Act of 2006”.

9 SEC. 9. **Gender-based Harassment in Restaurants and Cafes, Bars and Clubs, Resorts and**
10 **Water Parks, Hotels and Casinos, Cinemas, Malls, Buildings and other Privately-owned**
11 **Places Open to the Public.** - Restaurants, bars, cinemas, malls, buildings and other privately-
12 owned places open to the public shall adopt a zero-tolerance policy against gender-based
13 street and public spaces sexual harassment. These establishments are obliged to provide
14 assistance to victims of harassment by coordinating with local police authorities immediately
15 after harassment is reported, making CCTV footage available when ordered by the Court, and
16 providing a safe gender-sensitive environment to encourage victims to report harassment at
17 the first instance.

18 The PCW shall develop a mandatory seminar against public spaces harassment, attendance
19 in which shall be made a prerequisite for any business permit renewal.

20 All restaurants, bars, cinemas and other places of recreation shall install in their business
21 establishments clearly-visible warning signs against public spaces harassment, including the
22 anti-harassment hotline number in bold letters, and shall designate at least one anti-sexual
23 harassment officer to receive gender-based harassment complaints. Security guards in these
24 places may be deputized to apprehend harassers caught in *flagrante delicto* and are required
25 to immediately coordinate with local authorities.

26 SEC. 10. **Gender-based harassment and Online Sexual Harassment in Educational**
27 **Institutions.** All schools, whether public or private, shall designate an officer in charge for
28 receiving complaints regarding violations of this Act, and shall ensure that the victims are
29 provided with a gender-sensitive environment that is both respectful of victims’ needs and
30 conducive to truth-telling.

31 Every school must adopt and publish grievance procedures to facilitate the filing of
32 complaints by students and faculty members. Even if an individual does not want to file a
33 complaint or does not request that the school take any action on behalf of a student or faculty
34 member and school authorities have knowledge or reasonably know about a possible or
35 impending act of sexual harassment or sexual violence, the school should promptly
36 investigate to determine the veracity of such information or knowledge, the circumstances
37 under which the act/s of sexual harassment or sexual violence were committed, and then take
38 appropriate steps to resolve the situation. If a school knows or reasonably should know about
39 acts of sexual harassment or sexual violence being committed that creates a hostile
40 environment, the school must take immediate action to eliminate the same acts, prevent
41 their recurrence, and address their effects.

1
2 Once a harasser is found guilty, the educational institution may reserve the right to strip
3 the diploma from the harasser or issue an expulsion order.

4
5 The Committee on Decorum and Investigation (CODI) of all educational institutions shall
6 address gender-based harassment and online sexual harassment in accordance with the rules
7 and procedures contained in their CODI manual.

8 **SEC. 11. Gender-based Sexual Harassment in Public Utility Vehicles.** In addition to the
9 penalties in this Act, the Land Transportation Office (LTO) may also cancel the license of
10 harassers found to have committed acts constituting sexual harassment in public utility
11 vehicles, and the Land Transportation Franchising and Regulatory Board (LTFRB) may suspend
12 or revoke the franchise of transportation operators who commit gender-based street and
13 public spaces sexual harassment acts. Gender-based harassment in Public Utility Vehicles
14 (PUVs) where the harasser is the driver of the vehicle shall also constitute a breach of contract
15 of carriage, for the purpose of creating a presumption of negligence on the part of the
16 owner/operator of the vehicle in the selection and supervision of employees and rendering
17 the former solidarily liable for the offenses of the latter.

18 **SEC. 12. PNP Women and Children's Desks.** The Women and Children's desks in all police
19 stations shall act on and attend to all complaints covered under this Act, and shall coordinate
20 with A-SHE officers on the street, security guards in privately-owned spaces open to the
21 public, and anti-sexual harassment officers in government and private offices or schools in
22 the enforcement of the provisions of this Act.

23
24 **SEC. 13. Educational Modules and Awareness Campaigns.** The PCW shall take the lead in a
25 national campaign for the awareness of the law. The PCW shall work hand-in-hand with the
26 DILG and duly accredited women's groups to ensure all LGUs participate in a sustained
27 information campaign and the DICT to ensure an online campaign that reaches a wide
28 audience of Filipino internet-users. Campaign materials may include posters condemning
29 different forms of street harassment, informing the public of penalties for committing street
30 harassment, and infographics of hotline numbers of authorities.

31
32 All schools shall educate students from the elementary to tertiary level about the
33 provisions of this Act and how they can report cases of gender-based street, public spaces
34 and online sexual harassment committed against them. School courses shall include age-
35 appropriate educational modules against street, public and online harassment which shall be
36 developed by the Department of Education (DepEd), the Commission on Higher Education
37 (CHED), the Technical Education and Skills Development Authority (TESDA) and the PCW.

