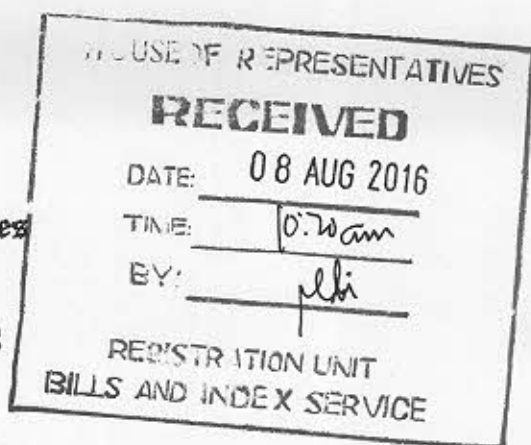




Republic of the Philippines  
**House of Representatives**  
Quezon City, Metro Manila

SEVENTEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. 2591



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**Introduced by Representative Linabelle Ruth R. Villarica**

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### **EXPLANATORY NOTE**

This bill aims to uphold the rights of women and their well-being especially in the workplace and in training and educational institutions where discrimination against them are prevalent by 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."

This bill expands the scope of and amends Section 3 of RA 7877 by defining sexual harassment as an act or a series of acts, which may be committed physically, verbally, or visually with the use of information communication technology or any other means or technology within or outside of the place of employment, training or education by expanding its coverage.

With this bill, it is hoped that the expanded Anti-Sexual Harassment law will be more effective in deterring the commission of such crime for the protection of women.

This bill was also exhaustively deliberated upon in the previous congresses and it was passed by the House of Representatives during the 16<sup>th</sup> Congress and likewise transmitted to the Senate.

Immediate approval of this bill is earnestly sought.

**LINABELLE RUTH R. VILLARICA**



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HOUSE BILL NO. **2591**

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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 Anti-  
2       *Sexual Harassment Act.*"

3       SEC. 2. *Declaration of Policy.* – The State shall value the dignity of every  
4       individual, enhance the development of its human resources, guarantee full respect for  
5       human rights, and uphold the dignity of workers, employees, applicants for  
6       employment, students or those undergoing training, instruction or education. Towards  
7       this end, all forms of sexual harassment are hereby declared unlawful.

8       SEC. 3. *Sexual Harassment Defined.* – Sexual harassment is an act or a series  
9       of acts which may be committed physically, verbally, or visually with the use of

1 information and communications technology or any other means or technology, within  
2 or outside of the place of employment, training, or education by:

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

10 This provision also covers those who have authority or influence  
11 with regard to:

12 (1) hiring, approving or granting appointments, re-employment or  
13 continued employment, granting favorable compensation,  
14 terms and conditions of employment, promotions or  
15 privileges, with respect to committing said acts against their  
16 employees and applicants for employment or promotion; or

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

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

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

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

19 (a) promulgate appropriate rules and regulations in consultation with and  
20 jointly approved by the employees or students or trainees, through their  
21 duly designated representatives, prescribing the guidelines or proper  
22 decorum within and outside the workplace, educational, or training

1 institutions, the procedure for the investigation of sexual harassment  
2 cases, and the administrative sanctions therefor.

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

6 (b) create a Committee on Decorum and Investigation (CODI) for cases of  
7 sexual harassment within one (1) year of the agency's existence/initial  
8 operations; and

9 (c) resolve sexual harassment cases within a period of fifteen (15) days  
10 from the submission by the CODI of its report to the disciplining  
11 authority.

12 **SEC. 5. Committee on Decorum and Investigation or CODI.** The CODI  
13 shall have the following functions:

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

18 (b) investigate sexual harassment complaints in accordance with the  
19 prescribed procedure;

20 (c) constitute a hearing committee for every sexual harassment case or in  
21 case of sexual harassment committed within the premises by a person  
22 not connected by reason of employment, training, or education; assist

