SAMAR COLLEGES, INC
CATBALOGAN CITY

CODE OF CONDUCT
SAMAR COLLEGES, INC

I. INSTITUTIONAL FRAMEWORK

Samar College Vision and Mission Statements

Vision

We are the leading center of learning in the island of Samar. We take pride in being the school of first choice by students, where they can fully attain academic and personal achievement through affordable education, excellent instruction, and state-of-the-art facilities in a values-driven education.

Mission

Samar College is a community-based, privately-owned learning institution that provides quality, basic, tertiary, and graduate education to students of Samar Island and its neighboring communities. We commit to help our students improve their quality of life by delivering affordable, values-driven, industry-relevant curricular programs that produce globally-competitive, innovative, service-oriented, and God-fearing citizens who contribute to the progress of the society.

Objectives

Samar College intends to:

1. adhere to the highest standards of work and personal ethics;
2. provide avenues for advancement and give due recognition and reward for individual and collective contribution;
3. work for the greater good of all who belong to the community we operate in by going beyond the call of duty;
4. help find meaning in life through education.

Core Values

Samar College commits itself to the following values represented by the acronym **INSPIRE**, as follows: **I**-Integrity, **N**-National Building, **S**-Spiritually, **P**-Professionalism, **I**-Inclusivity, **R**-Resourcefulness, **E-**Excellence

1. We ensure that our educational system is at the forefront of innovation and technology, providing our faculty and students all opportunities to develop to their fullest potential.

2. We provide solid foundation in education and values that serve as the springboard to gainful employment and entrepreneurship for better quality of life for our people.

3. We value people as our greatest resource ensuring that their dignity and well-being are respected at all times.

4. We create leaders who are willing to put the greater good of others above their personal interest. We uphold our principles and values even when others choose not to do so.

5. We foster excellence in the arts to refine the expression of thoughts and feelings.

6. We strive to lead and not to be led, to influence rather to be influenced. By our examples, we shall be judged.

7. We treat one another with respect and genuine concern. We go beyond the call of duty to make sure that no one is left behind.

Mantra– Focus & Rise in Samar College

The mantra FOCUS & RISE in Samar College Inc. is designed to emphasize commitment, accountability, and the drive to excel. It underscores focus and rising to ensure the Samar Colleges will attain its preferred future. "**Samar College as Champion for Empowering and Change makers"**

FOCUS and RISE framework represents the 10 working principles to be adopted and integrated in the operation of the College that will surely position it to a level that will be highly competitive as an educational institution not only in the region but in country.

By 2030, Samar College Inc. shall start to earn recognitions for its cutting-edge projects and innovations implemented to empower its human resources, students and alumni. Samar College shall focus on holistic development and social responsibility. Thus:

F - Follow through to completion

O - Organize tasks by breaking down big ideas into doable parts

C - Connect new ideas with old ones (Associate new ideas with the old)

U - Uphold doing things right from the start (Do the right things right the first time)

S - Substantial focus on the vital few, not the trivial many and

R - Result-driven (Begin with the end in mind)

I - Integrity in doing the right things, not the easier wrong

S - Self-accountability (If it to be, it is up to me)

E - Exceed expectations by facing challenges with determination (No challenge too great, no task too menial)

Principles Mapped to the Acronym:

1. Begin with the end in mind → Results-driven **(R)**
2. Associate new ideas with the old → Connect new ideas with old ones **(C)**

3. Break down big ideas into doable parts → Organize Tasks **(O)**
4. Follow through to completion → Follow through **(F)**
5. Do the right things right the first time → Uphold doing things right **(U)**
6. Focus on the substantial few and not the trivial many → Substantial focus **(S)**
7. Do the right things and not the easier wrong → Integrity in decisions **(I)**
8. No challenge too great, no task too menial → Exceed expectations **(E)**
9. If it is to be, it is up to me → Self-accountability
10. Temper your decision in moderation → Rise with resilience **(R),** incorporating the essence of moderation and balance thriving within limits, where decisions are tempered to adapt effectively.

II. CODE OF CONDUCT

FOR ALL EMPLOYEES OF SAMAR COLLEGES, INC.

I. Introduction

This Code of Conduct sets the ethical, professional, and behavioral standards expected of all employees of Samar Colleges, Inc., both teaching and non-teaching personnel, regardless of employment status. Its purpose is to promote integrity, accountability, respect, and excellence in all aspects of work and services.

Objectives

This Code of Conduct aims to:

1. Define the standards of behavior expected from all personnel to ensure professionalism and ethical performance.
2. Promote a culture of integrity, respect, accountability, and excellence within the institution.
3. Ensure that all employees understand their responsibilities in maintaining a safe, respectful, and effective working and learning environment.
4. Provide guidance in decision-making and actions consistent with the College's mission, vision, and core values.
5. Strengthen institutional governance by setting expectation on workplace behavior, integrity, confidentiality, and professionalism.
6. Serve as a basis for disciplinary action, ensuring fairness, consistency, and adherence to due process.

Scope

This Code applies to:

- All teaching personnel (faculty, instructors, lecturers, professors, and academic staff)
- All non-teaching personnel (administrative staff, support staff, and service staff)
- All employees, regardless of employment category.

III. General Principles and Conduct

The following principles express the ethical ideas and core behavioral expectations for all members of the school community. They serve as the foundation for specific standards and policies contained in this Code of Conduct.

All employees shall:

1. **Uphold Integrity and Honesty**.

   Perform duties truthfully, transparently, and free from fraud, corruption, or conflict of interest.

2. **Exhibit Professionalism.**

   Maintain high standards of work performance, punctuality, and commitment to responsibilities.

3. **Respect for All.**

   Treat colleagues, students, parents, and stakeholders with fairness, courtesy, and dignity.

4. **Maintain Confidentiality.**

   Safeguard student records, employee information, and institutional data.

5. **Comply with all applicable laws, regulations and institutional policies**.

   Abide by school policies, contracts, and applicable government laws, rules and regulations.

6. **Demonstrate Commitment to Excellence**.

   Continuously strive for personal and professional growth in the service of the school.

7. **Model Ethical Behavior**.

   Serve as role models within and outside the institution.

IV. Standards of Conduct

1. Professionalism and Work Ethics

- Report to work regularly and on time, adhering to the official work schedule of 8:00 to 12:00 AM and 1:00 to 5:00 PM, Monday to Friday, unless otherwise authorized.
- Perform duties diligently and efficiently by meeting deadlines, following procedures, maintaining quality, and using resources responsibly.
- Refrain from disruptive, negligent, or abusive behavior.
- Habitual tardiness, absenteeism, or abandonment of duty is subject to disciplinary action.

2. Respect and Non-Discrimination

- Avoid discrimination on the basis of gender, age, religion, ethnicity, disability, or socio-economic status.
- Maintain a respectful and inclusive work and learning environment.
- Refrain from harassment, bullying, or abusive language.

3. Conflict of Interest and Integrity

- Disclose any personal or financial interests that may affect official duties.
- Avoid using one's position for undue advantage of gain.
- Refrain from accepting gifts, favors, or benefits that may compromise objectivity.
- Prior disclosure and approval are required for outside teaching, business, or board membership.

4. Use of School Property and Resources

- Use facilities, equipment, and funds responsibly and solely for official purposes.
- Prevent waste, misuse, or unauthorized use of school property.
- Maintain cleanliness, safety, and order in the workplace.

5. Confidentiality and Data Privacy

- Employees must maintain the confidentiality of student records, personnel files, administrative decisions, and other privileged information.
- Comply with the Data Privacy Act of 2012 and institutional guidelines on data handling.

6. Social Media and Public Representation

- Use social media responsibly when expressing personal opinions.
- Avoid posting content that may harm the reputation of the school, its employees, or its students.
- Seek proper authority when representing the school in public forums.

7. Academic Responsibility

- Ensure fairness, objectivity, and transparency in grading and assessment.
- Foster an environment that promotes critical thinking, learning, and respect.
- Refrain from inappropriate relationships or favoritism involving students:

  Romantic, sexual, or suggestive relationships with students – whether initiated by the student or employee are strictly prohibited. Such behavior constitutes serious misconduct and a ground for disciplinary action.
- Commit to continuous improvement of teaching skills and knowledge.

8. Health, Safety, and Environment

- Observe safety protocols and report hazards.
- Promote wellness, discipline, and a drug-free workplace.
- Support environmental sustainability in school operations
- The use of illegal drugs, alcohol, or smoking within school premises or during official duties is prohibited.

9. Dress Code and Decorum:

1. Professional Attire

- Employees are expected to wear neat, clean, and modest clothing appropriate to their role.
- Faculty and administrators are encouraged to dress in business or business-casual attire, suitable for academic and professional settings.

2. Grooming and Hygiene

- Employees must observe proper grooming and maintain good personal hygiene.
- Hair should be clean and well-kept.
- Excessive accessories or inappropriate hairstyles that may distract from the professional environment are discouraged.

3. Decorum

- Employees are expected to conduct themselves with dignity and professionalism, both in appearance and behavior, within the school premises and during official activities outside the College.

- Courtesy and respect, and decorum should be observed at all times, especially in interactions with students, colleagues, parents, and visitors.

4. Uniform Requirements

- All employees shall wear the official school uniform on regular workdays, as prescribed by the College.

- On non-uniform days (e.g. Fridays or casual days), employees must still observe proper and professional attire consistent with this policy.

- Official IDs must be visibly worn at all times while inside the school premises.

5. Exemptions

- Faculty or staff with approved health conditions, field assignments, or special tasks may be exempted upon the recommendation of their Department Head and approval of the School President and Chairman of the Board.

6. Specific Restrictions

To maintain professionalism, the following are generally not allowed unless specifically approved for particular events or circumstances.

- Cut-offs
- Flip-flops or thong footwear
- Tank tops, tube tops, halter tops with spaghetti straps, or off-the-shoulder tops
- Beachwear
- Midriff-baring tops
- Provocative clothing such as short skirts, skin-tight spandex, or Lycra outfits
- Hats are not permitted inside the office or classroom, except for head coverings required for religious or cultural reasons

7. Additional Guidelines

Formal Attire:

- Men: Tuxedo, black tie, or barong Tagalog
- Women: Evening gown or smart cocktail dress

Business Formal Attire:

- Men: Suit, blazer or sport coat with tie and slacks, polo barong
- Women: Suit, blazer, or sport coat over a dress or blouse with skirt/slacks

Business Casual Attire:

- Men: Khakis or dress pants with a collared shirt and loafers; optional blazer/sport coat
- Women: Dress pants, casual dress, or skirt with a blouse (no spaghetti straps or plunging necklines)

Semi-Formal Attire:

- Men: Suit and tie, dress pants with a collared shirt and jacket, dress shoes
- Women: Knee-length cocktail dress, little black dress, dressy skirt and top, or slacks with a dressy blouse

V. Offenses and Penalties

Samar College is committed to maintaining a professional, ethical, and safe work and learning environment. Employees are expected under this Code of Conduct violations, shall be subject to disciplinary action following due process.

Disciplinary actions shall be administered in accordance with:

- The School's Administrative Manual
- The Code of Conduct
- Applicable provisions of the Labor Code of the Philippines
- Jurisprudence and generally accepted principles of fairness.

Penalties are imposed based on:

1. Nature and gravity of offenses
2. Frequency of offenses
3. Existence of aggravating or mitigating circumstances
4. Impact of the conduct on the school community.

Table of Offenses and Penalties

The following table presents the common offenses and their corresponding penalties as prescribed by the school. While this list aims to provide clear guidance, it is not all-inclusive. The school reserves the right to determine and address acts of misconduct or policy violations that may not be explicitly stated herein but are deemed detrimental to the institution, its employees, students or operations. Such acts shall be evaluated based on relevant laws, institutional policies, and the principles of just cause under the Labor Code.

