

RA7877 and RA 11313

PRE RA7877

SEXUAL HARASSMENT

Filipinas protest ‘touch system’

By Sheila O. de la Cruz

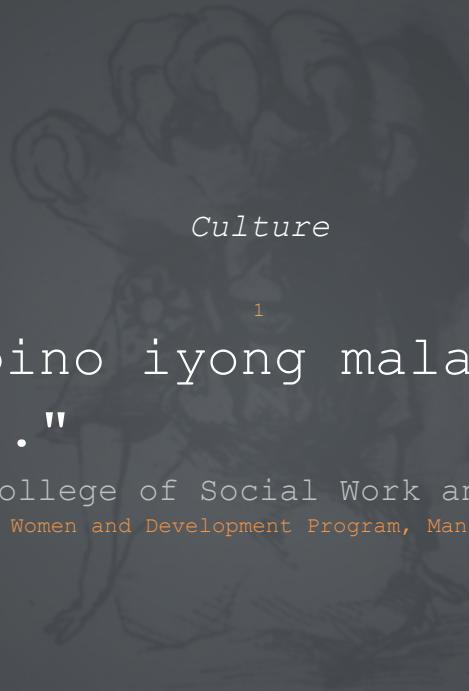
Associated Editors

When Annabel, 33, worked in a Japanese film laboratory on Ortigas Avenue, she was often tapped on her bottom by her Japanese employer whenever she made mistakes. Worse, he touched her face and shoulders every time both of them were in

"Natural ang sa Pilipino iyong malambing, kaya natural din yung panghihipo..."

- Ms. de Dios of UP College of Social Work and Community Development said some time in CSWCD and Gabriela - Women and Development Program, Manila Standard 17 Feb 1989
City. Little did she know that she would undergo the same thing again. Her new employer did not touch or tap her, but he made passes at her and asked for dates.

This is one of the incidents narrated at a forum on "Sexual Harassment of Working Women," held recently at the Bulwagan Tandang Sora, U.P. College of Social Work and Community Development. Ms. Adul de Leon of GABRIELA, a cause-oriented



women's organization, and Dr. Thelma Mendoza of the College of Social Work and Community Development acted as the reactors, and Ms. Oyei de Dios of the CSWCD's Women and Development Program was the moderator.

De Dios says sexual harassment is a form of sex discrimination, consisting of unwelcome advances, sexual favors and other verbal or physical behavior of a sexual nature, implicit or explicit, which harasses or intimidates a woman in her workplace.

Sexual harassment also occurs whenever submission to or rejection of such behavior is used as a condition for continued employment. De Dios also notes that sexual harassment, in the

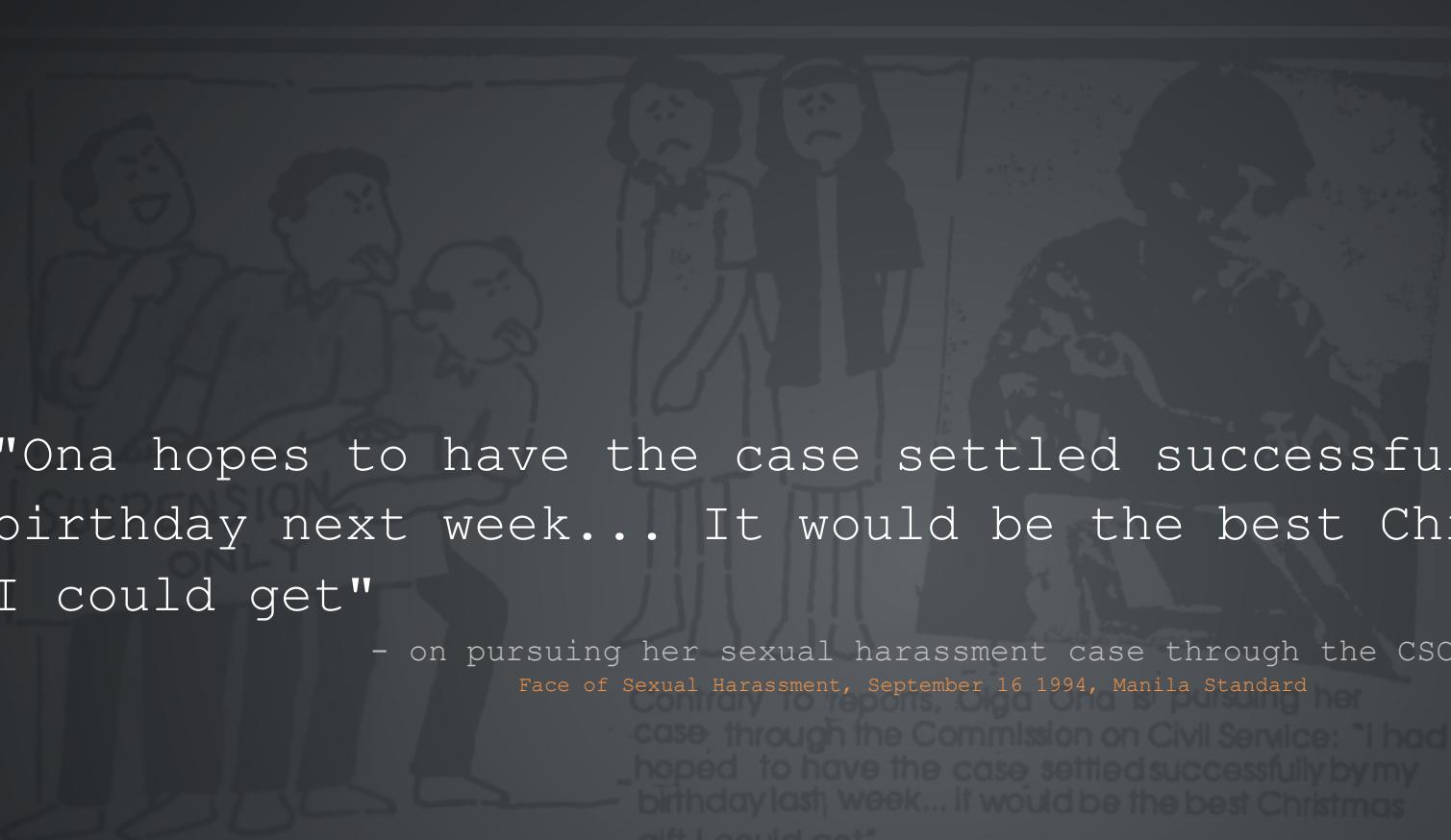
"Natural ang sa Pilipino iyong malambing, haya natural din iyong pahipo-hipo, patangan-tangan at pakurot-kurot. Nevertheless, some [employers] may just be affectionate. Accordingly, some people do not take touches, taps and pinches maliciously."

