



HOUSE OF REPRESENTATIVES

H. No. 5663

BY REPRESENTATIVES DE JESUS, ILAGAN, HICAP, ZARATE, COLMENARES, RIDON, TINIO, ANDAYA, DE VENECIA, CALIXTO-RUBIANO, CRUZ-GONZALES, TAMBUNTING, ARAGONES, REYES, NOEL, ATIENZA, LAGDAMEO (M.), SANTIAGO, VELASCO, BAG-AO, GERONA-ROBREDO, TURABIN-HATAMAN, LEE, SUANSING, GUTIERREZ, ABAD, ACOSTA-ALBA, LACSON-NOEL, GARIN (S.), ARENAS, PAQUIZ AND VILLARICA, PER COMMITTEE REPORT NO. 672

AN ACT EXPANDING THE DEFINITION OF SEXUAL HARASSMENT, STRENGTHENING THE MECHANISMS TO MONITOR COMPLIANCE WITH POLICIES AGAINST SEXUAL HARASSMENT IN THE WORKPLACE AND IN EDUCATIONAL AND TRAINING INSTITUTIONS, AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 7877, ALSO REFERRED TO AS THE "ANTI-SEXUAL HARASSMENT ACT OF 1995"

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

1 SECTION 1. *Short Title.* - This Act shall be known as the "Expanded
2 Anti-Sexual Harassment Act".

3 SEC. 2. *Declaration of Policy.* - The State shall value the dignity of
4 every individual, enhance the development of its human resources, guarantee
5 full respect for human rights, and uphold the dignity of workers, employees,
6 applicants for employment, students or those undergoing training, instruction

1 or education. Towards this end, all forms of sexual harassment are hereby
2 declared unlawful.

3 SEC. 3. *Sexual Harassment Defined.* -- Sexual harassment is an act or
4 a series of acts which may be committed physically, verbally, or visually with
5 the use of information and communications technology or any other means or
6 technology, within or outside of the place of employment, training, or
7 education by:

8 (a) An employer, manager, supervisor, agent of the employer, teacher,
9 instructor, professor, coach, trainor, or any other person, who having authority,
10 influence or moral ascendancy over another's work, training, education or
11 apprenticeship, commits or makes any unwanted, unwelcome or inappropriate
12 sexual advance, request or demand for sexual favor, or makes any offensive
13 remark about the victim's sexual orientation.

14 This provision also covers those who have authority or influence with
15 regard to:

16 (1) Hiring, approving or granting appointments, re-employment or
17 continued employment, granting favorable compensation, terms and conditions
18 of employment, promotions or privileges, with respect to committing said acts
19 against their employees and applicants for employment or promotion; or

20 (2) Admission to an educational or training institution, granting
21 scholarships, payment of stipends, allowances or other benefits, privileges or
22 considerations, with respect to committing said acts against their students and
23 applicants for admission or scholarship.

24 (b) Any person who commits or engages in any unwanted, unwelcome
25 or inappropriate sexual act, advance or sexually-based behavior against
26 another person, or makes any offensive remark about a person's sexual
27 orientation, where both victim and perpetrator are connected to or belonging in
28 the same place of employment, training or education.

1 Any person who directs or induces another to commit any act of sexual
2 harassment as herein defined, or who cooperates in the commission thereof by
3 another, without which it would not have been committed, shall also be held
4 liable under this Act.

5 SEC. 4. *Duty of the Employer or Head of Office in a Work-Related,*
6 *Education, or Training Environment.* – The employer or head of office in a
7 work-related, education, or training environment or institution is hereby
8 mandated to adopt a comprehensive, detailed and written policy on sexual
9 harassment, outlining the detailed procedure for the investigation of sexual
10 harassment cases and the administrative sanctions therefor. It shall be the duty
11 of the employer or head of office in a work-related, education, or training
12 environment or institution, to prevent or deter the commission of acts of sexual
13 harassment. Towards this end, the employer or head of office shall:

14 (a) Promulgate appropriate rules and regulations in consultation with
15 and jointly approved by the employees or students or trainees, through their
16 duly designated representatives, prescribing the guidelines or proper decorum
17 within and outside the workplace, educational, or training institutions, the
18 procedure for the investigation of sexual harassment cases, and the
19 administrative sanctions therefor.

20 The said rules and regulations issued pursuant to this subsection (a)
21 shall include, among others, guidelines on proper decorum within and outside
22 the workplace and educational or training institutions;

23 (b) Create a Committee on Decorum and Investigation (CODI) for
24 cases of sexual harassment within one (1) year of the agency's existence/initial
25 operations; and

26 (c) Resolve sexual harassment cases within a period of fifteen (15)
27 days from the submission by the CODI of its report to the disciplining
28 authority.

1 SEC. 5. *Committee on Decorum and Investigation or CODI.* – The
2 CODI shall have the following functions:

3 (a) Receive complaints of sexual harassment which must be treated
4 with utmost confidentiality to protect all parties involved and maintain a
5 harmonious relationship in the work area, and act on the same within a period
6 of two (2) working days upon the filing of the complaint;

7 (b) Investigate sexual harassment complaints in accordance with the
8 prescribed procedure;

9 (c) Constitute a hearing committee for every sexual harassment case or
10 in case of sexual harassment committed within the premises by a person not
11 connected by reason of employment, training, or education; assist the victim in
12 filing the appropriate charges with the police with the end in view of keeping
13 the environment sexual harassment-free;

14 (d) Within a nonextendible period of thirty (30) days from the last
15 hearing or filing of the last pleading or paper, submit a report of its findings
16 with a corresponding recommendation to the disciplining authority for
17 decision;

18 (e) Lead in the conduct of discussions about sexual harassment within
19 the agency or institution to increase understanding and prevention of incidents
20 of sexual harassment;

21 (f) Undertake information and educational activities in the education
22 and training environment to the end that the school policy, rules, regulations,
23 and procedures to address sexual harassment are disseminated to become part
24 of the academic culture in all public and private educational institutions
25 nationwide;

26 (g) Adopt procedures of such nature as to develop trust and confidence
27 on the part of interested parties in addressing problems arising from cases or

1 incidents of sexual harassment, including counselling and grievance
2 management;

3 (h) Provide security and support measures to aggrieved parties or
4 victims in sexual harassment cases, especially when there are threats of
5 retaliation; and

6 (i) Disseminate or post a copy of this Act and the rules and regulations
7 mentioned in subsection (a) above for the information of all concerned.

8 Places of work, training, or education that employ less than twenty (20)
9 people are exempted from the creation of a CODI: *Provided*, That a particular
10 employee is designated to perform the above functions of the CODI.

11 In the case of a work-related environment, the CODI shall be composed
12 of at least one (1) representative each from the management of the company or
13 organization, the employee's union, if any, the employees from the supervisory
14 rank, and from the rank and file employees.

15 In the case of the educational or training institution, the CODI shall be
16 composed of at least one (1) representative each from the administration, the
17 trainers, teachers, instructors, professors or coaches and students or trainees, as
18 the case may be.

19 When a member of the CODI is the complainant or the person
20 complained of in a sexual harassment case, the member shall be disqualified
21 from participating as a member of the CODI only with regard to the case the
22 person is involved in.

23 SEC. 6. *Confidentiality.* -- The right to privacy of the victim shall be
24 ensured at any stage of the investigation, prosecution, and trial of an offense
25 under this Act, unless disclosure is explicitly authorized by the victim.
26 Violation of this provision shall be penalized as provided for under Section 9
27 of this Act.

1 *SEC. 7. Liability of the Employer, Head of Office, Educational, or*
2 *Training Institution.* – The employer or head of office, educational, or
3 training institution shall be solidarily liable for damages arising from the acts
4 of sexual harassment committed within or outside the employment, education,
5 or training environment if the employer or head of office, educational, or
6 training institution has knowledge or is presumed to have knowledge of such
7 act or acts constituting sexual harassment and no immediate action is taken
8 thereon.