Light Offenses

Offenses	Penalties		
	1st Offense	2nd Offense	3rd Offense
Minor Violations of Policies Dress Code violations: • Improper wearing of ID • minor discourtesy, • breach of office etiquette	Verbal/Written Warning	Written Reprimand	1-3 days Suspension
Attendance and Punctuality Infractions • Arriving beyond official work hours without a valid reason, extended breaks, or early departure	Written Warning	1-3 days Suspension	4-7 days Suspension
Minor Negligence • Failure to follow minor administrative procedures • Failure to observe the consultation hours of students	Written Warning	1-3 days Suspension	3-7 days Suspension

1. Less Grave Offenses

Repeated Light Offense • Multiple minor violations despite warnings	3-7 Suspension	8-15 days Suspension	16-30 days Suspension
Unauthorized Absences • AWOL for 1 day, failure to notify supervisor	Written Reprimand	3-7 days Suspension	8-15 days Suspension
Negligence Causing Minor Damage • Loss/damage to property without intent	3-7 Suspension	8-15 days Suspension	16-30 days Suspension
Insubordination (Minor) • Non-compliance with lawful instructions without malice:	Written Reprimand	3-7 days Suspension	15 days Suspension

• Use of school's name, property, or equipment for personal and/or commercial purposes or misrepresenting authority for and in behalf of the school	16-30 days Suspension	Dismissal	
• Insult or willful disrespect on any act of discourtesy to superiors or any co-faculty or to any person transacting business with the school premises or while discharging official functions.	16-30 days Suspension	Dismissal	

• Drunkenness or drinking liquor or any alcoholic beverages within the school premises during or beyond working hours.	Written Warning	16-30 days Suspension	Dismissal
• Gambling in any form	Written Warning	16-30 days Suspension	Dismissal
• Infraction of school rules/procedures in handling any school transaction or work assignment that result in a loss	16-30 days Suspension	Dismissal	
• Refusal to discharge responsibilities as an adviser	Written Warning	16-30 days Suspension	Dismissal
• Failure to participate in academic planning (Preparation/revision of syllabi and examination of books)	Written Warning	16-30 days Suspension	Dismissal
• Habitual Absenteeism	Verbal/Written Warning	16-30 days Suspension	Dismissal
• Non-compliance with the department's adopted grading system	Written Warning	16-30 days Suspension	Dismissal
• Failure to submit grades and other documents according to deadlines	Written Warning	16-30 days Suspension	Dismissal
• Failure to attend meetings and seminars with valid reasons	Written Warning	16-30 days Suspension	Dismissal
• Sleeping on Post	Written Warning	16-30 days Suspension	Dismissal
• Failure to correct and return to the students' examination papers and research work after 5 days.	Written Warning	16-30 days Suspension	Dismissal
• Selling of supplies, photocopied materials, books, services or the collection of any contribution in any form whatsoever, whether voluntary or otherwise, from the student and school personnel.	Written Warning	16-30 days Suspension	Dismissal
• Failure to comply with the guidelines set forth in the administration of examinations.	Written Warning	16-30 days Suspension	Dismissal

2. Grave Offenses

Offenses	Penalties		
	1st Offense	2nd Offense	3rd Offense
Gross Misconduct / Serious Misbehavior • Acts unbecoming of a school employee, abusive behavior	15-30 days Suspension	Dismissal	
Abuse of Authority / Exploitation of Students • Borrowing money from students, soliciting money or goods, accepting gifts in exchange for grades; failure to pay borrowed money from a student	15-30 days Suspension	Dismissal	
Dishonesty / Falsification / Theft			

• Tampering of documents, but not limited to: vouchers, receipts, tickets for reimbursements, and other purposes. • Misrepresentation	Dismissal		
Unexplained Wealth / Irregularities Revealed Through Lifestyle Check • Wealth or assets grossly disproportionate to lawful income; • Acceptance of bribes; under-the-table transactions; unexplained financial activities	Dismissal		
Conflict of Interest • Receiving gifts/bribes from suppliers, unauthorized sideline or business affecting work, financial dealings compromising integrity, • Lifestyle check revealing conflicted financial interests	15-30 days Suspension	Dismissal	
Gross Negligence Resulting in Major Damage • Irreparable damage to school property, severe breach of duty	15-30 days Suspension	Dismissal	
Violation of Confidentiality • Unauthorized disclosure of protected or sensitive information or school records.	15-30 days Suspension	Dismissal	
Harassment (Sexual, Verbal, Physical, Online) • Acts under RA 7877, Anti-Bullying, Safe Spaces Act	Penalty based on investigation findings: -Suspension up to 30 days or Dismissal		
Grave Insubordination • Open defiance of lawful orders, obstruction of operations	15-30 days Suspension	Dismissal	
Inappropriate, Sexual, Romantic, or suggestive Relationship with a Student • Includes grooming, flirtation, intimate communication, dating, or any conduct exploiting moral ascendancy. (whether initiated by the student or the Teacher)	Dismissal		
Conduct Prejudicial to the best interest of the Service • Any act seriously damaging the school's integrity, safety, or reputation	Suspension or Dismissal depending on gravity		

Grave Offenses

Theft of the school or other employee's property	Dismissal		
Embezzlement, malversation, and/or misappropriation of the school's funds or assets.	Dismissal		

Any act which tends to discredit or malign the name of the school	15-30 days Suspension	Dismissal	
• Soliciting any sum of money, gifts, benefits or favors or anything of value from students, faculty, employees, clients, suppliers, other individuals, business firms and other establishments, without nay written permission and approval from the School President or through the mediation of another in consideration of any act or service connected with the performance of the faculty's duties and responsibilities.	15-30 days Suspension	Dismissal	
• Any act of forgery committed on documents, plagiarism or violation of intellectual property rights.	Written Warning	15-30 days Suspension	Dismissal
• Falsification of personnel records or other school records; • Tampering of falsification of official or faculty grading records, student records or other school records/failure to keep school records. • Tampering or altering vouchers, receipts, tickets and the like for reimbursement of expenses. • Changing of grade of a student in consideration of some remuneration or favor.	15-30 days Suspension	Dismissal	
• Use or possession of prohibited drugs and paraphernalia within or outside the school premises.	Dismissal		
• Possession of firearms and/or deadly weapons within the school premises	Dismissal		
• Conviction of a criminal offense	Dismissal		
• Disgraceful or immoral conduct, indecency or moral indiscretion committed within and outside the academic community	15-30 days Suspension	Dismissal	
• Making malicious, obscene, or libelous statements about the person or vulgar language, gossip, anecdotes and insulting words to any member of the institution.	15-30 days Suspension	Dismissal	
• Inflicting bodily injury on faculty member or administrative personnel or a student.	15-30 days Suspension	Dismissal	
• Receiving for personal use fees, gifts or other valuable when such fee, gifts or valuable is given in the hope or expectation of receiving a favor or better treatment accorded other persons.	15-30 days Suspension	Dismissal	

• Flagrant or persistent violation of the Code of Professional Ethics	Dismissal		
• Violation of Anti-Hazing Law	Dismissal		

• Unauthorized or unjustified possession of examination questions	15-30 days Suspension	Dismissal	
• Giving of test questions to students	Dismissal		
• Abandonment of Post	Written Warning	15-30 days Suspension	Dismissal
• Negligence in taking precautionary measures to ensure safety of members of the academic and the entire community as well.	Written Warning	15-30 days Suspension	Dismissal
• Gross inefficiency and incompetence in the performance of his duties.	Dismissal		

VI. Disciplinary Procedures

To ensure fairness, consistency, and adherence to due process, Samar Colleges, Inc., shall apply the following disciplinary procedures in handling violations of this Code of Conduct.

1. Reporting and documentation of Violations

1.1 Any employee, student, parent, or stakeholder may report a violation verbally or in writing.

1.2 The concerned Head, Supervisor, or Dean shall immediately document the report and submit an Incident Report to the Senior Vice President for Administration and endorse it to the Human Resource Management Department (HRMD).

1.3 Reports must be factual, dated, and signed.

2. Preliminary Assessment

2.1 HRMD shall conduct an initial evaluation to determine whether:
- the report is valid and credible,
- the act constitutes a Light, Less Serious, Serious /Grave Offense and
- whether immediate preventive measures are needed.

2.2 If the report is insufficient, HRMD may request additional information or clarification.

3. Issuance of Notice to Explain (NTE)

2.1 The employee shall be issued an NTE stating:

- the specific acts or omissions complained of,
- the corresponding offense,
- the legal basis or violated policy, and
- the period to submit a written explanation (at least 48-72 hours).

2.2 The NTE shall be personally served or sent through official email or other verifiable means.

4. Submission of Written Explanation

2.3 The employee shall submit a written explanation within the prescribed period.

2.4 Failure to submit an explanation shall be considered a waiver of the right to be heard in writing.

5. Administrative Conference / Hearing

a. An administrative hearing is required for:

- Less Serious Offenses (upon repetitive violations), and
- All Serious / Grave Offenses.

b. The employee has the right to:

- to be informed of the evidence,
- present his/her own evidence,
- bring a representative, and
- clarify issues before the Committee

c. The Hearing Committee shall ensure fairness, confidentiality, and respect through the proceedings

6. Evaluation and Recommendation

6.1 After reviewing all evidence, the Hearing Committee shall issue a written recommendation containing:

- Findings of fact,
- Applicable policies/violations,
- Mitigating or aggravating circumstances, and
- Recommending penalty

6.2 The recommendation shall be forwarded to the appropriate approving authority (VP for Administration / School President)

7. Decision and Notice of Penalty

7.1 The authorized official shall render a written decision indicating:

- The facts of the case,
- The rule violated
- The imposed penalty based on the Table of Offenses, and
- The effectivity date of the sanction.

7.2 The employee shall receive a Notice of Penalty through written acknowledgement of official transmission.

8. Preventive Suspension

8.1 Preventive suspension may be imposed **only** when the employee's presence poses:

- A threat to life, property, or school operations, or
- A risk of influencing witnesses or tampering with evidence.

8.2 Preventive suspension is **not a penalty** and shall not exceed thirty (30) days.

9. Appeal

9.1 The employee may file an appeal within 5 working days upon receipt of the decision.

9.2 Appeals shall be submitted in writing to the Office of the School President.

10. Implementation of Penalties

10.1 All penalties shall be implemented strictly following the Table of Offenses and Penalties.
10.2 HRMD shall monitor compliance and maintain proper documentation of all disciplinary cases.

VII. Legal Basis

The classification of offenses in this Code of Conduct is anchored on the following national laws, regulatory issuances, and institutional mandates.

1. Labor Code of the Philippines - (Presidential Decree 442, as amended)
   Particularly:
   - Book VI, rule – Standards on Termination and due process
   - Article 297 (formerly 282) – Just causes for termination (e.g. serious misconduct, willful disobedience, fraud, neglect of duty)
   - Article 299 (formerly 284) – Offenses related to health and trust
   - Employee discipline and management prerogative doctrines

2. Civil Code of the Philippines- Obligations and responsibilities in employee-employer relationships.

   Specific provisions:
   - Abuse of rights
   - Obligations and contracts
   - Duties of common carriers of trust (for positions of trust)
   - Moral standards applicable in professional conduct

3. CHED Policies, /standards, and Guidelines applicable to Higher Education Institutions.

4. CHED Memorandum Order on the Code of Ethics for Educators (when applicable)

5. Data Privacy Act of 2012 (RA 10173)
6. Anti-Sexual Harassment Act (RA 7877)
7. Safe Spaces Act (RA11313)
8. Anti-Bullying Act (RA 10627)
9. Code of Ethics of Professional Teachers (PRC Resolution No. 435 s. 1997)

These legal and institutional foundations provide the authority and framework for implementing the Code of Conduct.

VIII. Consistency with Other Manuals, Institutional Policies and Applicable Laws

This Code of Conduct shall be read and enforced in harmony with all existing institutional policies of Samar Colleges, Inc. and with national laws governing educational institutions. It does not replace other manuals or regulations but complements them to ensure consistent ethical and professional behavior across all levels of the institution.

All employee teaching and non-teaching, regardless of employment, are bound to comply with the following related policies and legal requirements, which form an integral part of this Code by reference:

1. Data Privacy Policy (RA 101173 – Data Privacy Act 2012) – ensures confidentiality, and lawful processing of personal and sensitive information of students, employees, and stakeholders.

2. Anti-Sexual Harassment Policy (RA 7877) – Prohibits all forms of sexual harassment in the workplace and in educational settings.

3. Safe Spaces Policy (RA 11313 – Bawal Bastos Law) – Protects students and employees from gender-based harassment in workplaces, online platforms, and all premises of the school.

4. Anti-Bullying Policy (RA 10627) – Applicable especially to Basic Education settings, ensuring protection against bullying, cyberbullying, and other acts of abuse among students and employees.

5. Code of Ethics for Professional Teachers (PRC Resolution No. 435, s. 1997) – applies to all licensed professional teachers in Basic Education and shall guide teaching conduct, professionalism, and responsibilities.

These polices are fully enforceable and must be observed together with the provisions of this Code of Conduct. In cases of conflict or ambiguity, the interpretation that best protects student welfare and institutional integrity shall prevail.

Annex A

August 15, 2012

Republic of the Philippines
Congress of the Philippines
Metro Manila
Fifteenth Congress
Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fifth day of July, two thousand eleven.

[REPUBLIC ACT NO. 10173]

AN ACT PROTECTING INDIVIDUAL PERSONAL INFORMATION IN INFORMATION AND COMMUNICATIONS SYSTEMS IN THE GOVERNMENT AND THE PRIVATE SECTOR, CREATING FOR THIS PURPOSE A NATIONAL PRIVACY COMMISSION, AND FOR OTHER PURPOSES

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

CHAPTER I
GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the "Data Privacy Act of 2012".

SEC. 2. *Declaration of Policy.* – It is the policy of the State to protect the fundamental human right of privacy, of communication while ensuring free flow of information to promote innovation and growth. The State recognizes the vital role of information and communications technology in nation-building and its inherent obligation to ensure that personal information in information and communications systems in the government and in the private sector are secured and protected.

