

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session

House Bill No. 5213



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Introduced by Representative RAMON V. A. "RAV" ROCAMORA

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#### EXPLANATORY NOTE

According to a survey conducted by the Social Weather Station (SWS) in 2016, 3 out of 5 women have experienced sexual harassment at least once in their lifetime. The same survey also revealed that the top 3 forms of sexual harassment women experience are wolf-whistling, lascivious language, and exhibitionism and public masturbation.

Currently, the laws that seek to prevent these acts of sexual harassment are limited and unresponsive to the bigger issue. The crime of acts of lasciviousness, for example, requires the touching of the genitalia, anus, groin, breast, inner thigh, or buttocks of the victim. Thus, the top forms of sexual harassment – that are verbal and not physical – are not punishable under this provision. The crime of unjust vexation, on the other hand, does not have a definition under the Revised Penal Code and jurisprudence will show that a wide range of acts were made punishable under this vague provision. As for the Sexual Harassment Act of 1995, it is limited to the superior-subordinate relationship in the workplace or educational institution. Therefore, the law only penalizes those acts committed "by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other person who, having authority, influence or moral ascendancy over another." This does not address the issue of sexual harassment in general because, as likewise stated by the SWS 2016 survey, 70% of sexual harassment was committed by a stranger and 58% happened on the streets and alleys. As for sexual harassment committed online, the Cybercrime Prevention Act only punishes cybersex or "the willful engagement, maintenance, control, or operation, directly or indirectly, of any lascivious exhibition of sexual organs or sexual activity, with the aid of a computer system, for favor or consideration." This fails to punish the online forms of sexual harassment such as cyberviolence or lewd comments directed at a person online. The Anti-Photo and Video Voyeurism Act of 2009 also fails to address certain forms of sexual harassment because this law prohibits the taking of photo or video of sexual acts or genitalia but not the sending of the same to the victim.

Thus, in view of the foregoing, passage of this bill is earnestly sought.

**RAMON V.A. "RAV" ROCAMORA**  
Representative  
Lone District, Siquijor

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1                   **AN ACT PENALIZING ALL FORMS OF SEXUAL HARASSMENT**

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

4    **SECTION 1. Title.** This Act shall be known as the "Comprehensive Anti-Sexual  
5    Harassment Act."

6    **SECTION 2. Sexual Harassment in General.** Sexual harassment is committed by any  
7    person who carries out any of the following acts:

8           (A) Repeated and persistent unwelcome sexual advances, requests for sexual  
9           favors, or other verbal or physical sexual behavior;

10          (B) Repeated and persistent unwanted comments, gestures, or actions forced  
11          upon a person without their consent due to their actual or perceived sex,  
12          gender, gender expression, or sexual orientation and identity;

13          (C) Stalking, or the engaging in a course of conduct involving the repeated visual  
14          or physical proximity, non-consensual communication, or a combination  
15          thereof directed at a specific person that would cause a reasonable person to  
16          fear for his or her safety or the safety of others or to suffer substantial  
17          emotional distress;

18          (D) Leering, or looking at another in an evil or unpleasantly sexual way that  
19          would cause a reasonable person to fear for his or her safety or to suffer  
20          substantial emotional distress;

21          (E) Repeated requests for a name, phone number, destination, or any other  
22          information despite rejection;

23          (F) Cursing, wolf-whistling, cat-calling, or sexist, homophobic, or transphobic  
24          slurs directed at an individual;

25          (G) Persistent telling of sexual jokes, use of sexual names, or constant use of  
26          sexual innuendoes directed at a person despite his or her objection or  
27          complaint;

1 (H) Repeated unwelcome touching, pinching, poking, groping, or brushing up  
2 against someone unnecessarily or deliberately despite objection or  
3 complaint;

4 (I) Making offensive or sexual hand or body gestures at another;

5 (J) Flashing or public masturbation;

6 (K) Showing or sending lewd photographs, videos, messages, or other similar  
7 materials; or,

8 (L) All analogous cases that evoke a sense of intimidation, hostility, offense, fear,  
9 or repulsion from the victim.

10 These acts are punishable whether perpetrated in a public or private space and  
11 whether online or offline.

12 **SECTION 3. Amendments to Republic Act 7877.** Section 3 of RA 7877, otherwise  
13 known as the Anti-Sexual Harassment Act of 1995, is hereby amended to read as  
14 follows:

15 “Sec. 3. *Work, Education, or Training-related Sexual Harassment Defined.* – Work,  
16 education, or training-related sexual harassment is committed by **ANY PERSON**  
17 **WHO** ~~{an employer, employee, manager, supervisor, agent of the employer,~~  
18 ~~teacher, instructor, professor, coach, trainer, or any other person who, having~~  
19 ~~authority, influence, or moral ascendancy over another in a work or training or~~  
20 ~~education environment,}~~ demands, requests, or otherwise requires any sexual  
21 favor from **ANOTHER** ~~{the other}~~, regardless of whether the demand or request  
22 or requirement for submission is accepted by the object of **THE** said act.  
23 **SPECIFICALLY, WORK, EDUCATION, OR TRAINING-RELATED SEXUAL**  
24 **HARASSMENT IS COMMITTED IN THE FOLLOWING INSTANCES:**

25 (a) In a work-related ~~{or employment}~~ environment ~~{sexual harassment~~  
26 ~~is committed when}~~:

- 27 (1) The sexual favor is made as a condition in the hiring or in  
28 the employment, re-employment, or continued  
29 employment of **AN** ~~{said}~~ individual, or in granting said  
30 individual favorable compensation, terms, conditions,  
31 promotions, or privileges; or the refusal to grant the sexual  
32 favor results in limiting, segregating, or classifying the  
33 employee which in any way would discriminate, deprive, or  
34 diminish employment opportunities or otherwise adversely  
35 affect said employee;
- 36 (2) The above acts would impair the employee’s rights or  
37 privileges under existing labor laws; or
- 38 (3) The above acts would result in an intimidating, hostile, or  
39 offensive environment for the **INDIVIDUAL** ~~{employee}~~.

1 (b) In an education or training environment ~~{sexual harassment is~~  
2 ~~committed}~~:

3 (1) Against one who is under the care, custody, or supervision  
4 of the offender;

5 (2) Against one whose education, training, apprenticeship, or  
6 tutorship is entrusted to the offender;

7 (3) When the sexual favor is made a condition to the giving of a  
8 passing grade, or the granting of honors and scholarships,  
9 or the payment of a stipend, allowance, or other benefits,  
10 privileges, or considerations; or

11 (4) When the sexual advances result in an intimidating, hostile,  
12 or offensive environment for the **INDIVIDUAL** ~~{student,~~  
13 ~~trainee, or apprentice}~~.

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

18 **SECTION 4. Penalties.** The commission of any of the acts mentioned in Section 2 shall  
19 be punished by imprisonment of one to six months or a fine of Php 10,000.00 to Php  
20 20,000.00 or both, in the discretion of the courts.

21 **SECTION 5. Separability Clause.** If any provision of this Act or any part thereof shall  
22 be declared unconstitutional or invalid, the other provisions, as far as they are  
23 separable, shall remain in force and effect.

24 **SECTION 6. Repealing Clause.** All laws, decrees, orders, rules and regulations or parts  
25 thereof which are inconsistent with the provisions of this Act are hereby repealed,  
26 amended or modified accordingly.

27 **SECTION 7. Effectivity.** This Act shall take effect fifteen (15) days after its publication  
28 in the Official Gazette or in at least two (2) newspapers of general Circulation.

29 Approved.

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