9 The employer or head of office is presumed to have knowledge of such
10 act or acts constituting sexual harassment under any of the following instances:

11 (a) If the management failed to comply with the provisions of Section
12 4 of this Act;

13 (b) If a complaint was made before the CODI or authority designated
14 to receive complaints and investigate cases of sexual harassment as provided
15 in the rules and regulations it is mandated to prescribe; and

16 (c) If the harassment is openly practiced or well-known among
17 employees, students, or trainees.

18 In the case of employment-related sexual harassment that results to the
19 constructive dismissal of the employee, the employer who is found liable under
20 the provisions of this Act shall also be liable for damages.

21 *SEC. 8. Independent Action for Damages.* – Nothing in this Act shall
22 preclude the victim of work, education, or training-related sexual harassment
23 from instituting a separate and independent action for damages and other
24 *affirmative relief.*

25 Administrative sanctions shall not be a bar to prosecution in the proper
26 courts for unlawful acts of sexual harassment.

27 *SEC. 9. Penalties.* – Any person who violates the provisions of this
28 Act shall, upon conviction, be penalized by imprisonment of not less than

1 one (1) month nor more than six (6) months, or a fine of not less than fifty
2 thousand pesos (P50,000.00) but not more than two hundred thousand pesos
3 (P200,000.00), or both such fine and imprisonment at the discretion of the
4 court. If the perpetrator is the employer, manager, supervisor, agent of the
5 employer, teacher, instructor, professor, coach, trainer, or any other person
6 who has authority, influence, or moral ascendancy over another's work,
7 training, or education, the maximum penalties shall be imposed.

8 Any breach of confidentiality as prohibited under Section 6 of this Act
9 shall be punishable with a fine of not less than twenty thousand pesos
10 (P20,000.00) but not more than fifty thousand pesos (P50,000.00).

11 Any action arising from the violation of the provisions of this Act shall
12 prescribe in three (3) years except for administrative cases which shall be
13 imprescriptible.

14 SEC. 10. *Monitoring Mechanism.* – The Civil Service Commission
15 (CSC), the Department of Labor and Employment (DOLE), the Department of
16 Education (DepED), the Commission on Higher Education (CHED) and the
17 Technical Education and Skills Development Authority (TESDA) are
18 mandated to monitor public and private offices, educational and training
19 institutions, with regard to their compliance with the provisions of this Act.
20 In particular, said agencies shall:

21 (a) Mobilize their respective regional offices to regularly monitor the
22 implementation of this Act;

23 (b) Issue the appropriate memorandum or order to their regional
24 offices, directing them to monitor the compliance of employers, agencies, and
25 educational and training institutions to the provisions of this Act and where
26 necessary, immediately act on any and all requests for assistance or complaint
27 of nonaction of employers, agencies, educational and training institutions, on
28 harassment complaints; and

1 (c) Submit an annual report to the Philippine Commission on Women
2 (PCW) on the implementation of this Act.

3 SEC. 11. *Implementing Rules and Regulations.* – The CSC, in the
4 case of the public sector, and the DOLE, in the case of the private sector, shall
5 formulate the implementing rules and regulations (IRR) of this Act within one
6 hundred eighty (180) days after its effectivity together with the PCW, the
7 DepED, the CHED, the TESDA and all concerned government departments
8 and agencies including, as observers, both Houses of Congress through the
9 Senate Committee on Women, Family Relations and Gender Equality and the
10 House of Representatives Committee on Women and Gender Equality, and
11 with the participation of representatives from nongovernment organizations
12 (NGOs) and civil society groups with proven track record in the promotion of
13 the rights and welfare of Filipino women.

14 SEC. 12. *Separability Clause.* – If any provision of this Act is
15 declared unconstitutional, the remainder of this Act or any provision not
16 affected thereby shall remain in full force and effect.

17 SEC. 13. *Repealing Clause.* – Republic Act No. 7877, also referred to
18 as the “Anti-Sexual Harassment Act of 1995”, is hereby repealed. All other
19 laws, decrees, executive orders, rules and regulations or parts thereof
20 inconsistent with the provisions of this Act are hereby repealed or modified
21 accordingly.

22 SEC. 14. *Effectivity.* – This Act shall take effect fifteen (15) days after
23 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

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