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SENATE  
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INTRODUCED BY SENATORS LINA, JR., OPLE, HERRERA, MACAPAGAL,  
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AN ACT TO PREVENT, DETER AND PROSCRIBE SEXUAL HARASSMENT IN THE EMPLOYMENT AND NON-EMPLOYMENT ENVIRONMENT, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES

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

1 SECTION 1. *Title.* - This Act shall be known as the "Act to Prevent,  
2 Deter and Proscribe Sexual Harassment."

3 TITLE I

4 POLICY, PRINCIPLES, PROGRAM FRAMEWORK AND  
5 UNLAWFUL ACTS

6 SEC. 2. *Policy, Principles and Program Framework.* - It is the  
7 policy of the State to promote full employment and the enjoyment  
8 of an improved quality of life for all through livelihood opportunities  
9 within the framework of placing value on the dignity of every person and  
10 guaranteeing full respect for human rights.

11 Towards the attainment of this policy and in observance of the  
12 principle that the life and honor of all workers, employees and seekers of



1 employment shall be fully protected, the State hereby adopts a program  
2 for the prevention, deterrance and crises intervention, and proscription of  
3 all acts of sexual harassment on all persons.

4 SEC. 3. *Unlawful Acts of Sexual Harassment.* - Sexual harassment  
5 is committed when any person who has ascendancy over another  
6 demands, requests or otherwise requires sexual favors from the other,  
7 regardless of whether the demand, request or requirement for submission  
8 is accepted by the object of said act. Sexual harassment also includes any  
9 unwanted, unwelcome or uninvited sexual advances or commission of  
10 other acts or conduct of a sexual nature of a person against another,  
11 whether oral or written, verbal or non-verbal under any or a combination  
12 of circumstances herein set forth depending on whether or not an  
13 employer-employee relationship exists between the perpetrator of sexual  
14 harassment and the object or victim thereof.

15 a) The following acts of sexual harassment are hereby declared  
16 unlawful, where there exists an employer-employee relationship between  
17 offender and the offended party:

18 1) That the act or conduct is made a condition in the hiring or the  
19 employment or continued employment of the offended party of sexual  
20 harassment;

21 2) That the act or conduct is made a condition in the granting to  
22 said offended party with respect to hiring, employment or continued  
23 employment or promotion in rank or compensation, or enjoyment by the  
24 offended party of favorable terms of compensation, privileges and other  
25 conditions;

1           3) That the act or conduct is made a condition in the limiting,  
 2 segregating, or classifying of employees which would in any way result in  
 3 the discrimination, deprivation or diminution of the offended party's  
 4 employment opportunities, benefits or privileges; or

5           4) That the act or conduct has the purpose or effect of unduly  
 6 interfering with the offended party's work performance or in creating an  
 7 environment of work which is intimidating, hostile or offensive for the  
 8 offended party subject to the provisions of Section 5 of this Act.

9           b) The offense of sexual harassment as herein defined may also  
 10 occur even if there exists no employer-employee relationship between the  
 11 offender and the offended party when:

12           1) The act or conduct is committed against one who is under the  
 13 care, custody or supervision of the offender;

14           2) The act or conduct is committed against one whose education  
 15 or training is entrusted to the offender; or

16           3) The act or conduct is committed against one who has a pending  
 17 business or official transaction requiring the approval of the offender.

18           The fact that the offended party or victim of sexual harassment  
 19 submits to the demand, request or requirement for sexual favors shall not  
 20 exempt the offender thereof from liability under this Act.

21           Prosecution under this Act for sexual harassment shall not be a  
 22 bar to prosecution for similar acts committed by the offender penalized  
 23 under the Revised Penal Code or other special laws: *Provided, however,*  
 24 That double jeopardy shall attach when the offender is prosecuted for  
 25 similar acts under the Revised Penal Code or other special laws where the

1 impossible penalty is higher than that provided for under this Act.

2 TITLE II

3 COVERAGE AND MISCELLANEOUS PROVISIONS

4 SEC. 4. *Who are Liable.* - The following shall be liable for sexual  
5 harassment:

6 a) Employers or their representatives, including but not limited  
7 to managers, supervisors or corporate officers who shall commit sexual  
8 harassment against their employees or applicants for employment;

9 b) Union officers with respect to their members;

10 c) Persons with respect to others who have a pending business  
11 or official transaction requiring the approval of the former;

12 d) Professionals or other persons with respect to individuals  
13 who have engaged their services requiring their professional or technical  
14 knowledge, skill or expertise;

15 e) Instructors, coaches or trainers with respect to persons whose  
16 training or education has been entrusted to them;

17 f) Public officers or private individuals with respect to the  
18 persons whose care, custody or supervision is entrusted to them; and

19 g) Priests, ministers or lay leaders of churches or religious  
20 organizations or sects with respect to their parishioners or any member of  
21 their church, religious organization or sect.