SEC. 3. *Definition of Terms.* – Whenever used in this Act, the following terms shall have the respective meanings hereafter set forth:

(a) *Commission* shall refer to the National Privacy Commission created by virtue of this Act.

(b) *Consent of the data subject* refers to any freely given, specific, informed indication of will, whereby the data subject agrees to the collection and processing of personal information about and/or relating to him or her. Consent shall be evidenced by written, electronic or recorded means. It may also be given on behalf of the data subject by an agent specifically authorized by the data subject to do so.

(c) *Data subject* refers to an individual whose personal information is processed.

(d) *Direct marketing* refers to communication by whatever means of any advertising or marketing material which is directed to particular individuals.

(e) *Filing system* refers to any act of information relating to natural or juridical persons to the extent that, although the information is not processed by equipment operating automatically in response to instructions given for that purpose, the set is structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular person is readily accessible.

(f) *Information and Communications System* refers to a system for generating, sending, receiving, storing or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar device by or which data is recorded, transmitted or stored and any procedure related to the recording, transmission or storage of electronic data, electronic message, or electronic document.

(g) *Personal information* refers to any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.

(h) *Personal information controller* refers to a person or organization who controls the collection, holding, processing or use of personal information, including a person or organization who instructs another person or organization to collect, hold, process, use, transfer or disclose personal information on his or her behalf. The term excludes:

(1) A person or organization who performs such functions as instructed by another person or organization; and

(2) An individual who collects, holds, processes or uses personal information in connection with the individual's personal, family or household affairs.

(i) *Personal information processor* refers to any natural or juridical person qualified to act as such under this Act to whom a personal information controller may outsource the processing of personal data pertaining to a data subject.

(j) *Processing* refers to any operation or any set of operations performed upon personal information including, but not limited to, the collection, recording, organization, storage, updating or modification, retrieval, consultation, use, consolidation, blocking, erasure or destruction of data.

(k) *Privileged information* refers to any and all forms of data which under the Rules of Court and other pertinent laws constitute privileged communication.

(l) *Sensitive personal information* refers to personal information:

(1) About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;

(2) About an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;

(3) Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or cm-rent health records, licenses or its denials, suspension or revocation, and tax returns; and

(4) Specifically established by an executive order or an act of Congress to be kept classified.

SEC. 4. *Scope.* – This Act applies to the processing of all types of personal information and to any natural and juridical person involved in personal information processing including those personal information controllers and processors who, although not found or established in the Philippines, use equipment that are located in the Philippines, or those who maintain an office, branch or agency in the Philippines subject to the immediately succeeding paragraph: *Provided*, That the requirements of Section 5 are complied with.

This Act does not apply to the following:

(a) Information about any individual who is or was an officer or employee of a government institution that relates to the position or functions of the individual, including:

(1) The fact that the individual is or was an officer or employee of the government institution;

(2) The title, business address and office telephone number of the individual;

(3) The classification, salary range and responsibilities of the position held by the individual; and

(4) The name of the individual on a document prepared by the individual in the course of employment with the government;

(b) Information about an individual who is or was performing service under contract for a government institution that relates to the services performed, including the terms of the contract, and the name of the individual given in the course of the performance of those services;

(c) Information relating to any discretionary benefit of a financial nature such as the granting of a license or permit given by the government to an individual, including the name of the individual and the exact nature of the benefit;

(d) Personal information processed for journalistic, artistic, literary or research purposes;

(e) Information necessary in order to carry out the functions of public authority which includes the processing of personal data for the performance by the independent, central

monetary authority and law enforcement and regulatory agencies of their constitutionally and statutorily mandated functions. Nothing in this Act shall be construed as to have amended or repealed Republic Act No. 1405, otherwise known as the Secrecy of Bank Deposits Act; Republic Act No. 6426, otherwise known as the Foreign Currency Deposit Act; and Republic Act No. 9510, otherwise known as the Credit Information System Act (CISA);

(f) Information necessary for banks and other financial institutions under the jurisdiction of the independent, central monetary authority or Bangko Sentral ng Pilipinas to comply with Republic Act No. 9510, and Republic Act No. 9160, as amended, otherwise known as the Anti-Money Laundering Act and other applicable laws; and

(g) Personal information originally collected from residents of foreign jurisdictions in accordance with the laws of those foreign jurisdictions, including any applicable data privacy laws, which is being processed in the Philippines.

SEC. 5. *Protection Afforded to Journalists and Their Sources.* – Nothing in this Act shall be construed as to have amended or repealed the provisions of Republic Act No. 53, which affords the publishers, editors or duly accredited reporters of any newspaper, magazine or periodical of general circulation protection from being compelled to reveal the source of any news report or information appearing in said publication which was related in any confidence to such publisher, editor, or reporter.

SEC. 6. *Extraterritorial Application.* – This Act applies to an act done or practice engaged in and outside of the Philippines by an entity if:

(a) The act, practice or processing relates to personal information about a Philippine citizen or a resident;

(b) The entity has a link with the Philippines, and the entity is processing personal information in the Philippines or even if the processing is outside the Philippines as long as it is about Philippine citizens or residents such as, but not limited to, the following:

(1) A contract is entered in the Philippines;

(2) A juridical entity unincorporated in the Philippines but has central management and control in the country; and

(3) An entity that has a branch, agency, office or subsidiary in the Philippines and the parent or affiliate of the Philippine entity has access to personal information; and

(c) The entity has other links in the Philippines such as, but not limited to:

(1) The entity carries on business in the Philippines; and

(2) The personal information was collected or held by an entity in the Philippines.

CHAPTER II
THE NATIONAL PRIVACY COMMISSION

SEC. 7. *Functions of the National Privacy Commission.* – To administer and implement the provisions of this Act, and to monitor and ensure compliance of the country with international standards set for data protection, there is hereby created an independent body to be known as the National Privacy Commission, winch shall have the following functions:

(a) Ensure compliance of personal information controllers with the provisions of this Act;

(b) Receive complaints, institute investigations, facilitate or enable settlement of complaints through the use of alternative dispute resolution processes, adjudicate, award indemnity on matters affecting any personal information, prepare reports on disposition of complaints and resolution of any investigation it initiates, and, in cases it deems appropriate, publicize any such report: *Provided,* That in resolving any complaint or investigation (except where amicable settlement is reached by the parties), the Commission shall act as a collegial body. For this purpose, the Commission may be given access to personal information that is subject of any complaint and to collect the information necessary to perform its functions under this Act;

(c) Issue cease and desist orders, impose a temporary or permanent ban on the processing of personal information, upon finding that the processing will be detrimental to national security and public interest;

(d) Compel or petition any entity, government agency or instrumentality to abide by its orders or take action on a matter affecting data privacy;

(e) Monitor the compliance of other government agencies or instrumentalities on their security and technical measures and recommend the necessary action in order to meet minimum standards for protection of personal information pursuant to this Act;

(f) Coordinate with other government agencies and the private sector on efforts to formulate and implement plans and policies to strengthen the protection of personal information in the country;

(g) Publish on a regular basis a guide to all laws relating to data protection;

(h) Publish a compilation of agency system of records and notices, including index and other finding aids;

(i) Recommend to the Department of Justice (DOJ) the prosecution and imposition of penalties specified in Sections 25 to 29 of this Act;

(j) Review, approve, reject or require modification of privacy codes voluntarily adhered to by personal information controllers: *Provided,* That the privacy codes shall adhere to the underlying data privacy principles embodied in this Act: *Provided, further,* That such privacy

codes may include private dispute resolution mechanisms for complaints against any participating personal information controller. For this purpose, the Commission shall consult with relevant regulatory agencies in the formulation and administration of privacy codes applying the standards set out in this Act, with respect to the persons, entities, business activities and business sectors that said regulatory bodies are authorized to principally regulate pursuant to the law: *Provided, finally*. That the Commission may review such privacy codes and require changes thereto for purposes of complying with this Act;

(k) Provide assistance on matters relating to privacy or data protection at the request of a national or local agency, a private entity or any person;

(l) Comment on the implication on data privacy of proposed national or local statutes, regulations or procedures, issue advisory opinions and interpret the provisions of this Act and other data privacy laws;

(m) Propose legislation, amendments or modifications to Philippine laws on privacy or data protection as may be necessary;

(n) Ensure proper and effective coordination with data privacy regulators in other countries and private accountability agents, participate in international and regional initiatives for data privacy protection;

(o) Negotiate and contract with other data privacy authorities of other countries for cross-border application and implementation of respective privacy laws;

(p) Assist Philippine companies doing business abroad to respond to foreign privacy or data protection laws and regulations; and

(q) Generally perform such acts as may be necessary to facilitate cross-border enforcement of data privacy protection.

SEC. 8. *Confidentiality.* – The Commission shall ensure at all times the confidentiality of any personal information that comes to its knowledge and possession.

SEC. 9. *Organizational Structure of the Commission.* – The Commission shall be attached to the Department of Information and Communications Technology (DICT) and shall be headed by a Privacy Commissioner, who shall also act as Chairman of the Commission. The Privacy Commissioner shall be assisted by two (2) Deputy Privacy Commissioners, one to be responsible for Data Processing Systems and one to be responsible for Policies and Planning. The Privacy Commissioner and the two (2) Deputy Privacy Commissioners shall be appointed by the President of the Philippines for a term of three (3) years, and may be reappointed for another term of three (3) years. Vacancies in the Commission shall be filled in the same manner in which the original appointment was made.

The Privacy Commissioner must be at least thirty-five (35) years of age and of good moral character, unquestionable integrity and known probity, and a recognized expert in the field of information technology and data privacy. The Privacy Commissioner shall enjoy the benefits, privileges and emoluments equivalent to the rank of Secretary.

The Deputy Privacy Commissioners must be recognized experts in the field of information and communications technology and data privacy. They shall enjoy the benefits, privileges and emoluments equivalent to the rank of Undersecretary.

The Privacy Commissioner, the Deputy Commissioners, or any person acting on their behalf or under their direction, shall not be civilly liable for acts done in good faith in the performance of their duties. However, he or she shall be liable for willful or negligent acts done by him or her which are contrary to law, morals, public policy and good customs even if he or she acted under orders or instructions of superiors: *Provided,* That in case a lawsuit is filed against such official on the subject of the performance of his or her duties, where such performance is lawful, he or she shall be reimbursed by the Commission for reasonable costs of litigation.

SEC. 10. *The Secretariat.* – The Commission is hereby authorized to establish a Secretariat. Majority of the members of the Secretariat must have served for at least five (5) years in any agency of the government that is involved in the processing of personal information including, but not limited to, the following offices: Social Security System (SSS), Government Service Insurance System (GSIS), Land Transportation Office (LTO), Bureau of Internal Revenue (BIR), Philippine Health Insurance Corporation (PhilHealth), Commission on Elections (COMELEC), Department of Foreign Affairs (DFA), Department of Justice (DOJ), and Philippine Postal Corporation (Philpost).

CHAPTER III
PROCESSING OF PERSONAL INFORMATION

SEC. 11. *General Data Privacy Principles.* – The processing of personal information shall be allowed, subject to compliance with the requirements of this Act and other laws allowing disclosure of information to the public and adherence to the principles of transparency, legitimate purpose and proportionality.

Personal information must, be:

(a) Collected for specified and legitimate purposes determined and declared before, or as soon as reasonably practicable after collection, and later processed in a way compatible with such declared, specified and legitimate purposes only;

(b) Processed fairly and lawfully;

(c) Accurate, relevant and, where necessary for purposes for which it is to be used the processing of personal information, kept up to date; inaccurate or incomplete data must be rectified, supplemented, destroyed or their further processing restricted;

(d) Adequate and not excessive in relation to the purposes for which they are collected and processed;

(e) Retained only for as long as necessary for the fulfillment of the purposes for which the data was obtained or for the establishment, exercise or defense of legal claims, or for legitimate business purposes, or as provided by law; and

(f) Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the data were collected and processed: *Provided*, That personal information collected for other purposes may lie processed for historical, statistical or scientific purposes, and in cases laid down in law may be stored for longer periods: *Provided, further,* That adequate safeguards are guaranteed by said laws authorizing their processing.

The personal information controller must ensure implementation of personal information processing principles set out herein.

SEC. 12. *Criteria for Lawful Processing of Personal Information.* – The processing of personal information shall be permitted only if not otherwise prohibited by law, and when at least one of the following conditions exists:

(a) The data subject has given his or her consent;

(b) The processing of personal information is necessary and is related to the fulfillment of a contract with the data subject or in order to take steps at the request of the data subject prior to entering into a contract;

(c) The processing is necessary for compliance with a legal obligation to which the personal information controller is subject;

(d) The processing is necessary to protect vitally important interests of the data subject, including life and health;

(e) The processing is necessary in order to respond to national emergency, to comply with the requirements of public order and safety, or to fulfill functions of public authority which necessarily includes the processing of personal data for the fulfillment of its mandate; or

(f) The processing is necessary for the purposes of the legitimate interests pursued by the personal information controller or by a third party or parties to whom the data is disclosed, except where such interests are overridden by fundamental rights and freedoms of the data subject which require protection under the Philippine Constitution.