Either with malice or not, other forms of sexual harassment occur, says De Dios. Remarks about one's body or sex, sexist jokes, oral harassment or abuse are forms of sexual harassment.

- Bureau of Women and Young Workers
Velco Center 13th corner Chicago
313, 1st Ave., Manila 1007, 450-1234
 - no Laws specific
there are no proscriptive
burdened with emotive
their case.
 - local 6495
 - Sentrong Alternatibong Lingap Panle
gai Hoffner Bldg., Social Development
Complex Ateneo University 9614697,
924-4601 to -4604, local 2831
 - GABRIELA
15 Suriaga St., Quezon City 986969



HERE ARE NO LAWS SPECIFIC to sexual harassment. And because victims, already burdened by emotional trauma, have little incentive to pursue their cases.



"Ona hopes to have the case settled successfully by my birthday next week... It would be the best Christmas gift I could get"

- on pursuing her sexual harassment case through the CSC

Face of Sexual Harassment, September 16 1994, Manila Standard

Contrary to reports, Oiga Ona is pursuing her case through the Commission on Civil Service: "I had hoped to have the case settled successfully by my birthday last week... It would be the best Christmas gift I could get"

young, single women generally increases the curve.

One form of sexual harassment is quid pro quo. The National Commission on the Role of Filipino Women

(3) adversely interfering with the official's or employee's performance; or (4) bound to create a hostile, offensive, intimidating or uncomfortable work environment."

compliments. Others A co-worker of Ona w her to discuss offic very naturally place her shoulder. Then h bakasabibin mo han wa, o, can tell m "It was so insinuating know when someone into my private space can't tell the difference natural gesture and a sion."

Yet women do take granted. The obscene sing (feelies), the adated either because being the so-called it's the plight of the

1993 SENATE COMMITTEE ON LABOR,
EMPLOYMENT, AND HUMAN RESOURCES
DEVELOPMENT

Anti-sexual harassment

Awareness

SEN. COSETENG. ...in the final analysis, it is always the woman that has to **WITHDRAW THE COMPLAINT, BE ASHAMED, BE AFRAID, BE FIRED, OR BE SUBJECT OF RIDICULE**, which is part of that consciousness.

- Sen Coseteng, on the CSC gender sensitivity programs, TCM August 25, 1993

The bill spells out what constitute sexual harassment in the workplace both in government and private offices which shall be punishable under this proposed law. These are:

- If it is made a condition in the hiring or the employment of individuals with respect to the latter's favo-

The anti-sexual harassment bill was approved by the Senate as increasing incidence of such offenses were recently reported

The employer, under the bill, shall be solidarily held liable for acts of sexual harassment committed in their workplace if he/she had prior knowledge of the incident but did nothing to stop the acts of sexual harassment complaints for

were recently reported,
most of which involved al-

most the latter slave
able compensation, terms
and conditions were

reports submitted to him/
her.

CONGRESS OF THE PHILIPPINES

S E N A T E

RECORDS AND ARCHIVES DIVISION

C.P. - SENATE

TCM

1

Definition

REPUBLIC OF THE PHILIPPINES

CONGRESS OF THE PHILIPPINES

SENATE
Manila

REGULAR SESSION

SEN. OPLE. . . . We now hope through this bill to
INSTITUTIONALIZE A MORE DISTINCT, SPECIFIC AND PUNISHABLE TYPE OF OFFENSE, which is sexual harassment itself. can we ask Atty. Paras,

DATE : Wednesday, 25 August 1993

... **WHAT DOES THE PENAL CODE PROVIDE AND WHAT DOES THE CIVIL SERVICE ACT SAY**, if any, concerning sexual harassment **

MEMBERS PRESENT:

- TCM August 25, 1993

HON. ERNESTO F. HERRERA - Chairman

HON. NIKKI M.L. COSETENG

HON. BLAS F. OPLE

HON. ERNESTO M. MACEDA

COMMITTEE ON LABOR
Mayor - 9:31 a.m.

August 25, 1993

1

Definition

SENATOR OPLE. ... and that was looked upon as

MR. PARAS. I was going over these bills, Your Honor,
and it would seem that these **BILLS ARE DIFFERENT**
FROM WHAT IS PUNISHABLE ALREADY, because this bill
PUNISHES THE ACT OF MAKING SEXUAL FAVORS AS A
CONDITION TO EMPLOYMENT, Your Honor.

sort, a separate and distinct from the customary
normally recognized offenses in the Penal Code.