38 **SEC. 14. Safety Audits and Research.** Local government units are required to conduct safety
39 audits every three (3) years to assess the efficiency and effectivity of the implementation of
40 this Act within their jurisdictions. Such audits shall be multi-sectoral and participatory, with
41 consultations undertaken with schools, police officers, and civil society organizations.

1
2 SEC. 15. **Prescriptive Period** – Any action arising from the violation of any of the provisions of
3 this Act shall be imprescriptible.

4
5 SEC. 16. **Joint Congressional Oversight Committee.** - There is hereby created a Joint
6 Congressional Oversight Committee to monitor the implementation of this Act and to review
7 the implementing rules and regulations promulgated. The Committee shall be composed of
8 five (5) Senators and five (5) Representatives to be appointed by the Senate President and the
9 Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-
10 chaired by the Chairpersons of the Senate Committee on Women, Children, Family Relations
11 and Gender Equality and the House Committee on Women and Gender Equality.

12
13 SEC. 17. **Implementing Rules and Regulations.** – Within ninety (90) days from effectivity of
14 this Act, the PCW as the lead agency, in coordination with the DILG, the DSWD, the PNP, the
15 Commission on Human Rights (CHR), the DOH, the DepEd, the CHED, the DICT, the TESDA, the
16 MMDA, the LTO, and at least three (3) women’s organizations active on the issues of gender-
17 based violence, shall formulate the implementing rules and regulations (IRR) of this Act.

18 SEC. 18. **Separability Clause.** - If any provision or part hereof is held invalid or
19 unconstitutional, the remaining provisions not affected thereby shall remain valid and
20 subsisting.

21 SEC. 19. **Repealing Clause.** - Any law, presidential decree or issuance, executive order, letter
22 of instruction, administrative order, rule or regulation contrary to or inconsistent with the
23 provisions of this Act is hereby repealed, modified or amended accordingly.

24
25 SEC. 20. **Effectivity.** - This Act shall take effect fifteen (15) days after its publication in the
26 Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

27
28 Approved,

FACT SHEET

House Bill No. 8794

(in substitution of House Bills Numbered 5213, 5781 and 5956)
(As Approved on 21 November 2018)

AN ACT

DEFINING GENDER-BASED STREET, PUBLIC SPACES AND ONLINE SEXUAL HARASSMENT, PROVIDING PROTECTIVE MEASURES AND PRESCRIBING PENALTIES THEREFOR

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*Committee Referral: COMMITTEE ON WOMEN AND GENDER EQUALITY (PRIMARY)
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OBJECTIVES:

- To define gender-based street, public spaces and online sexual harassment and impose penalties on acts that constitute invasion of someone's personal safety on the streets, in public spaces or online.

KEY PROVISIONS:

1. Defines the following:
 - a. *Gender* refers to a set of socially ascribed characteristics, norms, roles, attitudes, values and expectations identifying the social behavior of men

- and women, and the relations between them;
- b. *Gender identity* refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with physiological characteristics of the opposite sex, in which case this person is considered transgender;
 - c. *Public spaces* refer to streets and alleys, public parks, schools, buildings, malls, bars, restaurants, transportation terminals, public markets, public utility vehicles as well as private vehicles covered by app-based transport network services and other recreational spaces such as cinema halls, theaters and spas;
 - d. *Online sexual harassment* refers to an online conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear of personal safety. Sexual harassment acts include unwanted sexual remarks and comments, threats, uploading or sharing of one's photos without consent, audio recordings and videos, cyber-stalking and online identity theft;
 - e. *Stalking* refers to conduct directed at a person involving the repeated visual or physical proximity, non-consensual communication, or a combination thereof that cause or will likely cause a person to fear for one's own safety or the safety of others, or to suffer emotional distress;
 - f. *Catcalling* refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic and sexist slurs which result to or will likely result to invasion of any person's personal space and threat to personal safety;
 - g. *Harasser* refers to the perpetrator/s of the acts of harassment regardless of sex, gender, age, or race who has committed the aforementioned acts; and
 - h. *Victim* refers to the person at the receiving end of the acts of harassment.
2. Provides for the acts that constitutes gender-based street and public spaces harassment such as catcalling, wolf-whistling, unwanted invitations, misogynistic and sexist slurs, persistent uninvited comments on a person's appearance, relentless requests for personal details, statement of sexual comments and suggestions, public masturbation and flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety.
 3. Describes online harassment as those that use information and communications technology in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyber stalking and incessant messaging, uploading and sharing without the consent of the victim any form of media that contains their 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.