SEC. 13. *Sensitive Personal Information and Privileged Information.* – The processing of sensitive personal information and privileged information shall be prohibited, except in the following cases:

(a) The data subject has given his or her consent, specific to the purpose prior to the processing, or in the case of privileged information, all parties to the exchange have given their consent prior to processing;

(b) The processing of the same is provided for by existing laws and regulations: *Provided*, That such regulatory enactments guarantee the protection of the sensitive personal information and the privileged information: *Provided, further*, That the consent of the data subjects are not required by law or regulation permitting the processing of the sensitive personal information or the privileged information;

(c) The processing is necessary to protect the life and health of the data subject or another person, and the data subject is not legally or physically able to express his or her consent prior to the processing;

(d) The processing is necessary to achieve the lawful and noncommercial objectives of public organizations and their associations: *Provided,* That such processing is only confined and related to the *bona fide* members of these organizations or their associations: *Provided, further,* That the sensitive personal information are not transferred to third parties: *Provided, finally,* That consent of the data subject was obtained prior to processing;

(e) The processing is necessary for purposes of medical treatment, is carried out by a medical practitioner or a medical treatment institution, and an adequate level of protection of personal information is ensured; or

(f) The processing concerns such personal information as is necessary for the protection of lawful rights and interests of natural or legal persons in court proceedings, or the establishment, exercise or defense of legal claims, or when provided to government or public authority.

SEC. 14. *Subcontract of Personal Information. – A* personal information controller may subcontract the processing of personal information: *Provided,* That the personal information controller shall be responsible for ensuring that proper safeguards are in place to ensure the confidentiality of the personal information processed, prevent its use for unauthorized purposes, and generally, comply with the requirements of this Act and other laws for processing of personal information. The personal information processor shall comply with all the requirements of this Act and other applicable laws.

SEC. 15. *Extension of Privileged Communication.* – Personal information controllers may invoke the principle of privileged communication over privileged information that they lawfully control or process. Subject to existing laws and regulations, any evidence gathered on privileged information is inadmissible.

CHAPTER IV
RIGHTS OF THE DATA SUBJECT

SEC. 16. *Rights of the Data Subject.* – The data subject is entitled to:

(a) Be informed whether personal information pertaining to him or her shall be, are being or have been processed;

(b) Be furnished the information indicated hereunder before the entry of his or her personal information into the processing system of the personal information controller, or at the next practical opportunity:

(1) Description of the personal information to be entered into the system;

(2) Purposes for which they are being or are to be processed;

(3) Scope and method of the personal information processing;

(4) The recipients or classes of recipients to whom they are or may be disclosed;

(5) Methods utilized for automated access, if the same is allowed by the data subject, and the extent to which such access is authorized;

(6) The identity and contact details of the personal information controller or its representative;

(7) The period for which the information will be stored; and

(8) The existence of their rights, i.e., to access, correction, as well as the right to lodge a complaint before the Commission.

Any information supplied or declaration made to the data subject on these matters shall not be amended without prior notification of data subject: *Provided*, That the notification under subsection (b) shall not apply should the personal information be needed pursuant to a *subpoena* or when the collection and processing are for obvious purposes, including when it is necessary for the performance of or in relation to a contract or service or when necessary or desirable in the context of an employer-employee relationship, between the collector and the data subject, or when the information is being collected and processed as a result of legal obligation;

(c) Reasonable access to, upon demand, the following:

(1) Contents of his or her personal information that were processed;

(2) Sources from which personal information were obtained;

(3) Names and addresses of recipients of the personal information;

(4) Manner by which such data were processed;

(5) Reasons for the disclosure of the personal information to recipients;

(6) Information on automated processes where the data will or likely to be made as the sole basis for any decision significantly affecting or will affect the data subject;

(7) Date when his or her personal information concerning the data subject were last accessed and modified; and

(8) The designation, or name or identity and address of the personal information controller;

(d) Dispute the inaccuracy or error in the personal information and have the personal information controller correct it immediately and accordingly, unless the request is vexatious or otherwise unreasonable. If the personal information have been corrected, the personal information controller shall ensure the accessibility of both the new and the retracted information and the simultaneous receipt of the new and the retracted information by

recipients thereof: *Provided,* That the third parties who have previously received such processed personal information shall he informed of its inaccuracy and its rectification upon reasonable request of the data subject;

(e) Suspend, withdraw or order the blocking, removal or destruction of his or her personal information from the personal information controller's filing system upon discovery and substantial proof that the personal information are incomplete, outdated, false, unlawfully obtained, used for unauthorized purposes or are no longer necessary for the purposes for which they were collected. In this case, the personal information controller may notify third parties who have previously received such processed personal information; and

(f) Be indemnified for any damages sustained due to such inaccurate, incomplete, outdated, false, unlawfully obtained or unauthorized use of personal information.

SEC. 17. *Transmissibility of Rights of the Data Subject.* – The lawful heirs and assigns of the data subject may invoke the rights of the data subject for, which he or she is an heir or assignee at any time after the death of the data subject or when the data subject is incapacitated or incapable of exercising the rights as enumerated in the immediately preceding section.

SEC. 18. *Right to Data Portability.* – The data subject shall have the right, where personal information is processed by electronic means and in a structured and commonly used format, to obtain from the personal information controller a copy of data undergoing processing in an electronic or structured format, which is commonly used and allows for further use by the data subject. The Commission may specify the electronic format referred to above, as well as the technical standards, modalities and procedures for their transfer.

SEC. 19. *Non-Applicability.* – The immediately preceding sections are not applicable if the processed personal information are used only for the needs of scientific and statistical research and, on the basis of such, no activities are carried out and no decisions are taken regarding the data subject: *Provided,* That the personal information shall be held under strict confidentiality and shall be used only for the declared purpose. Likewise, the immediately preceding sections are not applicable to processing of personal information gathered for the purpose of investigations in relation to any criminal, administrative or tax liabilities of a data subject.

CHAPTER V
SECURITY OF PERSONAL INFORMATION

SEC. 20. *Security of Personal Information.* – (a) The personal information controller must implement reasonable and appropriate organizational, physical and technical measures intended for the protection of personal information against any accidental or unlawful destruction, alteration and disclosure, as well as against any other unlawful processing.

(b) The personal information controller shall implement reasonable and appropriate measures to protect personal information against natural dangers such as accidental loss or destruction, and human dangers such as unlawful access, fraudulent misuse, unlawful destruction, alteration and contamination.

(c) The determination of the appropriate level of security under this section must take into account the nature of the personal information to be protected, the risks represented by the processing, the size of the organization and complexity of its operations, current data privacy best practices and the cost of security implementation. Subject to guidelines as the Commission may issue from time to time, the measures implemented must include:

(1) Safeguards to protect its computer network against accidental, unlawful or unauthorized usage or interference with or hindering of their functioning or availability;

(2) A security policy with respect to the processing of personal information;

(3) A process for identifying and accessing reasonably foreseeable vulnerabilities in its computer networks, and for taking preventive, corrective and mitigating action against security incidents that can lead to a security breach; and

(4) Regular monitoring for security breaches and a process for taking preventive, corrective and mitigating action against security incidents that can lead to a security breach.

(d) The personal information controller must further ensure that third parties processing personal information on its behalf shall implement the security measures required by this provision.

(e) The employees, agents or representatives of a personal information controller who are involved in the processing of personal information shall operate and hold personal information under strict confidentiality if the personal information are not intended for public disclosure. This obligation shall continue even after leaving the public service, transfer to another position or upon termination of employment or contractual relations.

(f) The personal information controller shall promptly notify the Commission and affected data subjects when sensitive personal information or other information that may, under the circumstances, be used to enable identity fraud are reasonably believed to have been acquired by an unauthorized person, and the personal information controller or the Commission believes (bat such unauthorized acquisition is likely to give rise to a real risk of serious harm to any affected data subject. The notification shall at least describe the nature of the breach, the sensitive personal information possibly involved, and the measures taken by the entity to address the breach. Notification may be delayed only to the extent necessary to determine the scope of the breach, to prevent further disclosures, or to restore reasonable integrity to the information and communications system.

(1) In evaluating if notification is unwarranted, the Commission may take into account compliance by the personal information controller with this section and existence of good faith in the acquisition of personal information.

(2) The Commission may exempt a personal information controller from notification where, in its reasonable judgment, such notification would not be in the public interest or in the interests of the affected data subjects.

(3) The Commission may authorize postponement of notification where it may hinder the progress of a criminal investigation related to a serious breach.

CHAPTER VI
ACCOUNTABILITY FOR TRANSFER OF PERSONAL INFORMATION

SEC. 21. *Principle of Accountability.* – Each personal information controller is responsible for personal information under its control or custody, including information that have been transferred to a third party for processing, whether domestically or internationally, subject to cross-border arrangement and cooperation.

(a) The personal information controller is accountable for complying with the requirements of this Act and shall use contractual or other reasonable means to provide a comparable level of protection while the information are being processed by a third party.

(b) The personal information controller shall designate an individual or individuals who are accountable for the organization's compliance with this Act. The identity of the individual(s) so designated shall be made known to any data subject upon request.

CHAPTER VII
SECURITY OF SENSITIVE PERSONAL INFORMATION IN GOVERNMENT

SEC 22. *Responsibility of Heads of Agencies.* – All sensitive personal information maintained by the government, its agencies and instrumentalities shall be secured, as far as practicable, with the use of the most appropriate standard recognized by the information and communications technology industry, and as recommended by the Commission. The head of each government agency or instrumentality shall be responsible for complying with the security requirements mentioned herein while the Commission shall monitor the compliance and may recommend the necessary action in order to satisfy the minimum standards.

SEC. 23. *Requirements Relating to Access by Agency Personnel to Sensitive Personal Information.* – (a) On-site and Online Access – Except as may be allowed through guidelines to be issued by the Commission, no employee of the government shall have access to sensitive personal information on government property or through online facilities unless the employee has received a security clearance from the head of the source agency.

(b) Off-site Access – Unless otherwise provided in guidelines to be issued by the Commission, sensitive personal information maintained by an agency may not be transported or accessed from a location off government property unless a request for such transportation or access is submitted and approved by the head of the agency in accordance with the following guidelines:

(1) Deadline for Approval or Disapproval – In the case of any request submitted to the head of an agency, such head of the agency shall approve or disapprove the request within two (2) business days after the date of submission of the request. In case there is no action by the head of the agency, then such request is considered disapproved;

(2) Limitation to One thousand (1,000) Records – If a request is approved, the head of the agency shall limit the access to not more than one thousand (1,000) records at a time; and

(3) Encryption – Any technology used to store, transport or access sensitive personal information for purposes of off-site access approved under this subsection shall be secured by the use of the most secure encryption standard recognized by the Commission.

The requirements of this subsection shall be implemented not later than six (6) months after the date of the enactment of this Act.

SEC. 24. *Applicability to Government Contractors.* – In entering into any contract that may involve accessing or requiring sensitive personal information from one thousand (1,000) or more individuals, an agency shall require a contractor and its employees to register their personal information processing system with the Commission in accordance with this Act and to comply with the other provisions of this Act including the immediately preceding section, in the same manner as agencies and government employees comply with such requirements.

CHAPTER VIII
PENALTIES

SEC. 25. *Unauthorized Processing of Personal Information and Sensitive Personal Information.* – (a) The unauthorized processing of personal information shall be penalized by imprisonment ranging from one (1) year to three (3) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00) shall be imposed on persons who process personal information without the consent of the data subject, or without being authorized under this Act or any existing law.

(b) The unauthorized processing of personal sensitive information shall be penalized by imprisonment ranging from three (3) years to six (6) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Four million pesos (Php4,000,000.00) shall be imposed on persons who process personal information without the consent of the data subject, or without being authorized under this Act or any existing law.

SEC. 26. *Accessing Personal Information and Sensitive Personal Information Due to Negligence.* – (a) Accessing personal information due to negligence shall be penalized by imprisonment ranging from one (1) year to three (3) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00) shall be imposed on persons who, due to negligence, provided access to personal information without being authorized under this Act or any existing law.

(b) Accessing sensitive personal information due to negligence shall be penalized by imprisonment ranging from three (3) years to six (6) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Four million pesos (Php4,000,000.00) shall be imposed on persons who, due to negligence, provided access to personal information without being authorized under this Act or any existing law.

SEC. 27. *Improper Disposal of Personal Information and Sensitive Personal Information.* – (a) The improper disposal of personal information shall be penalized by imprisonment ranging from six (6) months to two (2) years and a fine of not less than One hundred thousand pesos (Php100,000.00) but not more than Five hundred thousand pesos (Php500,000.00) shall be imposed on persons who knowingly or negligently dispose, discard or abandon the personal information of an individual in an area accessible to the public or has otherwise placed the personal information of an individual in its container for trash collection.

b) The improper disposal of sensitive personal information shall be penalized by imprisonment ranging from one (1) year to three (3) years and a fine of not less than One hundred thousand pesos (Php100,000.00) but not more than One million pesos (Php1,000,000.00) shall be imposed on persons who knowingly or negligently dispose, discard or abandon the personal information of an individual in an area accessible to the public or has otherwise placed the personal information of an individual in its container for trash collection.