MR. PARAS. Yes, Your Honor. It is a welcome
addition to our Penal Laws, Your Honor, so that these
kinds of harassments would be penalized. Since in

Mayor - 9:31 a.m.

August 25, 1993.

2

Abuse of Right

emanate from this supposed victim so that someone

SENATOR OPLES . . . isn't there a possibility that sexual harassment can be faked . . . What can you suggest to prevent the abuse of this right? This is not something

likely to happen.

MR. PARAS. Your Honor, the matter of **BEING ENTRAPPED OR SOME OTHER MOTIVE COULD BE A MATTER OF EVIDENCE** already in the prosecution of the crime.

In the private sector unions fighting for jurisdiction and sometimes the company has to take sides. In a

government office suppose these frictions also occur.
- TCM August 25, 1993

and women are taking on increasingly leadership roles

whether in trade unions, in the private sector or in

COMMITTEE ON LABOR

P. MAYOR IV-3 Classification 10:41 a.m. 2

MS STA CLARA. iyong biktima mismo na kadalasan ayaw mag-file...

kakulangan sa mga nasabing bill, doon sa punto po ng

definition ng sexual harassment. Para pong kulang

MR. PARAS. ...whether it is a crime against person or crime against chastity, it does not matter, ...if it becomes law will become **A SPECIAL LAW**, and **SO IT BECOMES A PUBLIC CRIME**,

EVEN THE UNION CAN FILE A COMPLAINT, the criminal case in Court on behalf of the victim, Your Honor.

- On Classification - Ms Bing Sta Clara, Federation of Free Workers, TCM August 25, 1993

crime na ang ibig pong sabihin, hindi lang po iyong

biktima mismo na kadalasan ayaw mag-file, puedeng

SENATE

RA 7877 - THE ANTI-SEXUAL HARASSMENT
ACT OF 1995

"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.**

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

2 Deter and Proscribe Sexual Harassment.”

asures pment

In proposed measure, all banks are mandated to set aside 10 percent of their funds to agriculture reform beneficiaries and 75 percent of the Agri-Bank will be strictly utilized for

the other hand, De Venecia's proposed amendment would increase funding for irrigation, which is expensive.

The law mandates the P15 billion annually for Irrigation Administration. In 10 years, its budgetary for 1993 and 1994 have increased from P2.02 and P1.66 billion,

De Venecia said the proposed measure would help alleviate the困境 of some 700,000 small-scale farmers, who have remained stuck of government programs or being denied unhampered access to marine and aquatic resources.

In the proposed act, small-scale farmers would effectively be given priority in the development, control and management of natural resources.

De Venecia said Congress should

Sexual harassment is now a crime

Sexual harassment at workplaces is now a crime punishable with imprisonment and/or fines of from P10,000 to P20,000.

Republic Act No. 7877, also known as the Anti-Sexual Harassment Act of 1995, was signed by President Ramos on Feb. 14. Its implementing rules and regulations were signed by Acting Labor Secretary Jose S. Brillantes last Wednesday.

RA 7877 provides that a person convicted of sexual harassment would be penalized by imprisonment of from one to six months, or a fine of P10,000 to P20,000, or both, at the discretion of the court.

The passage of the law was hailed by the Department of Labor and Employment (DOLE) and other sectors concerned with working women who are usually the victims of sexual harassment in workplaces.

According to RA 7877, sexual harassment may be committed by any official or employee against another official, employee, applicant, client or trainee over whom he or she has authority, influence or moral ascendancy.

An official or employee who directs or induces another to commit an act of sexual harassment or who cooperates in its commission is also liable.

Essentially, an act of sexual harassment is committed when a sexual favor is made as a condition in hiring, re-employment or continued employment or in granting favorable employment terms and conditions.

It is also committed when the refusal to give the requested sexual favor results in limiting, segregating, depriving, diminishing or discriminating against the employee.

Among the forms of sexual harassment listed are overt sexual advances; unwelcome or improper gesture of affection; request or demand for sexual favors including that not limited to

BILL ON SECOND READING
S. No. 1632—Prescribing Sexual Harassment
(Continuation)

Senator Romulo. Mr. President, I move that we resume consideration of Senate Bill No. 1632, Prescribing Sexual Harassment.

SEC. 3. WORK, EDUCATION OR TRAINING-RELATED SEXUAL HARASSMENT DEFINED

Caselaw: Sexual harassment in the workplace is not about a man taking advantage of a woman by reason of sexual desire; it is about power being exercised by a superior officer over his women subordinates. The power emanates from the fact that the superior can remove the subordinate from his workplace if the latter would refuse his amorous advances.

- Flai-alde v. Court of Appeals

The Gentleman from Laguna and Manila. I just would like to read into the Record the recent decision of the Supreme Court about sexual harassment that appeared in the Editorial of the People's Journal on its September 4, 1994 issue, entitled "A blow vs. sexual harassment", which I state and I quote:

SEXUAL HARASSMENT has acquired a new legal status under a recent Supreme Court ruling which makes this offense a valid ground for dismissal from service.

CaseLaw: Casual gestures of friendship and camaraderie, done during festive or special occasions and with other people present, do not constitute sexual harassment.

