

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

EIGHTEENTH CONGRESS
FIRST REGULAR SESSION

House Bill No. 1444



INTRODUCED BY REPRESENTATIVE LUIS JOSE ANGEL N. CAMPOS, JR.

EXPLANATORY NOTE

The fact that we have to export human capital because of better opportunities abroad is by itself already troubling. What is unacceptable is our lack of protection for our people who while being separated from their families are sexually abused. There are also reports of such abuse being done the people who were tasked to protect them.

It must be emphasized that Republic Act No. 7877 or the "Anti-Sexual Harassment Act of 1995" DOES NOT cover the officials and employees of our diplomatic and consular offices abroad.

This bill cures this defect in our law, by proposing to cover errant diplomatic and/or consular officials and employees, providing sanctions therefor, and increasing the penalties provided by R.A. No. 7877.

In line with the foregoing the passage of this bill is earnestly sought.


REP. LUIS JOSE ANGEL N. CAMPOS, JR.

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AN ACT EXPANDING THE COVERAGE OF THE ANTI-SEXUAL HARASSMENT ACT OF 1995, TO INCLUDE OFFICERS AND EMPLOYEES OF OUR DIPLOMATIC AND CONSULAR ABROAD, THEREBY AMENDING REPUBLIC ACT No. 7877.

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

Section 1. This Act shall be called the "Expanded Anti-Sexual Harassment Act of 2019".

Section 2. - Section 2 of Republic Act No. 7877 is hereby amended to read as follows:

"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, HERE AND OVERSEAS, employees, applicants for employment, students or those undergoing training, instruction or education, INCLUDING FILIPINOS SEEKING REFUGE OR ASSISTANCE IN ANY FORM FROM A PHILIPPINE DIPLOMATIC/CONSULAR POST. Towards this end, all forms of sexual harassment in the employment, education or training environment AND IN ALL DIPLOMATIC/CONSULAR POSTS are hereby declared unlawful."

Section 3. There is hereby provided a Sec. 3-A to R.A. No. 7877, to read as follows:

"Sec. 3-A. SEXUAL HARASSMENT BY DIPLOMATIC/CONSULAR PERSONNEL DEFINED - SEXUAL HARASSMENT IN A DIPLOMATIC/CONSULAR POST IS COMMITTED BY AN EMPLOYEE, CAREER OFFICER OR LOCAL HIRE OR BY ANY PERSON, WHO HAVING AUTHORITY, INFLUENCE OR MORAL ASCENDANCY OVER A DISTRESSED OVERSEAS FILIPINO WORKER IN HIS OR HER AREA OF JURISDICTION, DEMANDS, REQUESTS OR OTHERWISE REQUIRES SEXUAL FAVOR FROM THE OTHER, REGARDLESS OF WHETHER THE DEMAND, REQUEST OR REQUIREMENT FOR SUBMISSION IS ACCEPTED BY THE OBJECT OF SAID ACT.

A. IN DIPLOMATIC/CONSULAR POST, SEXUAL HARASSMENT IS COMMITTED WHEN:

1. THE SEXUAL FAVOR IS MADE AS A CONDITION IN THE REPATRIATION OF SAID INDIVIDUAL, IN GIVING ASSISTANCE, OR IN THE FILING OF A CASE AGAINST HIS OR HER ABUSIVE EMPLOYER OR FOREIGN AGENT; OR WHEN

THE REFUSAL TO GRANT THE SEXUAL FAVOR BEARS WITH IT A THREAT TO RETURN SAID INDIVIDUAL TO HIS OR HER EMPLOYER OR FOREIGN AGENT;

2. THE ABOVE ACTS WOULD RESULT IN AN INTIMIDATING, HOSTILE, OR OFFENSIVE ENVIRONMENT FOR THE DISTRESSED OVERSEAS FILIPINO WORKER.

3. THE SEXUAL FAVOR IS ASKED OF ANY FILIPINO SEEKING REFUGE IN AN EMBASSY-RUN SHELTER OR ANY DIPLOMATIC/CONSULAR OFFICE.

ANY DIPLOMATIC/CONSULAR PERSONNEL 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 HAVE NOT BEEN COMMITTED, SHALL ALSO BE HELD LIABLE UNDER THIS ACT."

Section 4. Sec. 4 of R.A. No. 7877, is hereby amended to read as follows:

"SECTION 4. Duty of the Employer or Head of Office in a Work-related, Education or Training Environment OR HEAD OF POST WITH JURISDICTION OVER OFWs. - It shall be the duty of the employer or the head of the work-related, educational or training environment or institution, OR THE HEAD OF DIPLOMATIC/CONSULAR POST WITH JURISDICTION OVER FILIPINO MIGRANT WORKERS, to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment. Towards this end, the employer or head of office, OR HEAD OF DIPLOMATIC/CONSULAR POST shall:

(a) Promulgate appropriate rules and regulations in consultation with and jointly approved by the employees or students or trainees OR OVERSEAS FILIPINO WORKERS, through their duly designated representatives, prescribing the procedure for the investigation of sexual harassment cases [and the administrative sanctions therefor].