SEC. 28. *Processing of Personal Information and Sensitive Personal Information for Unauthorized Purposes.* – The processing of personal information for unauthorized purposes shall be penalized by imprisonment ranging from one (1) year and six (6) months to five (5) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00) shall be imposed on persons processing personal information for purposes not authorized by the data subject, or otherwise authorized under this Act or under existing laws.

The processing of sensitive personal information for unauthorized purposes shall be penalized by imprisonment ranging from two (2) years to seven (7) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00) shall be imposed on persons processing sensitive personal information for purposes not authorized by the data subject, or otherwise authorized under this Act or under existing laws.

SEC. 29. *Unauthorized Access or Intentional Breach.* – The penalty of imprisonment ranging from one (1) year to three (3) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00) shall be imposed on persons who knowingly and unlawfully, or violating data confidentiality and security data systems, breaks in any way into any system where personal and sensitive personal information is stored.

SEC. 30. *Concealment of Security Breaches Involving Sensitive Personal Information.* – The penalty of imprisonment of one (1) year and six (6) months to five (5) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00) shall be imposed on persons who, after having knowledge of a security breach and of the obligation to notify the Commission pursuant to Section 20(f), intentionally or by omission conceals the fact of such security breach.

SEC. 31. *Malicious Disclosure.* – Any personal information controller or personal information processor or any of its officials, employees or agents, who, with malice or in bad faith, discloses unwarranted or false information relative to any personal information or

personal sensitive information obtained by him or her, shall be subject to imprisonment ranging from one (1) year and six (6) months to five (5) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00).

SEC. 32. *Unauthorized Disclosure.* – (a) Any personal information controller or personal information processor or any of its officials, employees or agents, who discloses to a third party personal information not covered by the immediately preceding section without the consent of the data subject, shall he subject to imprisonment ranging from one (1) year to three (3) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00).

(b) Any personal information controller or personal information processor or any of its officials, employees or agents, who discloses to a third party sensitive personal information not covered by the immediately preceding section without the consent of the data subject, shall be subject to imprisonment ranging from three (3) years to five (5) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00).

SEC. 33. *Combination or Series of Acts.* – Any combination or series of acts as defined in Sections 25 to 32 shall make the person subject to imprisonment ranging from three (3) years to six (6) years and a fine of not less than One million pesos (Php1,000,000.00) but not more than Five million pesos (Php5,000,000.00).

SEC. 34. *Extent of Liability.* – If the offender is a corporation, partnership or any juridical person, the penalty shall be imposed upon the responsible officers, as the case may be, who participated in, or by their gross negligence, allowed the commission of the crime. If the offender is a juridical person, the court may suspend or revoke any of its rights under this Act. If the offender is an alien, he or she shall, in addition to the penalties herein prescribed, be deported without further proceedings after serving the penalties prescribed. If the offender is a public official or employee and lie or she is found guilty of acts penalized under Sections 27 and 28 of this Act, he or she shall, in addition to the penalties prescribed herein, suffer perpetual or temporary absolute disqualification from office, as the case may be.

SEC. 35. *Large-Scale.* – The maximum penalty in the scale of penalties respectively provided for the preceding offenses shall be imposed when the personal information of at least one hundred (100) persons is harmed, affected or involved as the result of the above mentioned actions.

SEC. 36. *Offense Committed by Public Officer.* – When the offender or the person responsible for the offense is a public officer as defined in the Administrative Code of the Philippines in the exercise of his or her duties, an accessory penalty consisting in the disqualification to occupy public office for a term double the term of criminal penalty imposed shall he applied.

SEC. 37. *Restitution.* – Restitution for any aggrieved party shall be governed by the provisions of the New Civil Code.

CHAPTER IX
MISCELLANEOUS PROVISIONS

SEC. 38. *Interpretation.* – Any doubt in the interpretation of any provision of this Act shall be liberally interpreted in a manner mindful of the rights and interests of the individual about whom personal information is processed.

SEC. 39. *Implementing Rules and Regulations (IRR).* – Within ninety (90) days from the effectivity of this Act, the Commission shall promulgate the rules and regulations to effectively implement the provisions of this Act.

SEC. 40. *Reports and Information.* – The Commission shall annually report to the President and Congress on its activities in carrying out the provisions of this Act. The Commission shall undertake whatever efforts it may determine to be necessary or appropriate to inform and educate the public of data privacy, data protection and fair information rights and responsibilities.

SEC. 41. *Appropriations Clause.* – The Commission shall be provided with an initial appropriation of Twenty million pesos (Php20,000,000.00) to be drawn from the national government. Appropriations for the succeeding years shall be included in the General Appropriations Act. It shall likewise receive Ten million pesos (Php10,000,000.00) per year for five (5) years upon implementation of this Act drawn from the national government.

SEC. 42. *Transitory Provision.* – Existing industries, businesses and offices affected by the implementation of this Act shall be given one (1) year transitory period from the effectivity of the IRR or such other period as may be determined by the Commission, to comply with the requirements of this Act.

In case that the DICT has not yet been created by the time the law takes full force and effect, the National Privacy Commission shall be attached to the Office of the President.

SEC. 43. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 44. *Repealing Clause.* – The provision of Section 7 of Republic Act No. 9372, otherwise known as the "Human Security Act of 2007", is hereby amended. Except as otherwise expressly provided in this Act, all other laws, decrees, executive orders, proclamations and administrative regulations or parts thereof inconsistent herewith are hereby repealed or modified accordingly.

SEC. 45. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,

(Sgd.) **FELICIANO BELMONTE JR.** *Speaker of the House* *of Representatives*	(Sgd.) **JUAN PONCE ENRILE** *President of the Senate*

This Act which is a consolidation of Senate Bill No. 2965 and House Bill No. 4115 was finally passed by the Senate and the House of Representatives on June 6, 2012.

(Sgd.) **MARILYN B. BARUA-YAP** *Secretary General* *House of Representatives*	(Sgd.) **EMMA LIRIO-REYES** *Secretary of the Senate*

Approved: **AUG 15 2012**

(Sgd.) **BENIGNO S. AQUINO III** *President of the Philippines*

Annex B

[REPUBLIC ACT NO. 7877, February 14, 1995]

AN ACT DECLARING SEXUAL HARASSMENT UNLAWFUL IN THE EMPLOYMENT, EDUCATION OR TRAINING ENVIRONMENT, AND FOR OTHER PURPOSES

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

SECTION 1. *Title.* - This Act shall be known as the "Anti-Sexual Harassment Act of 1995."

SEC. 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, employees, applicants for employment, students or those undergoing training, instruction or education. Towards this end, all forms of sexual harassment in the employment, education or training environment are hereby declared unlawful.

SEC. 3. *Work, Education or Training-related Sexual Harassment Defined* - Work, education or training-related sexual harassment is 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 in a work or training or education environment, demands, requests or otherwise requires any 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 a work-related or employment environment, sexual harassment is committed when:

   1. The sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor results in Emiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;
   2. The above acts would impair the employee's rights or privileges under existing labor laws; or
   3. The above acts would result in an intimidating, hostile, or offensive environment for the employee.

b. In an education or training environment, sexual harassment is committed:
   1. Against one who is under the care, custody or supervision of the offender;
   2. Against one whose education, training, apprenticeship or tutorship is entrusted to the offender;
   3. When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or considerations; or
   4. When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

Any person 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 not have been committed, shall also be held liable under this Act.

SEC. 4. *Duty of the Employer or Head of Office in a Work-related Education or Training Environment.* - It shall be the duty of the employer or the head of the work-related, educational or training environment or institution, 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 shall:

a. Promulgate appropriate rules and regulations in consultation with and jointly approved by the employees or students or trainees, 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 sub-section (a) shall include, among others, guidelines on proper decorum in the workplace and educational or training institutions.

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, trainors and students or trainees to increase understanding and prevent incidents of sexual harassment. It shall also conduct the investigation of alleged cases constituting sexual harassment.

In the 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 trainors, teachers, instructors, professors or coaches and students or trainees, as the case may be.

The employer or head of office, educational or training institution shall disseminate or post a copy of this Act for the information of all concerned.

SEC. 5. *Liability of the Employer, Head of Office, Educational or Training Institution.* - The employer or head of office, educational or training institution shall be solidarity liable for damages arising from the acts of sexual harassment committed in the employment, education or training environment if the employer or head of office, educational or training institution is informed of such acts by the offended party and no immediate action is taken thereon.

SEC. 6. *Independent Action for Damages.* - Nothing in this Act shall preclude the victim of work, education or training-related sexual harassment from instituting a separate and independent action for damages and other affirmative relief.

SEC. 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 nor more than six (6) months, or a fine of not less than Ten thousand pesos (P10,000) nor more than Twenty thousand pesos (P20,000), 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.

SEC. 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.

SEC. 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.

SEC. 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,

(Sgd.) EDGARDO J. ANGARA
President of the Senate

(Sgd.) JOSE DE VENECIA, JR.
Speaker of the House of Representatives

This Act which is a consolidation of House Bill No. 9425 and Senate Bill No. 1632 was finally passed by the House of Representatives and the Senate on February 8, 1995.

(Sgd.) EDGARDO E. TUMANGAN
Secretary of the Senate

(Sgd.) CAMILO L. SABIO
Secretary General House of Representatives

Approved: February 14, 1995

(Sgd.) FIDEL V. RAMOS
President of the Philippines

Annex C

Republic Act 11313: Safe Spaces Act
Republic of the Philippines
Congress of the Philippines
Metro Manila
Seventeenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand eighteen

AN ACT DEFINING GENDER-BASED SEXUAL HARASSMENT IN STREETS, PUBLIC SPACES, ONLINE, WORKPLACES, AND EDUCATIONAL OR TRAINING INSTITUTIONS, PROVIDING PROTECTIVE MEASURES AND PRESCRIBING PENALTIES THEREFORE

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

Section 1. Short Title. – This Act shall be known as the ***"Safe Spaces Act"***.

Sec. 2. Declaration of Policies. – It is the policy of the State 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.

Sec. 3. Definition of Terms. —As used in this Act;

(a) *Catcalling* refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs;

(b) *Employee* refers to a person, who in exchange for remuneration, agrees to perform specified services for another person, whether natural or juridical, and whether private or public, who exercises fundamental control over the work, regardless of the term or duration of agreement: Provided, That for the purposes of this law, a person who is detailed to an entity under a subcontracting or secondment agreement shall be considered an employee;

(c) *Employer* refers to a person who exercises control over an employee: Provided, That for the purpose of this Act, the status or conditions of the latter's employment or engagement shall be disregarded;

(d) *Gender* refers to a set of socially ascribed characteristics, norms, roles, attitudes, values and expectations identifying the social behavior of men and women, and the relations between them;

(e) *Gender-based online sexual harassment* refers to an on the conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear of personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one's photos without consent, video and audio recordings, cyberstalking and online identity theft;

(f) *Gender identity and/or expression* refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with physiological characteristics of the opposite sex, in which case this person is considered transgender;

(g) *Public spaces* refer to streets and alleys, public parks, schools, buildings, malls, bars, restaurants, transportation terminals, public markets, spaces used as evacuation centers, government offices, public utility vehicles as well as private vehicles covered by app-based transport network services and other recreational spaces such as, but not limited to, cinema halls, theaters and spas; and

(h) *Stalking* refers to conduct directed at a person involving the repeated visual or physical proximity, non-consensual communication, or a combination thereof that cause or will likely cause a person to fear for one's own safety or the safety of others, or to suffer emotional distress.

ARTICLE I
GENDER-BASED STREETS AND PUBLIC SPACES SEXUAL HARASSMENT

Sec . 4. *Gender-Based Streets and Public Spaces Sexual Harassment.* – The crimes of gender-based streets and public spaces sexual harassment are committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks.

Gender-based streets and public spaces sexual harassment includes catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic, homophobic and sexist slurs, persistent uninvited comments or gestures on a person's appearance, relentless requests for personal details, statement of sexual comments and suggestions, public masturbation or flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety, and committed in public spaces such as alleys, roads, sidewalks and parks. Acts constitutive of gender-based streets and public spaces sexual harassment are those performed in buildings, schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles.

Sec. 5. *Gender-Based Sexual Harassment in Restaurants and Cafes, Bars and Clubs, Resorts and Water Parks, Hotels and Casinos, Cinemas, Malls, Buildings and Other Privately-Owned Places Open to the Public.* – Restaurants, bars, cinemas, malls, buildings and other privately-owned places open to the public shall adopt a zero-tolerance policy against gender -based streets and public spaces sexual harassment. These establishments are obliged to provide assistance to victims of gender-based sexual harassment by coordinating with local police authorities immediately after gender-based sexual harassment is reported, making CCTV footage available when ordered by the court, and providing a safe gender-sensitive environment to encourage victims to report gender-based sexual harassment at the first instance.

