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NINTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Session)

S E N A T E

S. B. No. 1273

Introduced by Senator Blas F. Ople

EXPLANATORY NOTE

As provided under Article II, Section 11 of the Constitution, the State values the dignity of every person and guarantees full respect for human rights. It also recognizes the role of women in nation building and is pledged to protect working women by providing safe and healthful working conditions and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation.

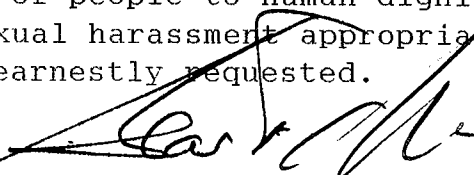
Sexual harassment, particularly in the employment environment, has long been a recurring problem for many workers and employees, as well as individuals seeking employment. Most acts of sexual harassment are, however, mostly directed against women in view of their being regarded as sex objects.

It has been observed that sexual harassment is not limited only in the private employment environment. The same forms of harassment are also evident in government employment. However, this bill provides that government officials or employees committing sexual harassment shall be dealt with in accordance with the provisions of the Civil Service Code and other laws and regulations pertaining to the discipline of officials and employees in the government service.

Sexual harassment is not confined to the employment environment alone. This pernicious assault on the human dignity is likewise evident in other settings where persons exercising power, authority or influence use their positions to sexually harass those under their charge or supervision, or those who have pending business transactions requiring their approval. Examples of these are school or college professors and administrators who commit sexual harassments against their students.

Sexual harassment takes many forms. It may be quite blatant at times but more often it is subtle and insidious. But whatever the form, it imposes significant economic and psychological burdens on employees and other individuals.

Pursuant to the constitutional mandate that Congress shall give the highest priority to the enactment of measures that protect and enhance the right of people to human dignity and in order to provide victims of sexual harassment appropriate relief, the enactment of this bill is earnestly requested.



BLAS F. OPLE
Senator

Senate Archives (LRAS)



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

SENATE
JUN 24 1993
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SENATE

S. B. No. 1273

Introduced by Senator Blas F. Ople

AN ACT
PROSCRIBING SEXUAL HARASSMENT IN THE EMPLOYMENT AND NON-
EMPLOYMENT ENVIRONMENT AND PROVIDING PENALTIES THEREFOR

*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
2 "Anti-Sexual Harassment Act of 1993".

3 SEC. 2. Purpose.- In order to uphold the dignity of
4 individuals, whether employed or seeking employment, and
5 other individuals mentioned in this Act, and to guarantee
6 full respect of their human rights, sexual harassment, as
7 herein defined, is hereby declared unlawful.

8 SEC. 3. Sexual Harassment in the Employment
9 Environment Defined.- Unwelcomed or uninvited advances,
10 requests for sexual favors and other verbal or physical
11 conduct of a sexual nature constitute sexual harassment
12 when:

13 (a) submission to such advances is made, either
14 explicitly or implicitly as a term or condition for
15 employing an individual, or if already employed, is used as
16 basis for employment decisions affecting such worker or



1 employee;

2 (b) submission to, or rejection of, such advances,
3 requests, or conduct would impair the right of the worker
4 concerned to self-organization or the right to strike; or

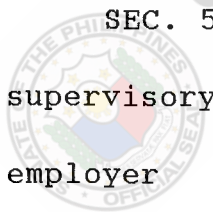
5 (c) such conduct has the purpose or effect of
6 interfering with an individual's work performance or
7 creating an intimidating, hostile, or offensive working
8 environment.

9 SEC. 4. Duty of Employers.- It shall be the duty of
10 employers to take the necessary steps to prevent sexual
11 harassment, as above defined, from occurring in their
12 workplace.

13 Should there be a union in the bargaining unit, such
14 necessary steps shall be jointly formulated by management
15 and the union.

16 SEC. 5. Who may be Held Liable.- An employer, manager,
17 supervisory official or other employee or agent of the
18 employer who commits the prohibited acts provided in
19 Section 3 hereof shall be held liable under this Act.

20 SEC. 6. Liability of the Employer.- An employer shall
21 be solidarily liable for acts of sexual harassment as
22 defined herein which are perpetrated by his agents,
23 supervisory officials or employees, unless he can show proof
24 that he has taken all the necessary steps required of him



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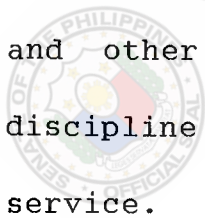
1 under Section 4 hereof.

2 SEC. 7. Illegal Dismissal.- An employee or worker who
3 resigns due to sexual harassment shall be deemed to have
4 been illegally dismissed.

5 SEC. 8. Sexual Harassment in Non-Employment
6 Environment.- Whenever a person in authority uses his
7 position or influence to intimidate or coerce another
8 individual who is under his care or supervision, or who
9 has a pending business or official transaction requiring
10 his approval, through unwelcomed advances, requests for
11 sexual favors and other verbal or physical conduct of a
12 sexual nature, he shall be liable for sexual harassment
13 in accordance with this Act.

14 SEC. 9. Sexual Harassment Committed by Public
15 Officers/Employees.- Sexual harassment committed by any
16 public official or employee shall be dealt with in
17 accordance with the provisions of the Civil Service Code
18 and other relevant laws or regulations pertaining to
19 discipline of officials and employees in the government
20 service.

21 SEC. 10. Penalties.- In addition to the reliefs to
22 which the victim of sexual harassment may be entitled to
23 under labor and civil legislations, any person who violates
24 the provisions of this Act shall be penalized by
25 imprisonment of not less than one (1) year nor more than
26 two (2) years, or by a fine not less than twenty thousand



1 pesos (P 20,000.00), nor more than forty thousand pesos
2 (P 40,000.00), or both fine and imprisonment at the
3 discretion of the court.

4 SEC. 11. Independent Action for Damages.- Nothing in
5 this Act shall shall preclude the victim of sexual
6 harassment from instituting a separate independent action
7 for damages with injunction.

8 SEC. 12 Repealing Clause.- Any provision of law,
9 decree, executive order or regulations inconsistent with
10 this Act is hereby repealed or modified accordingly.

11 SEC. 13. Separability Clause.- In the event that any
12 provision of this Act or the application of such provision
13 to any person or circumstance is declared invalid or
14 unconstitutional, the remainder of this Act or the
15 application of said provision to other persons or
16 circumstances shall not be affected by such declaration.

17 SEC. 14. Effectivity.- This Act shall take effect 15
18 days after its publication in the Official Gazette or in
19 any newspaper of general circulation.

Approved,