- Aquino v. Acosta

A COMPLAINT has been filed before the National Labor Relations Commission against a brother of business tycoon John Gokongwei for allegedly causing the dismissal of an employee from a Gokongwei-
"the complainant
advances.

*"the complainant failed to show by convincing evidence that the acts of Judge Acosta in greeting her with a kiss on the cheek, in a '**BESO-BESO**' fashion, were carried out with lustful and lascivious desires or were motivated by malice or ill motive."*

"SHE must be hallucinating to come up with these allegations, taking into consideration her advance age." This was how the accused Johnson Robert Go reacted to a former employee's charge of sexual harassment. "Untrue, absurd and impossible allegations" from "a 49-year-old grandmother," he said. The 49-year-old Go, a former vice president of Digital Telecommunications Philippines Inc. (Digitel), had been working in the National Labor Relations Commission, Marikina City, when he allegedly sexually harassed his 22-year-old female employee, Soriano, in 1999. She quit Digitel in June 2000.

Lance Gokongwei, Digitel director and chairman, said it seemed a bit strange that the issue came out just now, while the Gokongwei family is

NOT NEGATED BY DELAY IN REPORTING THE CRIME.

CaseLaw: Escandor assails his conviction citing “unreasonable delay and silence” as it was only initiated five years after the alleged incidents. x x x There is no time period within which a victim is expected to complain about sexual harassment. The time to do so may vary depending upon the needs, circumstances, and more importantly, the emotional threshold of the employee.

- Escandor vs. People

Senate to continue probe of sexploitation in movies

By Joem H. Nacino

SEC 4. DUTY OF THE EMPLOYER OR HEAD OF OFFICE

Saying the Senate must get to the bottom of complaints that movie actresses and entertainers suffer sexual harassment in the industry, Senator Pro Tempore Plas Ople said the Senate will also include private and public hearings on sexual harassment.

To promulgate **APPROPRIATE RULES AND REGULATIONS** to prevent the commission of acts of sexual harassment.

To provide **PROCEDURES FOR THE RESOLUTION, SETTLEMENT OR PROSECUTION** of acts of sexual harassment.

The sand the inquiry is meant to gauge the effectiveness of the law in specific industries where such acts are known to be prevalent.

The first probe was conducted by Sen. Ramon Revilla, a former movie actor, and his committee on movies and television. But Revilla said the movie stars who have complained of being sexually harassed were actually using the committee to blackmail their managers and extract money from them.

Revilla terminated his investigation.

"We in the Senate have heard the testimony of starlet Priscilla Almeda," Ople said. "She was forced to do things she did not want to do, failing marks in order to fulfill sexual advances."

"This is a very serious problem we have to contend with and it is for this reason that we have included acts of sexual harassment in an education and training program on the law," Ople explained, while noting that many senators have yet to support the bill. "It is a massive campaign on sexual harassment."

The Anti-Sexual Harassment Law mandates educational or training institution to create a committee composed of at least one representative from the administration, the trainors, professors or coaches and students or trainees that will conduct meetings to promote understanding and prevent incidents of sexual harassment.

"We have to review this law and find ways to strengthen it especially when it is determined in the Senate that the law has become ineffectual in the face of numerous complaints of sexual harassment in various fields," Ople

A sax for Bill

US President Bill Clinton accepts a gift saxophone during a visit to Brussels in this AP file photo. In congratulating Clinton on his reelection last Tuesday, President Ramos said he was looking forward to receiving him and Mrs. Clinton in Manila later this month for the APEC meeting. Mr. Ramos added that "Mrs. Ramos shares in these sentiments, and she hopes you can find the time to go 'jamming' again with the Executive Band."

JALOSJOS CASE

'Sis' to back up 'mom's' claim

THE EMPLOYER OR THE HEAD OF OFFICE OR INSTITUTION MAY ALSO BE IMPLEADED IN AN INDEPENDENT ACTION FOR DAMAGES.

CaseLaw: Aside from the actual perpetrator, the employer, or the head of office or institution may also be impleaded in an independent action for damages. They would be solidarily liable for damages if they did not take immediate action on a sexual harassment complaint.

- Escandor vs. People

**San Miguel Corporation
Anti-Sexual Harassment Policy**

IV. COMMITTEE ON DECORUM AND INVESTIGATION Each of the entities in the San Miguel Group shall create and organize a Committee on Decorum and Investigation (the “Committee”), which shall serve as an independent internal grievance mechanism that will act as the main body in the investigation and resolution of cases involving Sexual Harassment.

Pursuant to Republic Act 7877, the “Anti-Sexual Harassment Act of 1995”, and Republic Act No. 11313, the “Safe Spaces Act”, the San Miguel Group adopts the following guidelines that would provide – San Miguel Corporation Anti-Sexual Harassment Policy – for handling investigation of sexual harassment cases and violation of the Safe Spaces Act, applicable to all Personnel of the San Miguel Group. It is understood that the San Miguel Group will operate a zero-tolerance policy for any form of sexual harassment in the Workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. No one will be victimized for making a reasonable complaint.