All restaurants, bars, cinemas and other places of recreation shall install in their business establishments clearly-visible warning signs against gender -based public spaces sexual harassment, including the anti- sexual harassment hotline number in bold letters, and shall designate at least one (1) anti-sexual harassment officer to receive gender-based sexual harassment complaints. Security guards in these places may be deputized to apprehend perpetrators caught in flagrante delicto and are required to immediately coordinate with local authorities.

Sec. 6. *Gender-Based Sexual Harassment in Public Utility Vehicles.* – In addition to the penalties in this Act, the Land Transportation Office (LTO) may cancel the license of perpetrators found to have committed acts constituting sexual harassment in public utility vehicles, and the Land Transportation Franchising and Regulatory Board (LTFRB) may suspend or revoke the franchise of transportation operators who commit gender-based streets and public spaces sexual harassment acts. Gender-based sexual harassment in public utility vehicles (PUVs) where the perpetrator is the driver of the vehicle shall also constitute a breach of contract of carriage, for the purpose of creating a presumption of negligence on the part of the owner or operator of the vehicle in the selection and supervision of employees and rendering the owner or operator solidarily liable for the offenses of the employee.

Sec. 7. *Gender-Based Sexual Harassment in Streets and Public Spaces Committed by Minors.* – In case the offense is committed by a minor, the Department of Social Welfare and Development (DSWD) shall take necessary disciplinary measures as provided for under Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006".

Sec. 8. *Duties of Local Government Units (LGUs).* — local government units (LGUs) shall bear prim ary responsibility in enforcing the provisions under Article I of this Act. LGUs shall have the following duties:

(a) Pass an ordinance which shall localize the applicability of this Act within sixty (60) days of its effectivity;

(b) Disseminate or post in conspicuous places a copy of this Act and the corresponding ordinance;

(c) Provide measures to prevent gender-based sexual harassment in educational institutions, such as information campaigns and anti-sexual harassment seminars;

(d) Discourage and impose fines on acts of gender-based sexual harassment as defined in this Act;

(e) Create an anti-sexual harassment hotline; and

(f) Coordinate with the Department of the Interior and Local Government (DILG) on the implementation of this Act.

Sec. 9. *Role of the DILG.* – The DILG shall ensure the full implementation of this Act by:

(a) Inspecting LGUs if they have disseminated or posted in conspicuous places a copy of this Act and the corresponding ordinance;

(b) Conducting and disseminating surveys and studies on best practices of LGUs in implementing this Act; and

(c) Providing capacity-building and training activities to build the capability of local government officials to implement this Act in coordination with the Philippine Commission on Women (PCW), the Local Government Academy (LGA) and the Development Academy of the Philippines (DAP).

Sec. 10. *Implementing Bodies for Gender-Based Sexual Harassment in Streets and Public Spaces.* – The Metro Manila Development Authority (MMDA), the local units of the Philippine National Police (PNP) for other provinces, and the Women and Children's Protection Desk (WCPD) of the PNP shall have the authority to apprehend perpetrators and enforce the law: Provided, That they have undergone prior Gender Sensitivity Training (GST). The PCW, DILG and Department of Information and Communications Technology (DICT) shall be the national bodies responsible for overseeing the implementation of this Act and formulating policies that will ensure the strict implementation of this Act.

For gender-based streets and public spaces sexual harassment, the MMDA and the local units of the PNP for the provinces shall deputize its enforcers to be Anti-Sexual Harassment Enforcers (ASHE). They shall be deputized to receive complaints on the street and immediately apprehend a perpetrator if caught in flagrante delicto. The perpetrator shall be immediately brought to the nearest PNP station to face charges of the offense committed. The ASHE unit together with the Women's and Children's Desk of PNP stations shall keep a ledger of perpetrators who have committed acts prohibited under this Act for purposes of determining if a perpetrator is a first-time, second-time or third-time offender. The DILG shall also ensure that all local government bodies expedite the receipt and processing of complaints by setting up an Anti-Sexual Harassment Desk in all barangay and city halls and to ensure the set-up of CCTVs in major roads, alleys and sidewalks in their respective areas to aid in the filing of cases and gathering of evidence. The DILG, the DSWD in coordination with the Department of Health (DOH) and the PCW shall coordinate if necessary to ensure that victims are provided the proper psychological counseling support services.

Sec. 11. *Specific Acts and Penalties for Gender-Based Sexual Harassment in Streets and Public Spaces.* – The following acts are unlawful and shall be penalized as follows:

(a) For acts such as cursing, wolf-whistling, catcalling, leering and intrusive gazing, taunting, cursing, unwanted invitations, misogynistic, transphobic, homophobic, and sexist slurs, persistent unwanted comments on one's appearance, relentless requests for one's personal details such as name, contact and social media details or destination, the use of words, gestures or actions that ridicule on the basis of sex gender or sexual orientation, identity and/or expression including sexist, homophobic, and transphobic statements and slurs, the persistent telling of sexual jokes, use of sexual names, comments and demands, and any statement that has made an invasion on a person's personal space or threatens the person's sense of personal safety –

(1) The first offense shall be punished by a fine of One thousand pesos (PI,000.00) and community service of twelve hours inclusive of attendance to a Gender Sensitivity Seminar to be conducted by the PNP in coordination with the LGU and the PCW;

(2) The second offense shall be punished by arresto menor (6 to 10 days) or a fine of Three thousand pesos (P3,000.00)

(3) The third offense shall be punished by arresto menor (11 to 30 days) and a fine of Ten thousand pesos (P1O, 000.00).

(b) For acts such as making offensive body gestures at someone, and exposing private parts for the sexual gratification of the perpetrator with the effect of demeaning, harassing, threatening or intimidating the offended party including flashing of private parts, public masturbation, groping, and similar lewd sexual actions –

(1) The first offense shall be punished by a fine of Ten thousand pesos (P10,000.00) and community service of twelve hours inclusive of attendance to a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the LGU and the PCW;

(2) The second offense shall be punished by arresto menor (11 to 30 days) or a fine of Fifteen thousand pesos (P15,000.00);

(3) The third offense shall be punished by arresto mayor (1 month and 1 day to 6 months) and a fine of Twenty thousand pesos (P20,000.00).

(c) For acts such as stalking, and any of the acts mentioned in Section 11 paragraphs (a) and (b), when accompanied by touching, pinching or brushing against the body of the offended person; or any touching, pinching, or brushing against the genitalia, face, arms, anus, groin, breasts, inner thighs, face, buttocks or any part of the victim's body even when not accompanied by acts mentioned in Section 11 paragraphs (a) and (b) –

(1) The first offense shall be punished by arresto menor (11 to 30 days) or a fine of Thirty thousand pesos (P30,000.00), provided that it includes attendance in a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the LGU and the PCW;

(2) The second offense shall be punished by arresto mayor (1 month and 1 day to 6 months) or a fine of Fifty thousand pesos (P50,000.00);

(3) The third offense shall be punished by arresto mayor in its maximum period or a fine of One hundred thousand pesos (P 100,000.00)

ARTICLE II
GENDER-BASED ONLINE SEXUAL HARASSMENT

Sec. 12. *Gender-Based Online Sexual Harassment.* – Gender-based online sexual harassment includes acts that use information and communications technology in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging, uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing of any of the victim's photos, videos, or any information online, impersonating identities of victims online or posting lies about victims to harm their reputation, or filing false abuse reports to online platforms to silence victims.

Sec. 13. *Implementing Bodies for Gender-Based Online Sexual Harassment.* — For gender-based online sexual harassment, the PNP Anti-Cybercrime Group (PNPACG) as the

National Operational Support Unit of the PNP is primarily responsible for the implementation of pertinent Philippine laws on cybercrime, shall receive complaints of gender-based online sexual harassment and develop an online mechanism for reporting real-time gender-based online sexual harassment acts and apprehend perpetrators. The Cybercrime Investigation and Coordinating Center (CICC) of the DICT shall also coordinate with the PNPACG to prepare appropriate and effective measures to monitor and penalize gender-based online sexual harassment.

Sec. 14. *Penalties for Gender-Based Online Sexual Harassment.* – The penalty of prision correccional in its medium period or a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00), or both, at the discretion of the court shall be imposed upon any person found guilty of any gender-based online sexual harassment.

If the perpetrator is a juridical person, its license or franchise shall be automatically deemed revoked, and the persons liable shall be the officers thereof, including the editor or reporter in the case of print media, and the station manager, editor and broadcaster in the case of broadcast media. An alien who commits gender-based online sexual harassment shall be subject to deportation proceedings after serving sentence and payment of fines.

Exemption to acts constitutive and penalized as gender-based online sexual harassment are authorized written orders of the court for any peace officer to use online records or any copy thereof as evidence in any civil, criminal investigation or trial of the crime: Provided, That such written order shall only be issued or granted upon written application and the examination under oath or affirmation of the applicant and the witnesses may produce, and upon showing that there are reasonable grounds to believe that gender-based online sexual harassment has been committed or is about to be committed, and that the evidence to be obtained is essential to the conviction of any person for, or to the solution or prevention of such crime.

Any record, photo or video, or copy thereof of any person that is in violation of the preceding sections shall not be admissible in evidence in any judicial, quasi-judicial, legislative or administrative hearing or investigation.

ARTICLE III
QUALIFIED GENDER-BASED STREETS, PUBLIC SPACES AND ONLINE SEXUAL HARASSMENT

Sec. 15. *Qualified Gender-Based Streets, Public Spaces and Online Sexual Harassment.* – The penalty next higher in degree will be applied in the following cases:

(a) If the act takes place in a common carrier or PUV, including, but not limited to, jeepneys, taxis, tricycles, or app-based transport network vehicle services, where the perpetrator is the driver of the vehicle and the offended party is a passenger:

(b) If the offended party is a minor, a senior citizen, or a person with disability (PWD), or a breastfeeding mother nursing her child;

(c) If the offended party is diagnosed with a mental problem tending to impair consent;

(d) If the perpetrator is a member of the uniformed services, such as the PNP and the Armed Forces of the Philippines (AFP), and the act was perpetrated while the perpetrator was in uniform; and

(e) If the act takes place in the premises of a government agency offering frontline services to the public and the perpetrator is a government employee.

ARTICLE IV
GENDER-BASED SEXUAL HARASSMENT IN THE WORKPLACE

Sec. 16. *Gender-Based Sexual Harassment in the Workplace.* – The crime of gender-based sexual harassment in the workplace includes the following:

(a) 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;

(b) A conduct of sexual nature and other conduct-based on sex affecting the dignity of a person, which is unwelcome, unreasonable, and offensive to the recipient, 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;

(c) A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient: Provided, That the crime of gender-based sexual harassment may also be committed between peers and those committed to a superior officer by a subordinate, or to a teacher by a student, or to a trainer by a trainee; and

(d) Information and communication system refers to a system for generating, sending, receiving, storing or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar devices by or in which data are recorded or stored and any procedure related to the recording or storage of electronic data messages or electronic documents.

Sec. 17. *Duties of Employers.* – Employers or other persons of authority, influence or moral ascendancy in a workplace shall have the duty to prevent, deter, or punish the performance of acts of gender-based sexual harassment in the workplace. Towards this end, the employer or person of authority, influence or moral ascendancy shall:

(a) Disseminate or post in a conspicuous place a copy of this Act to all persons in the workplace;

(b) Provide measures to prevent gender-based sexual harassment in the workplace, such as the conduct of anti-sexual harassment seminars;

(c) Create an independent internal mechanism or a committee on decorum and investigation to investigate and address complaints of gender-based sexual harassment which shall;

(1) Adequately represent the management, the employees from the supervisory rank, the rank-and-file employees, and the union, if any;

(2) Designate a woman as its head and not less than half of its members should be women;

(3) Be composed of members who should be impartial and not connected or related to the alleged perpetrator;

(4) Investigate and decide on the complaints within ten days or less upon receipt thereof;

(5) Observe due process;

(6) Protect the complainant from retaliation; and

(7) Guarantee confidentiality to the greatest extent possible

(d) Provide and disseminate, in consultation with all persons in the workplace, a code of conduct or workplace policy which shall;

(1) Expressly reiterate the prohibition on gender-based sexual harassment;

(2) Describe the procedures of the internal mechanism created under Section 17(c) of this Act; and

(3) Set administrative penalties.

Sec. 18. *Duties of Employees and Co-Workers* – Employees and co-workers shall have the duty to:

(a) Refrain from committing acts of gender-based sexual harassment;

(b) Discourage the conduct of gender-based sexual harassment in the workplace;

(c) Provide emotional or social support to fellow employees, co-workers, colleagues or peers who are victims of gender-based sexual harassment; and

(d) Report acts of gender-based sexual harassment witnessed in the workplace.

