



HOUSE OF REPRESENTATIVES

H. No. 8244

BY REPRESENTATIVES VILLARICA, BERTIZ, ANDAYA, ROQUE (H.),
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ALONTE, VILLARAZA-SUAREZ, LAZATIN, VIOLAGO, BAGATSING,
YU, AQUINO-MAGSAYSAY, NIETO, ACOSTA-ALBA, TAMBUNTING,
SANGCOPAN, SAHALI, ARAGONES, SARMIENTO (E.M.),
MACAPAGAL-ARROYO AND LAGMAN, PER COMMITTEE REPORT
NO. 863

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:*

1 SECTION 1. *Short Title.* – This Act shall be known as the
2 “Expanded Anti-Sexual Harassment Act”.

3 SEC. 2. *Declaration of Policy.* – The State shall value the
4 dignity of every individual, enhance the development of its human
5 resources, guarantee full respect for human rights, and uphold the
6 dignity of workers, employees, applicants for employment, students
7 or those undergoing training, instruction or education. Towards
8 this end, all forms of sexual harassment are hereby declared
9 unlawful.

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

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

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

1 (1) Hiring, approving or granting appointments,
 2 reemployment or continued employment, granting favorable
 3 compensation, terms and conditions of employment, promotions or
 4 privileges, with respect to committing said acts against their
 5 employees and applicants for employment or promotion; or

6 (2) Admission to an educational or training institution,
 7 granting scholarships, payment of stipends, allowances or other
 8 benefits, privileges or considerations, with respect to committing
 9 said acts against their students and applicants for admission or
 10 scholarship.

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

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

21 SEC. 4. *Duties of the Employer or Head of Office in a*
 22 *Work-related, Education or Training Environment.* – The employer
 23 or head of office in a work-related, education or training
 24 environment or institution is hereby mandated to adopt a
 25 comprehensive, detailed, written policy on sexual harassment,
 26 outlining the detailed procedure for the investigation of sexual
 27 harassment cases and the administrative sanctions therefor. It

1 shall be the duty of the employer, or head of the work-related,
 2 educational or training environment or institution, to prevent or
 3 deter the commission of acts of sexual harassment. Towards this
 4 end, the employer or head of office shall:

5 (a) Promulgate appropriate rules and regulations in
 6 consultation with and jointly approved by the employees, employees
 7 associations or unions of companies, or students or trainees,
 8 through their duly designated representatives, prescribing the
 9 guidelines or proper decorum within and outside the workplace and
 10 educational or training institutions and the procedure for the
 11 investigation of sexual harassment cases and the administrative
 12 sanctions therefor;

13 (b) Create a Committee on Decorum and Investigation
 14 (CODI) for cases of sexual harassment within one (1) year of the
 15 agency's existence/initial operations; and

16 (c) Resolve sexual harassment cases within a period of fifteen
 17 (15) days from the submission by the CODI of its report to the
 18 disciplining authority.

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

21 (a) Receive complaints of sexual harassment which must be
 22 treated with utmost confidentiality to protect all parties involved
 23 and maintain harmonious relationship in the work area, and act on
 24 the same within a period of two (2) working days upon the filing of
 25 the complaint;

26 (b) Investigate sexual harassment complaints in accordance
 27 with the prescribed procedure;

1 (c) Constitute a hearing committee for every sexual
2 harassment case or in case of sexual harassment committed within
3 the premises by a person not connected by reason of employment,
4 training or education, assist the victim in filing the appropriate
5 charges with the police with the end in view of keeping the
6 environment sexual harassment-free;

7 (d) Within a non-extendible period of thirty (30) days from the
8 last hearing or filing of the last pleading or paper, submit a report of
9 its findings with a corresponding recommendation to the
10 disciplining authority for decision;

11 (e) Lead in the conduct of discussions about sexual
12 harassment within the agency or institution to increase
13 understanding and prevention of incidents of sexual harassment;

14 (f) Undertake information and educational activities in the
15 education and training environment to the end that the school
16 policy, rules, regulations, and procedures on sexual harassment are
17 disseminated to become part of the academic culture in all public
18 and private educational institutions nationwide;

19 (g) Formulate and adopt procedures of such nature as to elicit
20 trust and confidence on the part of interested parties in addressing
21 problems arising from cases or incidents of sexual harassment,
22 including counselling and grievance management;

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

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

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

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

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

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

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

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

26 SEC. 7. *Liability of the Employer, Head of Office, Educational*
27 *or Training Institution*. – The employer or head of office,

1 educational or training institution shall be solidarily liable for
 2 damages arising from the acts of sexual harassment committed
 3 within or outside the employment, education or training
 4 environment if the employer or head of office, educational or
 5 training institution has knowledge or is presumed to have
 6 knowledge of such act or acts constituting sexual harassment and
 7 no immediate action is taken thereon.

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

11 (a) If the management failed to comply with the provisions of
 12 Section 4 of this Act;

13 (b) If a complaint was made before the CODI or authority
 14 designated to receive complaints and investigate cases of sexual
 15 harassment as provided in the rules and regulations it is mandated
 16 to prescribe; and

17 (c) If the harassment is openly practiced or well-known
 18 among employees, students or trainees.

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

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

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

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

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

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

20 *SEC. 10. Monitoring Mechanism.* – The Civil Service
 21 Commission (CSC), the Department of Labor and Employment
 22 (DOLE), the Department of Education (DepEd), the Commission on
 23 Higher Education (CHED), the National Labor Relations
 24 Commission (NLRC) and the Technical Education and Skills
 25 Development Authority (TESDA) are mandated to monitor public
 26 and private offices and educational and training institutions with

1 regard to their compliance to the provisions of this Act. In
2 particular said agencies shall:

3 (a) Mobilize their respective regional offices to regularly
4 monitor the implementation of this Act;

5 (b) Issue the appropriate memorandum or order to their
6 regional offices, directing them to monitor the compliance of
7 employers, agencies, and educational and training institutions with
8 the provisions of this Act and where necessary, immediately act on
9 request/s for assistance or complaints of nonaction of employers,
10 agencies, and educational and training institutions on harassment
11 complaints; and

12 (c) Annually provide the Philippine Commission on Women
13 (PCW) a monitoring report on the implementation of this Act.

14 SEC. 11. *Implementing Rules and Regulations.* – The CSC,
15 in the case of the public sector, and the DOLE, in the case of the
16 private sector, together with the representatives duly designated by
17 the PCW, the DepEd, the CHED, the Department of Justice (DOJ),
18 the Commission on Human Rights (CHR), the Philippine National
19 Police (PNP), the NLRC, and the TESDA including as observers
20 both Houses of Congress through the Chairpersons of the Senate
21 Committee on Women, Children, Family Relations and Gender
22 Equality and of the House of Representatives Committee on Women
23 and Gender Equality and with the participation of representatives
24 from nongovernment organizations (NGOs) and civil society
25 organizations (CSOs) with proven track record of involvement in the
26 promotion of the rights and welfare of Filipino women and girls,

1 shall formulate the implementing rules and regulations (IRR) of
2 this Act within one hundred eighty (180) days after its effectivity.

3 SEC. 12. *Separability Clause.* – If any provision of this Act
4 is declared unconstitutional, the remainder of this Act or any
5 provisions not affected thereby shall remain in full force and effect.

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

11 SEC. 14. *Effectivity.* – This Act shall take effect fifteen (15)
12 days after its publication in the *Official Gazette* or in a newspaper of
13 general circulation.

Approved,

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