- 1 the victim in filing the appropriate charges with the police with the end  
2 in view of keeping the environment sexual harassment-free;
- 3 (d) within a non-extendible period of thirty (30) days from the last hearing  
4 or filing of the last pleading or paper, submit a report of its findings with  
5 a corresponding recommendation to the disciplining authority for  
6 decision;
- 7 (e) lead in the conduct of discussions about sexual harassment within the  
8 agency or institution to increase understanding and prevention of  
9 incidents of sexual harassment;
- 10 (f) undertake information and educational activities in the education and  
11 training environment to the end that the school policy, rules, regulations,  
12 and procedures to address sexual harassment are disseminated to  
13 become part of the academic culture in all public and private educational  
14 institutions nationwide;
- 15 (g) adopt procedures of such nature as to develop trust and confidence on  
16 the part of interested parties in addressing problems arising from cases  
17 or incidents of sexual harassment, including counselling and grievance  
18 management;
- 19 (h) provide security and support measures to aggrieved parties or victims in  
20 sexual harassment cases, especially when there are threats of retaliation;  
21 and

1 (i) disseminate or post a copy of this Act and the rules and regulations  
2 mentioned in (a) above for the information of all concerned.Places of  
3 work, training, or education that employ less than twenty (20) people are  
4 exempted from the creation of a CODI: Provided, That a particular  
5 employee is designated to perform the above functions of the CODI.

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

10 In the case of the educational or training institution, the CODI shall be  
11 composed of at least one (1) representative from the administration, the trainers,  
12 teachers, instructors, professors or coaches and students or trainees, as the case may  
13 be.

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

17 SEC. 6. *Confidentiality.* – The right to privacy of the victim shall be ensured at  
18 any stage of the investigation, prosecution, and trial of an offense under this Act,  
19 unless disclosure is explicitly authorized by the victim. Violation of this provision  
20 shall be penalized as provided for under Section 9 of this Act.

21 SEC. 7. *Liability of the Employer, Head of Office, Educational or Training*  
22 *Institution.* – The employer or head of office, educational, or training institution shall



1 be solidarily liable for damages arising from the acts of sexual harassment committed  
2 within or outside the employment, education, or training environment if the employer  
3 or head of office, educational, or training institution has knowledge or is presumed to  
4 have knowledge of such act or acts constituting sexual harassment and no immediate  
5 action is taken thereon.

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

- 8 (a) if the management failed to comply with provisions of Section 4 of this  
9 Act;
- 10 (b) if a complaint was made before the CODI or authority designated to  
11 receive complaints and investigate cases of sexual harassment as  
12 provided in the rules and regulations it is mandated to prescribe; and
- 13 (c) if the harassment is openly practiced or well-known among employees,  
14 students, or trainees.

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

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

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



1        SEC. 9. **Penalties.** – Any person who violates the provisions of this Act shall,  
2        upon conviction, be penalized by imprisonment of not less than one (1) month nor  
3        more than six (6) months, or a fine of not less than fifty thousand pesos  
4        (PHP50,000.00) but not more than two hundred thousand pesos (PHP200,000.00), or  
5        both such fine and imprisonment at the discretion of the court. If the perpetrator is the  
6        employer, manager, supervisor, agent of the employer, teacher, instructor, professor,  
7        coach, trainor, or any other person who has authority, influence, or moral ascendancy  
8        over another's work, training, or education, the maximum penalties shall be imposed.

9        Any breach of confidentiality as prohibited under Section 6 of this Act shall be  
10       punishable with a fine of not less than twenty thousand pesos (Php20,000.00) but not  
11       more than fifty thousand pesos (Php50,000.00).

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

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

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

- 1           (b)    issue the appropriate memorandum or order to their regional offices,  
2                   directing them to monitor the compliance of employers, agencies, and  
3                   educational and training institutions to the provisions of this Act and  
4                   where necessary, immediately act on any and all requests for assistance  
5                   or complaint of non-action of employers, agencies, educational and  
6                   training institutions, on harassment complaints; and
- 7           (c)    submit an annual report to the Philippine Commission on Women  
8                   (PCW) on the implementation of this Act.

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

19          SEC. 12. *Separability Clause.* - If any provision of this Act is declared  
20   unconstitutional, the remainder of this Act or any provisions not affected thereby  
21   shall remain in full force and effect.

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

5        SEC. 12. *Effectivity.* – This Act shall take effect fifteen (15) days after its  
6        publication in the Official Gazette or in a newspaper of general circulation.

Approved,