Sec. 19. *Liability of Employers*. – In addition to liabilities for committing acts of gender-based sexual harassment, employers may also be held responsible for:
(a) Non-implementation of their duties under Section 17 of this Act, as provided in the penal provisions: or

(b) Not taking action on reported acts of gender-based sexual harassment committed in the workplace.

Any person who violates subsection (a) of this section, shall upon conviction, be penalized with a fine of not less than Five thousand pesos (P5,000.00) nor more than Ten thousand pesos (P10,000.00).

Any person who violates subsection (b) of this section, shall upon conviction, be penalized with a fine of not less than Ten thousand pesos (P10,000.00) nor more than Fifteen thousand pesos (P 15,000.00).

Sec. 20. *Routine Inspection.* – The Department of Labor and Employment (DOLE) for the private sector and the Civil Service Commission (CSC) for the public sector shall conduct yearly spontaneous inspections to ensure compliance of employers and employees with their obligations under this Act.

ARTICLE V
GENDER-BASED SEXUAL HARASSMENT IN EDUCATION AND TRAINING INSTITUTIONS

Sec.21. *Gender Based Sexual Harassment in Educational and Training Institutions.* —All schools, whether public or private, shall designate an officer-in-charge to receive complaints regarding violations of this Act, and shall ensure that the victims are provided with a gender-sensitive environment that is both respectful to the victims' needs and conducive to truth-telling.

Every school must adopt and publish grievance procedures to facilitate the filing of complaints by students and faculty members. Even if an individual does not want to file a complaint or does not request that the school take any action on behalf of a student or faculty member and school authorities have knowledge or reasonably know about a possible or impending act of gender -based sexual harassment or sexual violence, the school should promptly investigate to determine the veracity of such information or knowledge and the circumstances under which the act of gender-based sexual harassment or sexual violence were committed, and take appropriate steps to resolve the situation. If a school knows or reasonably should know about acts of gender-based sexual harassment or sexual violence being committed that creates a hostile environment, the school must take immediate action to eliminate the same acts, prevent their recurrence, and address their effects.

Once a perpetrator is found guilty, the educational institution may reserve the right to strip the diploma from the perpetrator or issue an expulsion order.

The Committee on Decorum and Investigation (CODI) of all educational institutions shall address gender-based sexual harassment and online sexual harassment in accordance with the rules and procedures contained in their CODI manual.

Sec. 22. *Duties of School Heads*. – School heads shall have the following duties:

(a) Disseminate or post a copy of this Act in a conspicuous place in the educational institution;

(b) Provide measures to prevent gender-based sexual harassment in educational institutions, like information campaigns:

(c) Create an independent internal mechanism or a CODI to investigate and address complaints of gender-based sexual harassment which shall:

(1) Adequately represent the school administration, the trainers, instructors, professors or coaches and students or trainees, students and parents, as the case may be;

(2) Designate a woman as its head and not less than half of its members should be women;

(3) Ensure equal representation of persons of diverse sexual orientation, identity and/or expression, in the CODI as far as practicable;

(4) Be composed of members who should be impartial and not connected or related to the alleged perpetrator;

(5) Investigate and decide on complaints within ten (10) days or less upon receipt thereof;

(6) Observe due process;

(7) Protect the complainant from retaliation; and

(8) Guarantee confidentiality to the greatest extent possible

(d) Provide and disseminate, in consultation with all persons in the educational institution, a code of conduct or school policy which shall:

(1) Expressly reiterate the prohibition on gender-based sexual harassment;

(2) Prescribe the procedures of the internal mechanism created under this Act; and

(3) Set administrative penalties.

Sec. 23. *Liability of School Heads*. —In addition to liability for committing acts of gender-based sexual harassment, principals, school heads, teachers, instructors, professors, coaches, trainers, or any other person who has authority, influence or moral ascendancy over another in an educational or training institution may also be held responsible for:

(a) Non-implementation of their duties under Section 22 of this Act, as provided in the penal provisions; or

(b) Failure to act on reported acts of gender-based sexual harassment committed in the educational institution.

Any person who violates subsection (a) of this section, shall upon conviction, be penalized with a fine of not less than Five thousand pesos (P5,000.00) nor more than Ten thousand pesos (P10,000.00).

Any person who violates subsection (b) of this section, shall upon conviction, be penalized with a fine of not less than Ten thousand pesos (P10,000.00) nor more than Fifteen thousand pesos (P15,000.00).

Sec. 24. *Liability of Students*. – Minor students who are found to have committed acts of gender-based sexual harassment shall only be held liable for administrative sanctions by the school as stated in their school handbook.

Sec. 25. *Routine Inspection*. – The Department of Education (DepEd), the Commission on Higher Education (CHED), and the Technical Education and Skills Development Authority (TESDA) shall conduct regular spontaneous inspections to ensure compliance of school heads with their obligations under this Act.

ARTICLE VI
COMMON PROVISIONS

Sec. 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.

Sec. 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.

Sec. 28. *Remedies and Psychological Counselling*. – A victim of gender- based street, public spaces or online sexual harassment may avail of appropriate remedies as provided for under the law as well as psychological counselling services with the aid of the LGU and the DSWD, in coordination with the DOH and the PCW. Any fees to be charged in the course of a victim's availment of such remedies or psychological counselling services shall be borne by the perpetrator.

Sec. 29. *Administrative Sanctions*. —Above penalties are without prejudice to any administrative sanctions that may be imposed if the perpetrator is a government employee.

Sec. 30. *Imposition of Heavier Penalties*. – Nothing in this Act shall prevent LGUs from coming up with ordinances that impose heavier penalties for the acts specified herein.

Sec. 31. *Exemptions*. —Acts that are legitimate expressions of indigenous culture and tradition, as well as breastfeeding in public shall not be penalized.

ARTICLE VII
FINAL PROVISIONS

Sec. 32. *PNP Women and Children's Desks*. – The women and children's desks now existing in all police stations shall act on and attend to all complaints covered under this Act. They shall coordinate with ASHE officers on the street, security guards in privately-owned spaces open to the public, and anti-sexual harassment officers in government and private offices or schools in the enforcement of the provisions of this Act.

Sec. 33. *Educational Modules and Awareness Campaigns.* – The PCW shall take the lead in a national campaign for the awareness of the law. The PCW shall work hand-in-hand with the DILG and duly accredited women's groups to ensure all LGUs participate in a sustained information campaign and the DICT to ensure an online campaign that reaches a wide audience of Filipino internet-users. Campaign materials may include posters condemning

different forms of gender-based sexual harassment, informing the public of penalties for committing gender-based sexual harassment, and infographics of hotline numbers of authorities.

All schools shall educate students from the elementary to tertiary level about the provisions of this Act and how they can report cases of gender-based streets, public spaces and online sexual harassment committed against them. School courses shall include age -appropriate educational modules against gender-based streets, public spaces and online sexual harassment which shall be developed by the DepEd, the CHED, the TESDA and the PCW.

Sec. 34. *Safety Audits*. – LGUs are required to conduct safety audits every three (3) years to assess the efficiency and effectivity of the implementation of this Act within their jurisdiction . Such audits shall be multisectoral and participatory, with consultations undertaken with schools, police officers, and civil society organizations.

Sec. 35. *Appropriations*. – Such amounts as may be necessary for the implementation of this Act shall be indicated under the annual General Appropriations Act (GAA). National and local government agencies shall be authorized to utilize their mandatory Gender and Development (GAD) budget, as provided under Republic Act No. 9710, otherwise known as "The Magna Carta of Women" for this purpose. In addition, LGUs may also use their mandatory twenty percent (20%) allocation of their annual internal revenue allotments for local development projects as provided under Section 287 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991".

Sec. 36. *Prescriptive Period*. – Any action arising from the violation of any of the provisions of this Act shall prescribe as follows:

(a) Offenses committed under Section 11(a) of this Act shall prescribe in one (1) year;

(b) Offenses committed under Section 11(b) of this Act shall prescribe in three (3) years;

(c) Offenses committed under Section 11(c) of this Act shall prescribe in ten (10) years;

(d) Offenses committed under Section 12 of this Act shall be imprescriptible; and

(e) Offenses committed under Sections 16 and 21 of this Act shall prescribe in five (5) years.

Sec. 37. *Joint Congressional Oversight Committee*. – There is hereby created a Joint Congressional Oversight Committee to monitor the implementation of this Act and to review the implementing rules and regulations promulgated. The Committee shall be composed of five (5) Senators and five Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-chaired by the Chairpersons of the Senate Committee on Women, Children, Family Relations and Gender Equality and the House Committee on Women and Gender Equality.

Sec. 38. *Implementing Rules and Regulations (IRR)*. – Within ninety (90) days from the effectivity of this Act, the PCW as the lead agency, in coordination with the DILG, the DSWD, the PNP, the Commission on Human Rights (CHR), the DOH, the DOLE, the DepEd, the CHED, the DICT, the TESDA, the MMDA, the LTO, and at least three (3) women's organizations active on the issues of gender-based violence, shall formulate the implementing rules and regulations (IRR) of this Act.

Sec. 39. *Separability Clause.* —If any provision or part hereof is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain valid and subsisting.

Sec. 40. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

Sec. 41. *Effectivity*. – This Act shall take effect fifteen days after its publication in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

Approved,

(Sgd.) **GLORIA MACAPAGAL-ARROYO** Speaker of the House of Representatives	***(Sgd.)*** **VICENTE C. SOTTO III** President of the Senate

This Act which is a consolidation of Senate Bill No. 1558 and House Bill No. 8794 was passed by the Senate of the Philippines and the House of Representatives on February 6, 2019.

(Sgd.) **DANTE ROBERTO G. MALING**
Acting Secretary General, House of Representatives

Annex D

[REPUBLIC ACT NO. 10627, September 12, 2013]

AN ACT REQUIRING ALL ELEMENTARY AND SECONDARY SCHOOLS TO ADOPT POLICIES TO PREVENT AND ADDRESS THE ACTS OF BULLYING IN THEIR INSTITUTIONS

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

SECTION 1. *Short Title* . – This Act shall be known as the "Anti-Bullying Act of 2013".

SEC. 2. *Acts of Bullying* . – For purposes of this Act, "bullying" shall refer to any severe or repeated use by one or more students of a written, verbal or electronic expression, or a physical act or gesture, or any combination thereof, directed at another student that has the effect of actually causing or placing the latter in reasonable fear of physical or emotional harm or damage to his property; creating a hostile environment at school for the other student; infringing on the rights of the other student at school; or materially and substantially disrupting the education process or the orderly operation of a school; such as, but not limited to, the following:
a. Any unwanted physical contact between the bully and the victim like punching, pushing, shoving, kicking, slapping, tickling, headlocks, inflicting school pranks, teasing, fighting and the use of available objects as weapons;

b. Any act that causes damage to a victim's psyche and/or emotional well-being;

c. Any slanderous statement or accusation that causes the victim undue emotional distress like directing foul language or profanity at the target, name-calling, tormenting and commenting negatively on victim's looks, clothes and body; and

d. Cyber-bullying or any bullying done through the use of technology or any electronic means.

SEC. 3. *Adoption of Anti-Bullying Policies.* – All elementary and secondary schools are hereby directed to adopt policies to address the existence of bullying in their respective institutions. Such policies shall be regularly updated and, at a minimum, shall include provisions which:
(a) Prohibit the following acts:

(1) Bullying on school grounds; property immediately adjacent to school grounds; at school-sponsored or school-related activities, functions or programs whether on or off school grounds; at school bus stops; on school buses or other vehicles owned, leased or used by a school; or through the use of technology or an electronic device owned, leased or used by a school;

(2) Bullying at a location, activity, function or program that is not school-related and through the use of technology or an electronic device that is not owned, leased or used by a school if the act or acts in question create a hostile environment at school for the victim, infringe on the rights of the victim at school, or materially and substantially disrupt the education process or the orderly operation of a school; and

(3) Retaliation against a person who reports bullying, who provides information during an investigation of bullying, or who is a witness to or has reliable information about bullying;

(b) Identify the range of disciplinary administrative actions that may be taken against a perpetrator for bullying or retaliation which shall be commensurate with the nature and gravity of the offense: *Provided* , That, in addition to the disciplinary sanctions imposed upon a perpetrator of bullying or retaliation, he/she shall also be required to undergo a rehabilitation program which shall be administered by the institution concerned. The parents of the said perpetrator shall be encouraged by the said institution to join the rehabilitation program;
(c) Establish clear procedures and strategies for:

(1) Reporting acts of bullying or retaliation;

(2) Responding promptly to and investigating reports of bullying or retaliation;

(3) Restoring a sense of safety for a victim and assessing the student's need for protection;

(4) Protecting from bullying or retaliation of a person who reports acts of bullying, provides information during an investigation of bullying, or is witness to or has reliable information about an act of bullying; and

(5) Providing counseling or referral to appropriate services for perpetrators, victims and appropriate family members of said students;

(d) Enable students to anonymously report bullying or retaliation: *Provided, however* , That no disciplinary administrative action shall be taken against a perpetrator solely on the basis of an anonymous report;
(e) Subject a student who knowingly makes a false accusation of bullying to disciplinary administrative action;

(f) Educate students on the dynamics of bullying, the anti-bullying policies of the school as well as the mechanisms of such school for the anonymous reporting of acts of bullying or retaliation;

(g) Educate parents and guardians about the dynamics of bullying, the anti-bullying policies of the school and how parents and guardians can provide support and reinforce such policies at home; and

(h) Maintain a public record of relevant information and statistics on acts of bullying or retaliation in school: *Provided* , That the names of students who committed acts of bullying or retaliation shall be strictly confidential and only made available to the school administration, teachers directly responsible for the said students and parents or guardians of students who are or have been victims of acts of bullying or retaliation.
All elementary and secondary schools shall provide students and their parents or guardians a copy of the anti-bullying policies being adopted by the school. Such policies shall likewise be included in the school's student and/or employee handbook and shall be conspicuously posted on the school walls and website, if there is any.