4. Provides for specific penalties and remedies for the commission of prohibited acts constituting gender-based street, public spaces and online harassment and imposes penalty next higher in degree for specific cases of qualified gender-based, public spaces and online sexual harassment.
5. Mandates the Metro Manila Development Authority (MMDA) for Metro Manila, the local units of the PNP for other provinces, and the Women and Children's Protection Desk (WCPD) of the PNP to apprehend harassers and enforce the law provided that they have undergone prior Gender Sensitivity Training (GST). The PCW, Department of the Interior and Local Government (DILG) and Department of Information and Communications Technology (DICT) shall be national bodies responsible for oversight of the law and formulate policies as needed for the strict implementation of this Act.
6. Mandates the MMDA for Metro Manila and the local units of the PNP for other provinces to deputize its enforcers to be Anti-Sexual Harassment Enforcers (ASHE) for gender-based street and public spaces sexual harassment. They will be deputized to receive complaints on the street and immediately apprehend the harasser if the same was caught in *flagrante delicto*. The harasser will be immediately brought to the nearest PNP station to face charges of the offense he/she committed. The A-SHE unit together with the Women's and Children's Desk of PNP stations will keep a ledger of harassers for this Act for purposes of determining if the harasser is a first, second or third offender. The DILG shall also ensure that all local government bodies have Anti-Sexual Harassment Desks in all barangay and city halls and to ensure set-up of CCTVs in major roads, alleys and sidewalks in their respective regions to aid in the filing of cases and gathering of evidence. The DILG, the DSWD in coordination with the DOH and the PCW shall coordinate if necessary to ensure that victims are provided the proper psychological counseling support services.
7. Mandates the PNP Anti-Cyber Crime Group (PNPACG) as the National Operational Support Unit of the PNP primarily responsible for the implementation of pertinent Philippine laws on cybercrimes to receive complaints of online sexual harassment and develop an online mechanism for reporting real-time online sexual harassment acts and apprehend harassers. The Cybercrime Investigation and Coordinating Center (CICC) of the DICT shall also coordinate with the PNPACG to prepare appropriate and effective measures to monitor and penalize online sexual harassment cases.
8. Mandates privately-owned places open to the public such as restaurants and cafes, bars and clubs, resorts and water parks, hotels and casinos, cinemas, malls, buildings and the like to adopt a zero-tolerance policy against harassment. These establishments are obliged to provide assistance to victims of harassment by coordinating with local police authorities immediately after harassment is reported, making CCTV footage available when ordered by the Court, and

providing a safe gender-sensitive environment to encourage victims to report harassment at the first instance.

9. Directs the PCW to develop a mandatory seminar against public spaces harassment, attendance in which shall be made a prerequisite for any business permit renewal.
10. Requires all restaurants, bars, cinemas and other places of recreation to install in their business establishments clearly-visible warning signs against public spaces harassment, including the anti-harassment hotline number in bold letters, and shall designate at least one anti-sexual harassment officer to receive gender-based harassment complaints. Security guards in these places may be deputized to apprehend harassers caught in *flagrante delicto* and are required to immediately coordinate with local authorities.
11. Requires educational institutions to designate an officer in charge for receiving complaints regarding violations of this Act, and shall ensure that the victims are provided with a gender-sensitive environment that is both respectful of victims' needs and conducive to truth-telling.
12. Requires schools to adopt and publish grievance procedures to facilitate the filing of complaints by students and faculty members. Even if an individual does not want to file a complaint or does not request that the school take any action on behalf of the student or faculty member and school authorities have knowledge or reasonably know about possible or impending act of sexual harassment or sexual violence, the school should promptly investigate to determine the veracity of such information or knowledge, the circumstances under which the act/s of harassment or sexual violence were committed and then take appropriate steps to resolve the situation. If a school knows or reasonably should know about acts of sexual harassment or sexual violence being committed that creates a hostile environment, the school must take immediate action to eliminate the same acts, prevent its recurrence, and address its effects.
13. Directs the Committee on Decorum and Investigation (CODI) of all educational institutions to address gender-based harassment and online sexual harassment in accordance with the rules and procedures contained in their CODI manual.
14. Mandates the PCW to take the lead in a national campaign for the awareness of the law and shall work hand-in-hand with the DILG and duly accredited women's groups to ensure all LGUs participate in a sustained information campaign and the DICT to ensure an online campaign that reaches a wide audience of Filipino internet-users. Campaign materials may include, but is not limited to, posters condemning different forms of street harassment, informing the public of penalties for committing street harassment, and infographics of hotline numbers of authorities.
15. Directs the Department of Education (DepEd), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA) and the PCW to develop age-appropriate educational modules against street, public and online harassment which shall be included in school courses from elementary level to tertiary level.

RELATED LAWS:

- Republic Act No. 9710 (The Magna Carta of Women)
- Republic Act No. 9995 ("Anti-Photo and Video Voyeurism Act of 2009)
- Republic Act No. 10175 (Cybercrime Prevention Act of 2012)
- Act No. 3815 (The Revised Penal Code) Executive Order No. 163 (Declaring the Effectivity of the Creation of the Commission on Human Rights as Provided For in the 1987 Constitution, Providing Guidelines for the Operation Thereof, and For Other Purposes)
- Republic Act No. 7877 (Anti-Sexual Harassment Act of 1995)