22 Any person who directly forces or induces another to commit any  
23 act of sexual harassment as herein defined or who cooperates in the  
24 commission thereof by another without which it would not have been  
25 accomplished shall also be held liable under this Act.

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1           **SEC. 5. Duty of the Employer or Head of an Office or Educational**  
 2 *Institution . - It shall be the duty of the employer or the head of an office*  
 3 *or educational institution to prevent, deter or otherwise provide the*  
 4 *environment for the resolution, settlement or prosecution of acts of sexual*  
 5 *harassment. Said employer or head shall:*

6           a) Promulgate appropriate rules and regulations, in consultation  
 7 with and jointly approved by the employees or students through their duly-  
 8 designated representatives, prescribing the procedure for the investiga-  
 9 tion of sexual harassment cases and the administrative sanctions therefor:  
 10 *Provided, That said procedure shall be aligned and in consonance with the*  
 11 *guidelines to be issued by the appropriate agencies concerned pursuant to*  
 12 *Section 12 of this Act.*

13           Administrative sanctions shall not be a bar to prosecution in the  
 14 proper court for unlawful acts of sexual harassment.

15           The rules and regulations to be issued pursuant to this Sub-section  
 16 (a) shall include, among others, guidelines on proper decorum in the  
 17 workplace, office or educational institution.

18           b) Create a Committee on Decorum and Investigation of Cases on  
 19 Sexual Harassment. The Committee shall be tasked to conduct meetings  
 20 with officers and employees to increase understanding of and prevent  
 21 incidents of sexual harassment. It shall also conduct the investigation of  
 22 alleged cases constituting sexual harassment. In the case of a private or  
 23 public entity or office, the Committee shall be composed of one (1)  
 24 representative each from the management, the union, if any, employees  
 25 from the supervisory rank, from the employees constituting those below

1 supervisory rank, and at least one (1) representative of female employees.

2 In the case of an educational institution, the Committee shall be  
3 composed of one (1) representative each from the administration, the  
4 faculty and the students.

5 The employer or head of the office or educational institution shall  
6 disseminate or post a copy of this Act for the information of the employees  
7 or concerned persons of the office or educational institution and shall post  
8 in a public place a copy of the rules and regulations promulgated pursuant  
9 to Sub-section (a) hereof.

10 c) The rules and regulations shall be taken up in meetings  
11 conducted by the Committee pursuant to Sub-section (b) hereof and be  
12 enforced by the employer, or head of the office or educational institution.

13 **SEC. 6. Liability of the Employer or Head of an Office, Educa-**  
14 **tional Institution or Church or Religious Organization.** - The employer  
15 or head of an office, educational institution or church or religious  
16 organization shall solidarily be liable for damages arising from the acts  
17 of sexual harassment committed in the workplace, educational institution  
18 or church or religious organization: *Provided*, That said employer or head  
19 of office, educational institution or church or religious organization had  
20 been informed of the acts complained of, and did nothing to implement  
21 the provisions of this Act and the rules and regulations issued pursuant  
22 thereto.

23 **SEC. 7. Remedies.** - A complaint for sexual harassment may be filed  
24 only by the offended party.

25 The offended party may file his or her complaint before the

1 Committee created pursuant to Section 5 (b) hereof. Said body shall  
 2 conduct an investigation of the complaint and submit its recommenda-  
 3 tions to the employer or head of office or educational institution who may  
 4 cause the termination or suspension of the offender in accordance with the  
 5 rules and regulations promulgated pursuant to Section 5 (a) hereof.

6 The employer or the head of office or educational  
 7 institution or church or religious organization, in the exercise of his  
 8 management prerogative, may dismiss or suspend the offender even if the  
 9 case has been settled amicably.

10 The offended party may also file his or her complaint directly before  
 11 the Regional Director of the Department of Labor and Employment  
 12 having jurisdiction over the place of employment, in the case of the private  
 13 sector, or before the Regional Office of the Civil Service Commission  
 14 where the offense was committed, or with the Office of the Ombudsman,  
 15 in cases involving public officials and employees, or with the Department  
 16 of Education, Culture and Sports, in case of educational institutions,  
 17 or with the Professional Regulation Commission, in cases involving  
 18 professionals.

19 Said complaints shall be heard and decided in accordance with  
 20 Republic Act No. 6770, and existing labor and civil service laws, rules  
 21 and regulations, as the case may be.

22 In all cases, the offended party may file a criminal complaint for  
 23 sexual harassment before the courts having jurisdiction over the case.

24 Nothing in this Act shall preclude the offended party from institut-  
 25 ing a separate and independent action for damages.

1 Any action arising from violation of any provision of this Act shall  
2 prescribe within one (1) year from the commission of the acts complained  
3 of.

4 SEC. 8. *Preventive Suspension.* - Pending resolution of the com-  
5 plaint for sexual harassment, the offender may be suspended without pay  
6 for a period of not more than sixty (60) days if in the judgment of the court,  
7 or the hearing officers of the Department of Labor and Employment, or  
8 the Civil Service Commission, or the Office of the Ombudsman, or the  
9 employer or head of office or educational institution, the evidence of guilt  
10 is strong and the charge would warrant dismissal from employment  
11 and the offender's continued stay in office may prejudice the  
12 case filed against him or her.

13 If the trial is not terminated within the sixty-day period,  
14 the offender shall automatically be reinstated unless the delay  
15 in the disposition of the case is due to the fault, negligence or any cause  
16 attributable to the complainant, in which case the period of such delay  
17 shall not be counted in computing the period of suspension.

18 SEC. 9. *Exoneration or Acquittal.* - When the alleged perpetrator  
19 of sexual harassment is exonerated or acquitted after trial or after the  
20 hearing conducted by the proper official or agency pursuant to this Act,  
21 he or she shall be reinstated to his or her previous position with full  
22 backwages and without loss of seniority rights or ranks.

23 Such acquittal or exoneration is without prejudice to the offender's  
24 right to damages for the charges filed against him or her by the  
25 complainant, and shall not serve as a bar to the prosecution of the latter

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1 for perjury or other offenses related to such complaint.

2 The marriage of the offender with the offended party shall extin-  
3 guish any liability or remit the penalty already imposed under this Act.

4 SEC. 10. *Trial Proceedings.* - At the instance of the  
5 offended party, the court, or the hearing officer of the Department of Labor  
6 and Employment or the Civil Service Commission, or the Office of the  
7 Ombudsman, or the Professional Regulation Commission, or the  
8 Committee created pursuant to Section 5 (b) of this Act, as the case may  
9 be, may exclude the public from the investigation and trial except the  
10 officers, counsels of both parties, or staff involved in the trial or  
11 investigation of the case.

12 TITLE III

13 PENALTIES, RULES AND REGULATIONS AND  
14 GENERAL PROVISIONS

15 SEC. 11. *Penalties.* - Any person found guilty of sexual harass-  
16 ment for the unlawful acts in Section 3 of this Act shall suffer the penalty  
17 of imprisonment of not less than one (1) year but not more than two (2)  
18 years and a fine ranging from Twenty thousand pesos (P20,000.00) to not  
19 more than Forty thousand pesos (P40,000.00).

20 When the offender is the employer or head of the office, educational  
21 institution or church or religious organization, or an official with a rank  
22 higher than the offended party, or has the care, custody or supervision over  
23 the offended party, or one to whom the education and training of the  
24 offended party has been entrusted, or who exercises moral ascendancy  
25 over the offended party, the offender shall suffer the penalty of

1 imprisonment of not less than two (2) years and a fine of Forty thousand  
2 pesos (P40,000.00).

3         When the offender is a foreigner, the perpetrator after conviction  
4 and service of sentence shall be deported immediately and shall forever  
5 be barred from entering the country.

6         Psychiatric treatment may be required of the offender, if in the  
7 opinion of the Court or the hearing officer, as the case may be, there is  
8 likelihood that the act may be repeated and that the act stems from an  
9 unresolved psychological problem.

10         **SEC. 12. Rules and Regulations.** - The Department of Labor  
11 and Employment, the Civil Service Commission, the Department  
12 of Education, Culture and Sports, and the Professional Regulation  
13 Commission in consultation with duly-recognized professional associa-  
14 tions concerned shall promulgate the necessary rules and regulations for  
15 the proper implementation of the provisions of this Act, in their respective  
16 jurisdiction, within sixty (60) days from the effectivity of this Act.

17         Such rules and regulations shall take effect upon  
18 publication in two (2) national newspapers of general  
19 circulation.

20         **SEC. 13. Separability Clause.** - In the event that any  
21 provision of this Act is declared invalid or unconstitutional,  
22 the other provisions of this Act not affected thereby shall  
23 remain valid and effective.

24         **SEC. 14. Repealing Clause.** - All laws, decrees, orders,  
25 issuances, rules and regulations, or parts thereof inconsistent with this

- 1 Act are hereby repealed or modified accordingly.
- 2 SEC. 15. *Effectivity.* - This Act shall take effect fifteen
- 3 (15) days after its complete publication in at least two (2) national
- 4 newspapers of general circulation.

Approved,

Senate Archives (LRAS)