RESOLUTION NO. 021170

Sec 51 A. The Offense of Sexual Harassment

A. PHYSICAL - MALICIOUS TOUCHING; OVERT SEXUAL ADVANCES; GESTURES WITH LEWD INSINUATION.

B. VERBAL, SUCH AS BUT NOT LIMITED TO, REQUESTS OR DEMANDS FOR SEXUAL FAVORS, AND LURID REMARKS;

C. USE OF OBJECTS, PICTURES OR GRAPHICS, LETTERS OR WRITING NOTES WITH SEXUAL UNDERPINNINGS;

D. OTHER FORMS ANALOGOUS TO THE FOREGOING.

- CSC Resolution No. 01-0940, Section 5 enumerates illustrative forms of sexual harassment:

1. The rules and regulations on sexual harassment of local government units, state colleges and universities, and local or regional agencies or government owned or controlled corporations with original charters, such as the Cagayan Economic Zone Authority, Zamboanga City Special Economic Zone Authority and other special bodies based in that particular region only, shall be submitted to and approved by the CSC Regional Office which has jurisdiction over them;
2. The rules and regulations on sexual harassment of national agencies shall be submitted to and approved by the CSC central office through the Office for Legal Affairs;
3. The rules and regulations on sexual harassment of local government units, state colleges and universities and government-owned or controlled corporations with original charters in the NCR shall be submitted to and approved by the CSC NCR.

SEC 6 INDEPENDENT ACTION FOR DAMAGES

Being independent from criminal action, the conviction or acquittal of the accused is not a bar to an independent suit for damages in a civil action.

CaseLaw: In London v. Baguio Country Club, the Court allowed an independent action for damages against the accused despite the existence of an ongoing criminal case.

CaseLaw: Committing a crime offends two entities- 1) **the society** in which he lives in or the political entity called the State whose law he had violated; and 2) **the individual member of that society** whose person, right, honor, chastity or property was actually or directly injured or damaged by the same punishable act or omission.

-- Rodriguez v. Ponferrada's viewed the sexual advances made by superiors or company owners as a sign that they will become regular workers," Libang said during the launching of the Koalisyon Laban sa Kontraktwalisasyon at the Max's Restaurant in Quezon City last week.

For example, workers at Shoe Mart

their private parts by security personnel

such acts lest they earn the ire of their employers.

otel about
picked up

For example, workers at Shoo Mart
recounted experiences of being asked
to pull up their skirts to reveal their un-

ts.

The study showed that in a garments
factory in Taguig, which manufactures

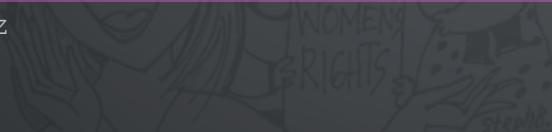
supervisors and get tired. One worker
from the Cavite Export Processing Zone
even told researchers: "If you don't want

RA 7877 is a special criminal statute, sexual harassment is malum prohibitum.

For sexual harassment, **INTENT IS IMMATERIAL**. Mere **COMMISSION IS SUFFICIENT** to warrant a conviction.

CaseLaw: Assuming arguendo that respondent never intended to violate RA 7877, his attempt to kiss petitioner was a flagrant disregard of a customary rule that had existed since time immemorial – that intimate physical contact between individuals must be consensual. Respondent's defiance of custom and lack of respect for the opposite sex were more appalling because he was a married man. Respondent's act showed a low regard for women and disrespect for petitioner's honor and dignity.

- Narvaza v. Sanchez



she says.

Vital flip-side

A vital flip-side of the Anti-Sexual Harassment Act is Executive Order No. 273, which approved and adopted the 1995-2025 Philippine Plan for Gender-Responsive Development.

NEWLY installed Baguio-Benguet Bishop Carlito Cenzon.
TOOTS SOBERANO

New Baguio bishop sees
an 'indigenized' Church

It may come as a surprise but the Igorots' traditional dance and music, which are indi-

ance counselors and male human rights lawyers cum women's ad-

depriving him or her, and diminishing his or her job opportunities

ELEMENTS

By Ferdinand Fabella

The Paranaque City police

- 1 **Authority, influence, or moral-ascendancy over another**
- 2 The authority, influence, or moral ascendancy exists **in a work-related, training related, or education-related environment**
- 3 The person who has authority, influence, or moral-ascendancy over another **makes a demand, request, or requirement of a sexual favor.**

- Formulated in Aquino v. Acosta

Distinguished from other chastity-related offenses:

ITS SETTING and **THE PERSON** who may commit it.

- As to its setting, the offense may only be committed in a work-related, training-related, or education-related environment.
- As to the perpetrator, it may be committed by a person who exercises authority, influence, or moral ascendancy over another.

- RA 7877 sec. 3.

ALMEDA

exceeding three years for Tan and other Seiko officials.

"We will definitely pursue a case against Tan, but we're still determining what. It's not true that we've already taken action. That's

Airline wh

CaseLaw: the GRAVAMEN of the offense in sexual harassment is not the violation of the employee's sexuality but the ABUSE OF POWER by the employer.

- Aeolus Auto-Motive United Corp. v. NLRC

More meaningful laws protecting women sought

Various women's groups have called on Congress to give priority to pending bills addressing problems involving women, saying existing laws were insufficient. Congress resumes session on Monday.

SEXUAL HARASSMENT IN PUBLIC SPACES:

"Unwanted comments, gestures, and actions forced on a stranger in a public place without their consent and is directed at them because of their actual or perceived sex, gender, gender expression, or sexual orientation."

- Fritzie Rodriguez, The streets that haunt Filipino women

The group is protesting some laws which, it said, do not actually extend protection to women or prevent their being victimized and abused both politically and physically.

Records showed that from July 1992, to December 1994, a total of 302 bills and resolutions on women were filed in both Senate and Congress yet only one — Republic Act 7888 granting representation to

women in Social Security Commission — was enacted into law.

In 1995, two were enacted into law.