[Administrative sanctions shall not be a bar to prosecution in the proper courts for unlawful acts of sexual harassment.] The said rules and regulations issued pursuant to this subsection (a) shall include, among others, guidelines on proper decorum in the workplace and educational or training institutions, AND IN DIPLOMATIC/CONSULAR POSTS WORLDWIDE.

(b) Create a committee on decorum and investigation of cases on sexual harassment. The committee shall conduct meetings, as the case may be, with officers and employees, teachers, instructors, professors, coaches, trainers, and students or trainees, AND IN A DIPLOMATIC/CONSULAR POSTS WITH DIPLOMATIC OR CONSULAR OFFICIALS AND PERSONNEL INCLUDING LOCAL HIRES AND OVERSEAS WORKERS to increase understanding and prevent incidents of sexual harassment. It shall also conduct the investigation of alleged cases constituting sexual harassment.

In case of a work-related environment, the committee shall be composed of at least one (1) representative each from the management, the union, 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 committee shall be composed of at least one (1) representative from the administration, the trainers, instructors, professors or coaches and students or trainees, as the case may be.

IN THE CASE OF DIPLOMATIC/CONSULAR POSTS, THE COMMITTEE SHALL BE COMPOSED OF AT LEAST ONE (1) REPRESENTATIVE EACH FROM THE PHILIPPINE EMBASSY OR PHILIPPINE CONSULATE-GENERAL, ONE (1) RESPECTED AND IMPARTIAL FILIPINO COMMUNITY LEADER, AND ONE (1) REPRESENTATIVE/OBSERVER FROM THE APPROPRIATE DEPARTMENT OR AGENCY.

The employer or head of office, educational or training institution OR THE HEAD OF A DIPLOMATIC/CONSULAR POST shall disseminate or post a copy of this Act for the information of all concerned."

Section 5- Sec.5 of R.A.No. 7877 is hereby amended to read as follows:

"SECTION 5. Liability of the Employer, Head of Office, Educational or Training Institution OR HEAD OF DIPLOMATIC/CONSULAR POST. - The employer or head of office, educational or training institution , OR DIPLOMATIC/CONSULAR POSTS shall be solidarily liable for damages arising from the acts of sexual harassment committed in the employment, education or training environment OR FOREIGN POST. if the employer or head of office, educational or training institution OR HEAD OF DIPLOMATIC/CONSULAR POST is informed of such acts by the offended party and no immediate action is taken."

Section 6. - Sec. 6 of R.A. No. 7877 is hereby amended to read as follows:

"SECTION 6. Independent Action for Damages. - Nothing in this Act shall preclude the victim of work, education or training-related sexual harassment OR ACTS COMMITTED BY DIPLOMATIC/CONSULAR PERSONNEL IN A FOREIGN POST from instituting a separate and independent action for damages and other affirmative relief. "

Section 7. - Sec 7 of R.A. No. 7877 is hereby amended to read as follows:

"SECTION 7. Penalties. - Any person who violates the provisions of this Act shall, upon conviction, be penalized by imprisonment of not less than [one (1) month] SIX MONTHS nor more than [six (6) months] ONE YEAR, or a fine of not less than [Ten thousand pesos (P10,000)] ONE HUNDRED THOUSAND PESOS (P100,000.00) nor more than [Twenty thousand pesos (P20,000)] TWO HUNDRED THOUSAND PESOS (P200,000.00), or both such fine and imprisonment at the discretion of the court.

Any action arising from the violation of the provisions of this Act shall prescribe in three (3) years.

IF THE OFFENDER IS A GOVERNMENT OFFICIAL OR EMPLOYEE, HE/SHE SHALL SUFFER ANY OR ALL OF THE FOLLOWING PENALTIES:

1. WITHHOLDING OF SALARY;
2. SUSPENSION OF AT LEAST SIX (6) MONTHS WITHOUT PAY;
3. DISMISSAL FROM SERVICE WITH DISQUALIFICATION TO HOLD ANY APPOINTIVE OR ELECTIVE POSITION FOR FIVE (5) YEARS

ADMINISTRATIVE SANCTIONS SHALL NOT BE A BAR TO PROSECUTION IN THE PROPER COURTS FOR UNLAWFUL ACTS OF SEXUAL HARASSMENT."

Section 8. *Separability Clause.* - If any portion or provision of this Act is declared void or unconstitutional, the remaining portions or provisions hereof shall not be affected by such declaration.

Section 9. *Repealing Clause.* - All laws, decrees, orders, rules and regulations, other issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 10. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved,