

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

**EIGHTEENTH CONGRESS**  
1<sup>st</sup> Regular Session

House Bill No. 3982



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**Introduced by Representatives ERIC GO YAP, JOCELYN PUA TULFO, and  
ROWENA NIÑA TADURAN**

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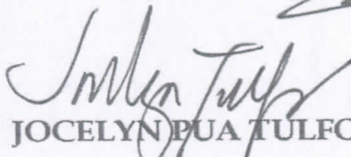
**EXPLANATORY NOTE**

The "Anti-Sexual Harassment Act of 1994" (Republic Act No. 7877) has served as a legislative benchmark protecting both men and women from sexual abuse in the workplace and in educational and training institutions. Until its passage into law, experiences of sexual harassment has been shrugged off and left without proper investigation and punishment.

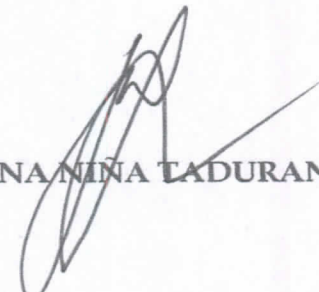
However, with the current times characterized by the advances in technology, sexual harassment comes in new forms. Thus, there is a need to expand the definition of what constitutes sexual harassment to cover the new ways in which abusers use their authority to gain sexual favors. This bill aims to make the workplace a safe place for both men and women, warranting them of self-determination and protection.

With the passage of this bill, sexual harassment will be deterred more effectively as it holds the employer primarily responsible to adopt a comprehensive, detailed, written policy on sexual harassment. More so, they are mandated to create a Committee on Decorum and Investigation (CODI) in their company or organization tasked to educate and train the employees of this Act and investigate cases of sexual harassment with confidentiality.

This bill adopts the version of the same subject that was passed on third reading in the House of Representatives during the 17<sup>th</sup> Congress. In view of the foregoing, approval of this bill is earnestly sought.

  
JOCELYN PUA TULFO

  
ERIC GO YAP

  
ROWENA NIÑA TADURAN

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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:*

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

**SECTION 2. Declaration of Policy.** - The state shall value the dignity of  
every individual, enhance the development of its human resources, guarantee  
full respect for human rights, and uphold the dignity of workers, employees,  
applicants for employment, students or those undergoing training, instruction  
or education. Towards this end, a; forms of sexual harassment are hereby  
declared unlawful.

**SECTION 3. Sexual Harassment Defined.** - Sexual harassment is an act,  
or a series of acts, which may be committed physically, verbally or visually or  
with the use of information and communications technology or any other  
means or technology within or outside of the place of employment, or a training  
or education environment that would result in an intimidating, hostile, or  
offensive environment for the employee, by any of the following persons:



(a) An employer, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other person, who, having authority, influence or moral ascendancy over another's work, training, education or apprenticeship, commits or makes any unwanted, unwelcome or inappropriate sexual advance, request or demand for sexual favor, regardless of whether the request or demand is accepted by the object of the sexual advances.

For this purpose, persons who are in a position to influence the following activities shall be considered persons in authority who may be held liable for sexual harassment as described therein:

- (1) Hiring, approving or granting appointments, reemployment or continued employment, granting favorable compensation, terms and conditions of employment, promotions or privileges, with respect to committing said acts against their employees and applicants for employment or promotion; or
- (2) Admission to an educational or training institution, granting scholarships, payment of stipends, allowances or their benefits, privileges or considerations, with respect to committing said act against their students and applicants for admission or scholarship.

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

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

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

- (a) Promulgate appropriate rules and regulations in consultation with and jointly approved by the employees, employees associations or unions of companies, or students or trainees, through their duly

designated representatives, prescribing the guidelines or proper decorum within and outside the workplace and educational or training institutions and the procedure for the investigation of sexual harassment cases and the administrative sanctions therefor:

- (b) Create a Committee on Decorum and Investigation (CODI) for causes of sexual harassment within one (1) year of the agency's existence/initial operations; and
- (c) Resolve sexual harassment cases within a period of fifteen (15) days from the submission by the CODI of its report to the disciplining authority.

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

- (a) Receive complaints of sexual harassment which must be treated with utmost confidentiality to protect all parties involved and maintain harmonious relationship in the work area, and act on the same within a period of two (2) working days upon the filing of the complaint;
- (b) Investigate sexual harassment complaints in accordance with the prescribed procedure;
- (c) Constitute a hearing committee for every sexual harassment case or in case of sexual harassment committed within the premises by a person not connected by reason of employment, training or education , assist the victim in filing the appropriate charges with the police with the end in view of keeping the environment sexual harassment-free;
- (d) Within a non-extendible period of thirty (30) days from the last hearing or filing of the last pleading or paper, submit a report of its findings with a corresponding recommendation to the disciplining authority for decision;
- (e) Lead in the conduct of discussions about sexual harassment within the agency or institution to increase understating and prevention of incidents of sexual harassment;
- (f) Undertake information and educational activities in the education and training environment to the end that the school policy, rules, regulations, and procedures on sexual harassment are disseminated to become part of the academic culture in all public and private educational institutions nationwide;
- (g) Formulate and adopt procedures of such nature as to elicit trust and confidence on the part of interested parties in addressing problems arising from cases or incidents of sexual harassment, including counselling and grievance management;



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

(i) Disseminate or post a copy of this Act and the rules and regulations mentioned in Section 4(a) of this Act.

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

In the case of a work-related environment, the CODI shall be composed of at least one (1) representative each from the management of the company or organization, the employee's union that is accredited and certified as the sole and exclusive bargaining agent of the company, if any, the employees from the supervisory rank, and from the rank and file employees.

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

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

All members of the CODI should undergo Gender Sensitivity Training (GST) seminar.

**SECTION 6. Confidentiality.** - The right to privacy of the victim shall be ensured at any stage of the investigation, prosecution and trial of the offense under this Act, unless disclosure is explicitly authorized by the victim. Violation of this provision shall be subject to penalty provided for under Section 9 of this Act.

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

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

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

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

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

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

**SECTION 9. Penalties.** - Any person who violates the provisions of this Act shall, upon conviction, be penalized by imprisonment of not less than one (1) month nor more than six (6) months, or a fine of not less than Fifty thousand pesos (P50,000.00) but not more than Two hundred thousand pesos (P200,000.00), or both such fine and imprisonment at the discretion of the court. If the perpetuator is the employer, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other person who has authority, influence or moral ascendancy over another's work, training or education, the maximum penalty shall be imposed.

Violation of Section 6 of this Act shall be punishable with a fine of not less than Twenty thousand pesos (P20,000.00) but not more than Fifty thousand pesos (P50,000.00).

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

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



- (a) Mobilize their respective regional offices to regularly monitor the implementation of this Act;
- (b) Issue the appropriate memorandum or order to their regional offices, directing them to monitor the compliance of employers, agencies, and educational and training institutions with the provisions of this Act and where necessary, immediately act on request/s for assistance or complaints of nonaction of employers, agencies, and educational and training institutions on harassment complaints; and
- (c) Annually provide the Philippine Commission on Women (PCW) a monitoring report on the implementation of this Act.

**SECTION 11. Implementing Rules and Regulations.** – The CSC, in the case of the public sector, and the DOLE, in the case of the private sector, together with the representatives duly designated by the PCW, the DepEd, the CHED, the Department of Justice (DOJ), the Commission on Human Rights (CHR), the Philippine National Police (PNP), the NLRC, and the TESDA including as observers both House of Congress through the Chairpersons of the Senate Committee on Women, Children, Family Relations and Gender Equality and of the House of Representatives Committee on Women and Gender Equality and with the participation or representatives from nongovernment organizations (NGOs) and civil society organizations (CSOs) with proven track record of involvement in the promotion of the rights and welfare of Filipino women and girls, shall formulate the implementing rules and regulations (IRR) of this Act within one hundred eighty (180) days after effectivity.

**SECTION 12. Separability Clause.** – If any part or provision of this Act shall be held unconstitutional or invalid, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

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

**SECTION 14. Effectivity.** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspaper of general circulation, whichever comes earlier.

Approved,