These were RA 7878 or the Anti-Sexual Harassment Act of 1995 and RA 7882 which provides for the assistance to women engaging in mi-

the first to be retrenched.

The Center for Women's Resources (CWR), based on its data on women in the labor sector, revealed, for its part, that women's earnings were generally lower than men's in top executive and managerial positions.

Maza also disclosed that an election campaign was held by a corporation in the Mactan Export Processing Zone involving 100,000 workers through "virginity tests."

Some cause-oriented leaders in the National Commission on the Role of Filipino Women (NCRFW) reported an estimated 5,000 Filipino women have been entering United States as mail-order brides every year since 1986.

There are estimated 20,000 Filipino mail-order brides in Australia.

Gabriela said the average annual increase of sexual abuse from 1990 to 1995 was 5.4 percent.

What is alarming, it said, is that from 1995 to 1996, the rate of in-

crease reached 9 percent or a total of 2,346 cases in 1995 to 2,553 last year.

For this year's first quarter alone the number of cases was already 794 or 30 percent more than number of cases documented during the same period last year.

From January 10-June 1996, 168 bills and resolutions on women were filed in both Senate and Congress. Only one was enacted into law — RA 7878 which grants parity leave.

RA 7882 which provides for the assistance to women engaging in mi-

nority come from the poor sector while Luzon, location of the two favorite tourist spots — Angeles and Olongapo City. There were also sexual abuse cases involving public officials and law enforcers.

"Government news releases always highlight political participation of women but Filipino women continue to suffer political repression," Maza said.

In the five years of leadership of President Ramos, all plans and programs supposedly assure women of a better life yet reality paints a different picture, she said. (Angela B. Rosales)



“Touch me not!” RA 11313 Unmasking the plight of female commuters

By Angela V. Ignacio
2bUI Correspondent

(Disclaimer: This article does not in any way conclude nor imply that all men are gropers or perverts. Rather, this serves as a tug of conscience for those who are, and those who choose to do nothing about it.)

FEW days ago, I came home from my run. I had passed

Sexual harassment, verbal or physical, happens every day on the MRT

good about themselves. Because it satisfies their minor sexual urges. Because it establishes their superiority

signs firmly tacked on their doors. Even here in smoggy Metro Manila, the old LRT now has separate cars for males and females.

This type of “segregation” might seem like a good idea, but implementing such changes has raised a whole gaggle of serious and sensitive questions. What happens to elderly or disabled males? Don’t they deserve to be prioritized, too? Or worse, if I don’t ride in a ladies-only

Rule of the people

People power has failed us

By Javier Mata
2bUI Correspondent

PREVIOUS people power revolts epitomized poetic justice (something Filipinos always love). Whether it be a fight against injustice or corruption, we love the idea that the will of the people can triumph. Yet this is nothing more than a façade. People power has destroyed us as a people. We have destroyed democratic institutions in the name of the same democracy.

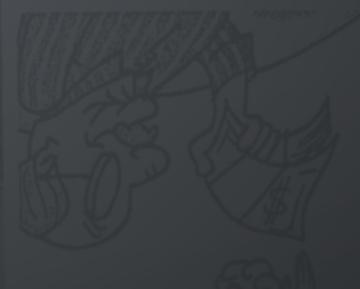
Say what you will about People Power 1 and 2. It doesn't change the fact that they were essentially tools of anarchy. It instilled the idea in Filipinos that it is actually okay to disregard democratic processes and break them (and

then tell ourselves doing it for democracy).

Don't get me wrong, our tutor no longer would only have us understand that these results have now only started.

We have learned our lessons later. We now know something bad has happened to justice in our country, essentially disregarding the law and mob rule and witch hunts.

Take People Power 3. We believe that Erap preferred a judge



Modern

By Saleema Devi Reffan
2bUI Correspondent

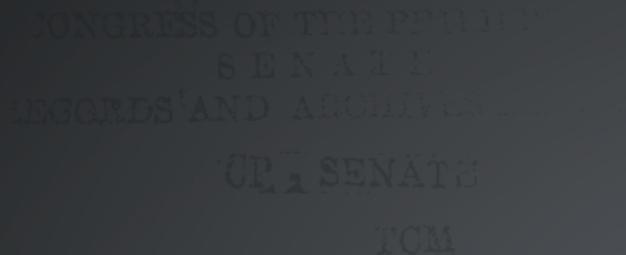
IS IT just me who thinks

"Hi Sexy!" "Wow legs!" "Pahipo naman!" "Ang ganda mo, te, L ako sa iyo" "Hoy, babae ka ba o bakla?" ...Imagine feeling reduced to the sum of your body parts, imagine being judged for the way you dress.

...HAVING TO FEAR

...NEVER FEELING SAFE

in the PUBLIC SPACES OF THE CITY THAT WE CALL OUR HOME .



The majority of these incidents take place on the **STREETS AND SMALL ALLEYS**, but they have also been reported to happen in **PUBLIC VEHICLES, PUBLIC WASHROOMS, SCHOOLS, and WORKPLACES**.

- COMMITTEE ON WOMEN, CHILDREN, FAMILY RELATIONS AND GENDER EQUALITY JOINT WITH THE COMMITTEES ON JUSTICE AND HUMAN RIGHTS; AND CIVIL SERVICE, GOVERNMENT REORGANIZATION AND PROFESSIONAL REGULATION, TCM May 23, 2017

Date	: Tuesday, May 23, 2017
Time	: 1:00 p.m.
Venue	: Sen. Jose P. Laurel Room 2nd Floor, Senate of the Philippines

Quezon City - Gender and Development Code in 2004.

We defined already in the 2016 ordinance sexual harassment against some "in public space which refers to unwanted, unwelcome and uninvited comments, gestures and actions forced on a woman in public places without their consent and is directed at them because of their sex, gender, gender expression or sexual orientation..."

SENATOR HONTIVEROS study found a marked behavior shift after the ordinance. So, it achieved its primary objective.

RA11313 AND VAWC

SENATOR HONTIVEROS ...the nature of the VAWC Law precisely is **INTIMATE RELATIONSHIPS** in the context of dating or sexual relationship. And there, there is abuse of trust.

Samantala po sa pagitan ng babae na naglalakad sa bangketa at sa strange na lalaki,

WALA NAMANG RELATIONSHIP OF TRUST.

- On Amending VAWC, RA 11313 SECOND READING - Aug. 1, 2018

RA11313 AND RA7877

SENATOR HONTIVEROS. this bill seeks to strengthen further the current Anti-Sexual Harassment Law by complementing it.

... the Anti-Sexual Harassment Law identifies, prohibits and penalizes acts of sexual harassment **BY SUPERIORS TO THEIR SUBORDINATES**

...this bill seeks to introduce the offense of sexual harassment **BETWEEN COMPLETE STRANGERS** ...thereby filling the current gaps observed in our current Anti-Sexual Harassment Law

- On amend or repeal of RA7977, RA 11313 SECOND READING - Sept. 18, 2018

SENATOR HONTIVEROS. As in all cases of complaints, Mr. President, based on current laws, the matter of proof must be satisfied by evidence, by due process and by redress mechanisms provided by these laws. To make it even more precise, under Criminal Law, **THE BURDEN OF PROOF IS BEYOND REASONABLE DOUBT.**

- On safeguards, RA 11313 SECOND READING - Sept. 18, 2018

RA 11313

"to value the dignity of every human person and guarantee full respect for human rights. It is likewise the policy of the State to recognize the role of women in nation-building and ensure the fundamental equality before the law of women and men. The State also recognizes that both men and women must have equality, security and safety **NOT ONLY IN PRIVATE**, but also on the **STREETS, PUBLIC SPACES, ONLINE, WORKPLACES** and **EDUCATIONAL** and **TRAINING INSTITUTIONS.**"

asures pment

In proposed measure, all banks are mandated to set aside 10 percent of their funds to agriculture reform beneficiaries and 75 percent of the Agri-Bank will be strictly utilized for

the other hand, De Venecia's proposed amendment would increase funding for irrigation, which is expensive.

The law mandates the P15 billion annually for Irrigation Administration. In 10 years, its budgetary for 1993 and 1994 have increased from P2.02 and P1.66 billion,

De Venecia said the proposed measure would help alleviate the poverty of some 700,000 small-scale farmers, who have remained stuck of government programs or being denied unhampered access to marine and aquatic resources.

In the proposed act, small-scale farmers would effectively be involved in the development, control and management of marine and aquatic resources.

De Venecia said Congress should

Sexual harassment is now a crime

Sexual harassment at workplaces is now a crime punishable with imprisonment and/or fines of from P10,000 to P20,000.

Republic Act No. 7877, also known as the Anti-Sexual Harassment Act of 1995, was signed by President Ramos on Feb. 14. Its implementing rules and regulations were signed by Acting Labor Secretary Jose S. Brillantes last Wednesday.

RA 7877 provides that a person convicted of sexual harassment would be penalized by imprisonment of from one to six months, or a fine of P10,000 to P20,000, or both, at the discretion of the court.

The passage of the law was hailed by the Department of Labor and Employment (DOLE) and other sectors concerned with working women who are usually the victims of sexual harassment in workplaces.

According to RA 7877, sexual harassment may be committed by any official or employee against another official, employee, applicant, client or trainee over whom he or she has authority, influence or moral ascendancy.

An official or employee who directs or induces another to commit an act of sexual harassment or who cooperates in its commission is also liable.

Essentially, an act of sexual harassment is committed when a sexual favor is made as a condition in hiring, re-employment or continued employment or in granting favorable employment terms and conditions.

It is also committed when the refusal to give the requested sexual favor results in limiting, segregating, depriving, diminishing or discriminating against the employee.

Among the forms of sexual harassment listed are overt sexual advances; unwelcome or improper gesture of affection; request or demand for sexual favors including that not limited to

GBSH

It refers to conducts that cause or likely to cause mental, emotional or psychological distress to a person on the basis of gender, gender identity and/or expression.

SPACES COVERED BY GBSH

- Streets and public spaces - ARTICLE I
- Online or cyberspace - ARTICLE II
- Workplace - ARTICLE IV
- Educational and training institutions - ARTICLE IV

Streets and alleys, roads, sidewalks, public parks, buildings, schools, churches . . .**ALL OTHER AREAS, REGARDLESS OF OWNERSHIP, OPENLY ACCESSIBLE OR OFFERED TO BE ACCESSED BY THE PUBLIC.**

- RA11313 IRR RULE II M.

SEC. 16 GBSH IN THE WORKPLACE

An act or series of acts involving any unwelcome sexual advances, requests or demand for sexual favors or any act of sexual nature, whether done **VERBALLY, PHYSICALLY** or through the use of **TECHNOLOGY** such as text messaging or electronic mail or through **ANY OTHER FORMS OF INFORMATION AND COMMUNICATION** systems, that has or could have a detrimental effect on the conditions of an individual's employment or education, job performance or opportunities;

DUTIES OF EMPLOYERS

Sec. 17 added to the duties of an employer as to its prevention, deterrence, and punishment.

- Disseminate a copy of the law to all persons in the workplace.
- Provide measures to prevent GBSH in the workplace.
- Independent internal mechanism or a Committee on Decorum and Investigation (CODI) to investigate and address complaints of GBSH
 - Develop and disseminate, a code of conduct or workplace policy.

Specifies the **CONFIDENTIALITY OF PROCEEDINGS**, and the **ISSUANCE OF A RESTRAINING ORDER** for the offended person.

SECTION 26. CONFIDENTIALITY. —

At any stage of the investigation, prosecution and trial of an offense under this Act, the rights of the victim and the accused who is a minor shall be recognized.

SECTION 27. RESTRAINING ORDER. —

Where appropriate, the court, even before rendering a final decision, may issue an order directing the perpetrator to stay away from the offended person at a distance specified by the court, or to stay away from the residence, school, place of employment, or any specified place frequented by the offended person.

CaseLaw: An employee is considered constructively dismissed if he or she was sexually harassed by her superior and her employer failed to act on his or her complaint with prompt and sensitivity.

- LBC Express-Vis, Inc. vs. Palco

LBC argues that it should not be held liable for constructive dismissal of Monica Palco. Monica resigned because of company's unreasonable delay to heed her complaint against the perpetrator.

CaseLaw: While RA11313 did not apply to this case as it was enacted after the commission of the acts, its principles emphasize the need to accord more importance to complaints of sexual harassment and recognize the severity of the offense. The petition is DENIED.

DUTIES OF EMPLOYEES AND CO-WORKERS.

SEC. 21

- **Refrain from committing** acts of GBSH;
- **Discourage the conduct** of GBSH in the workplace;
- **Provide emotional or social support** to fellow employees, co-workers, colleagues or peers who are victims of GBSH;
- **Report acts of GBSH** witnessed in the workplace. R

**CENTURY PACIFIC FOOD INC.
POLICIES AND PROCEDURES**

POLICY TITLE:	Policy No. CPFI HR20-1102	No. of Pages: 9
ANTI- SEXUAL HARASSMENT AND SAFE SPACES POLICY	Effectivity Date: Upon approval	Date Issued:
Supersedes Policy dated : July 1, 2010		

In compliance with Republic Act No. 7877, otherwise known as the Anti-Sexual Harassment Act of 1995 (the "Law") and the newly enacted Republic Act No. 11313, **THE SAFE SPACES ACT** (the "Law"), also known as the "Bawal Bastos Law", **THIS POLICY IS HEREBY PRESCRIBED FOR THE GUIDANCE AND COMPLIANCE OF ALL** concerned.

II. OBJECTIVE

The objective of this policy is to promote the policies and procedures and their right to humane, just and safe work environment and promote the morale and efficiency in the workplace.

In compliance with Republic Act No. 7877, otherwise known as the Anti-Sexual Harassment Act of 1995 (the "Law") and the newly enacted Republic Act No. 11313, the Safe Spaces Act (the "Law"), also known as the "Bawal Bastos Law", this Policy is hereby prescribed for the guidance and compliance of all concerned.



MC No. 11, s. 2021

Pursuant to CSC Resolution No. 2100064 dated January 20, 2021, the Commission resolved to promulgate the following Revised Administrative Disciplinary Rules on Sexual Harassment Cases (**AMENDMENT TO THE SEXUAL HARASSMENT PROVISIONS** in the 2017 Revised Rules on Administrative Cases in the Civil Service) **PURSUANT TO REPUBLIC ACT NO. 11313**

SUBJECT : Revised Administrative Disciplinary Rules on Sexual Harassment Cases (Amendment to the Sexual Harassment Provisions in the 2017 Revised Rules on Administrative Cases in the Civil Service)
- MC No. 11, s. 2021

Pursuant to CSC Resolution No. 2100064 dated January 20, 2021, the Commission resolved to promulgate the following Revised Administrative Disciplinary Rules on Sexual Harassment Cases (Amendment to the Sexual Harassment Provisions in the 2017 Revised Rules on Administrative Cases in the Civil Service)¹ pursuant to Republic Act No. 11313 (Safe Spaces Act of 2019), as follows:

Act) which provides, as follows:



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

The Court approved the Guidelines on the Use of Gender-Fair Language in the Judiciary and Gender-Fair Courtroom Etiquette...

OCA CIRCULAR NO. 55-2022

The **GUIDELINES ARE IN LINE WITH REPUBLIC ACT (R.A.) NO. C OR THE SAFE SPACES ACT...**

- Chief Justice Gesmundo at the annual commemoration of the 18-Day Campaign to End Violence Against Women (VAW) on November 21, 2022

Pursuant to the Resolution dated 15 February 2022 in A.M. No. 21-11-25-SC (*Re: Proposed Rules on the Use of Gender-Fair Language in the Judiciary and Gender-Fair Courtroom Etiquette*)

QUESTIONS

REFERENCES:

RA7877

- TCM Aug 25, 1993
- Committee Report No. 352_SBN 1632
- ESCANDOR v. People 2020

RA113

- RA 11313 COMMITTEE ON WOMEN - May 2017
- RA 11313 SECOND READING - Sept. 18, 2018
- RA 11313 SECOND READING - Aug. 1, 2018
- RA 11313 SECOND READING - Oct. 3, 2018 !
- The streets that haunt Filipino women