The Department of Education (DepED) shall include in its training programs, courses or activities which shall provide opportunities for school administrators, teachers and other employees to develop their knowledge and skills in preventing or responding to any bullying act.

SEC. 4. *Mechanisms to Address Bullying* . – The school principal or any person who holds a comparable role shall be responsible for the implementation and oversight of policies intended to address bullying.
Any member of the school administration, student, parent or volunteer shall immediately report any instance of bullying or act of retaliation witnessed, or that has come to one's attention, to the school principal or school officer or person so designated by the principal to handle such issues, or both. Upon receipt of such a report, the school principal or the designated school officer or person shall promptly investigate. If it is determined that bullying or retaliation has occurred, the school principal or the designated school officer or person shall:

(a) Notify the law enforcement agency if the school principal or designee believes that criminal charges under the Revised Penal Code may be pursued against the perpetrator;

(b) Take appropriate disciplinary administrative action;

(c) Notify the parents or guardians of the perpetrator; and

(d) Notify the parents or guardians of the victim regarding the action taken to prevent any further acts of bullying or retaliation.

If an incident of bullying or retaliation involves students from more than one school, the school first informed of the bullying or retaliation shall promptly notify the appropriate administrator of the other school so that both may take appropriate action.

SEC. 5. *Reporting Requirement.* – All schools shall inform their respective schools division superintendents in writing about the anti-bullying policies formulated within six (6) months from the effectivity of this Act. Such notification shall likewise be an administrative requirement prior to the operation of new schools.

Beginning with the school year after the effectivity of this Act, and every first week of the start of the school year thereafter, schools shall submit a report to their respective schools division superintendents all relevant information and statistics on acts of bullying or retaliation. The schools division superintendents shall compile these data and report the same to the Secretary of the DepED who shall likewise formally transmit a comprehensive report to the Committee on Basic Education of both the House of Representatives and the Senate.

SEC. 6. *Sanction for Noncompliance* . – In the rules and regulations to be implemented pursuant to this Act, the Secretary of the DepED shall prescribe the appropriate administrative sanctions on school administrators who shall fail to comply with the requirements under this Act. In addition thereto, erring private schools shall likewise suffer the penalty of suspension of their permits to operate.

SEC. 7. *Implementing Rules and Regulations* . – Within ninety (90) days from the effectivity of this Act, the DepED shall promulgate the necessary rules and regulations to implement the provisions of this Act.

SEC. 8. *Separability Clause* . – If, for any reason, any provision of this Act is declared to be unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force or effect.

SEC. 9. *Repealing Clause* . – All laws, decrees, orders, rules and regulations or parts thereof which are inconsistent with or contrary to the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 10. *Effectivity* . – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.
Approved,

(Sgd.) **JINGGOY EJERCITO ESTRADA**
Acting Senate President

(Sgd.) **FELICIANO BELMONTE JR.**
Speaker of the House of Representatives

This Act which originated in the House of Representatives was finally passed by the House of Representatives and the Senate on June 5, 2013.

(Sgd.) **EMMA LIRIO-REYES**
Secretary of the Senate

(Sgd.) **MARILYN B BARUA-YAP**
Secretary General
House of Representatives

Approved: SEPT 12 2013

(Sgd.) BENIGNO S. AQUINO III
President of the Philippines

Annex E

CODE OF ETHICS FOR PROFESSIONAL TEACHERS

Pursuant to the provisions of paragraph (e), Article 11, of R.A. No. 7836, otherwise known as the Philippine Teachers Professionalization Act of 1994 and paragraph (a), section 6, P.D. No. 223, as amended, the Board for Professional Teachers hereby adopt the Code of Ethics for Professional Teachers.

Preamble

Teachers are duly licensed professionals who possesses dignity and reputation with high moral values as well as technical and professional competence in the practice of their noble profession, and they strictly adhere to, observe, and practice this set of ethical and moral principles, standards, and values.

Article I: Scope and Limitations

Section 1. The Philippine Constitution provides that all educational institution shall offer quality education for all competent teachers. Committed to its full realization, the provision of this Code shall apply, therefore, to all teachers in schools in the Philippines.

Section 2. This Code covers all public and private school teachers in all educational institutions at the preschool, primary, elementary, and secondary levels whether academic, vocational, special, technical, or non-formal. The term “teacher” shall include industrial arts or vocational teachers and all other persons performing supervisory and /or administrative functions in all school at the aforesaid levels, whether on full time or part-time basis.

Article II: The Teacher and the State

Section 1. The schools are the nurseries of the future citizens of the state; each teacher is a trustee of the cultural and educational heritage of the nation and is under obligation to transmit to learners such heritage as well as to elevate national morality, promote national pride, cultivate love of country, instill allegiance to the constitution and for all duly constituted authorities, and promote obedience to the laws of the state.

Section 2. Every teacher or school official shall actively help carry out the declared policies of the state, and shall take an oath to this effect.

Section 3. In the interest of the State and of the Filipino people as much as of his own, every teacher shall be physically, mentally and morally fit.

Section 4. Every teacher shall possess and actualize a full commitment and devotion to duty.

Section 5. A teacher shall not engage in the promotion of any political, religious, or other partisan interest, and shall not, directly or indirectly, solicit, require, collect, or receive any money or service or other valuable material from any person or entity for such purposes.

Section 6. Every teacher shall vote and shall exercise all other constitutional rights and responsibility.

Section 7. A teacher shall not use his position or official authority or influence to coerce any other person to follow any political course of action.

Section 8. Every teacher shall enjoy academic freedom and shall have privilege of expounding the product of his researches and investigations; provided that, if the results are inimical to the declared policies of the State, they shall be brought to the proper authorities for appropriate remedial action.

Article III: The Teacher and the Community

Section 1. A teacher is a facilitator of learning and of the development of the youth; he shall, therefore, render the best service by providing an environment conducive to such learning and growth.

Section 2. Every teacher shall provide leadership and initiative to actively participate in community movements for moral, social, educational, economic and civic betterment.

Section 3. Every teacher shall merit reasonable social recognition for which purpose he shall behave with honor and dignity at all times and refrain from such activities as gambling, smoking, drunkenness, and other excesses, much less illicit relations.

Section 4. Every teacher shall live for and with the community and shall, therefore, study and understand local customs and traditions in order to have sympathetic attitude, therefore, refrain from disparaging the community.

Section 5. Every teacher shall help the school keep the people in the community informed about the school's work and accomplishments as well as its needs and problems.

Section 6. Every teacher is intellectual leader in the community, especially in the barangay, and shall welcome the opportunity to provide such leadership when needed, to extend counselling services, as appropriate, and to actively be involved in matters affecting the welfare of the people.

Section 7. Every teacher shall maintain harmonious and pleasant personal and official relations with other professionals, with government officials, and with the people, individually or collectively.

Section 8. A teacher possesses freedom to attend church and worships as appropriate, but shall not use his positions and influence to proselyte others.

Article IV: A Teacher and the Profession

Section 1. Every teacher shall actively insure that teaching is the noblest profession, and shall manifest genuine enthusiasm and pride in teaching as a noble calling.

Section 2. Every teacher shall uphold the highest possible standards of quality education, shall make the best preparations for the career of teaching, and shall be at his best at all times and in the practice of his profession.

Section 3. Every teacher shall participate in the Continuing Professional Education (CPE) program of the Professional Regulation Commission, and shall pursue such other studies as will improve his efficiency, enhance the prestige of the profession, and strengthen his competence, virtues, and productivity in order to be nationally and internationally competitive.

Section 4. Every teacher shall help, if duly authorized, to seek support from the school, but shall not make improper misrepresentations through personal advertisements and other questionable means.

Section 5. Every teacher shall use the teaching profession in a manner that makes it dignified means for earning a decent living.

Article V: The Teachers and the Profession

Section 1. Teachers shall, at all times, be imbued with the spirit of professional loyalty, mutual confidence, and faith in one another, self-sacrifice for the common good; and full cooperation with colleagues. When the best interest of the learners, the school, or the profession is at stake in any controversy, teachers shall support one another.

Section 2. A teacher is not entitled to claim credit or work not of his own, and shall give due credit for the work of others which he may use.

Section 3. Before leaving his position, a teacher shall organize for whoever assumes the position such records and other data as are necessary to carry on the work.

Section 4. A teacher shall hold inviolate all confidential information concerning associates and the school, and shall not divulge to anyone documents which has not been officially released, or remove records from files without permission.

Section 5. It shall be the responsibility of every teacher to seek correctives for what may appear to be an unprofessional and unethical conduct of any associate. However, this may be done only if there is incontrovertible evidence for such conduct.

Section 6. A teacher may submit to the proper authorities any justifiable criticism against an associate, preferably in writing, without violating the right of the individual concerned.

Section 7. A teacher may apply for a vacant position for which he is qualified; provided that he respects the system of selection on the basis of merit and competence; provided, further, that all qualified candidates are given the opportunity to be considered.

Article VI: The Teacher and Higher Authorities in the Profession

Section 1. Every teacher shall make it his duty to make an honest effort to understand and support the legitimate policies of the school and the administration regardless of personal feeling or private opinion and shall faithfully carry them out.

Section 2. A teacher shall not make any false accusations or charges against superiors, especially under anonymity. However, if there are valid charges, he should present such under oath to competent authority.

Section 3. A teacher shall transact all official business through channels except when special conditions warrant a different procedure, such as when special conditions are advocated but are opposed by immediate superiors, in which case, the teacher shall appeal directly to the appropriate higher authority.

Section 4. Every teacher, individually or as part of a group, has a right to seek redress against injustice to the administration and to extent possible, shall raise grievances within acceptable democratic possesses. In doing so, they shall avoid jeopardizing the interest and the welfare of learners whose right to learn must be respected.

Section 5. Every teacher has a right to invoke the principle that appointments, promotions, and transfer of teachers are made only on the basis of merit and needed in the interest of the service.

Section 6. A teacher who accepts a position assumes a contractual obligation to live up to his contract, assuming full knowledge of employment terms and conditions.

Article VII: School Officials, Teachers, and Other Personnel

Section 1. All school officials shall at all times show professional courtesy, helpfulness and sympathy towards teachers and other personnel, such practices being standards of effective school supervision, dignified administration, responsible leadership and enlightened directions.

Section 2. School officials, teachers, and other school personnel shall consider it their cooperative responsibility to formulate policies or introduce important changes in the system at all levels.
Section 3. School officials shall encourage and attend the professional growth of all teachers under them such as recommending them for promotion, giving them due recognition for meritorious performance, and allowing them to participate in conferences in training programs.

Section 4. No school officials shall dismiss or recommend for dismissal a teacher or other subordinates except for cause.

Section 5. School authorities concern shall ensure that public school teachers are employed in accordance with pertinent civil service rules, and private school teachers are issued contracts specifying the terms and conditions of their work; provided that they are given, if qualified, subsequent permanent tenure, in accordance with existing laws.

Article VIII: The Teachers and Learners

Section 1. A teacher has a right and duty to determine the academic marks and the promotions of learners in the subject or grades he handles, provided that such determination shall be in accordance with generally accepted procedures of evaluation and measurement. In case of any complaint, teachers concerned shall immediately take appropriate actions, observing due process.

Section 2. A teacher shall recognize that the interest and welfare of learners are of first and foremost concern, and shall deal justifiably and impartially with each of them.

Section 3. Under no circumstance shall a teacher be prejudiced or discriminate against a learner.

Section 4. A teacher shall not accept favors or gifts from learners, their parents or others in their behalf in exchange for requested concessions, especially if undeserved.

Section 5. A teacher shall not accept, directly or indirectly, any remuneration from tutorials other what is authorized for such service.

Section 6. A teacher shall base the evaluation of the learner's work only in merit and quality of academic performance.

Section 7. In a situation where mutual attraction and subsequent love develop between teacher and learner, the teacher shall exercise utmost professional discretion to avoid scandal, gossip and preferential treatment of the learner.

Section 8. A teacher shall not inflict corporal punishment on offending learners nor make deductions from their scholastic ratings as a punishment for acts which are clearly not manifestation of poor scholarship.

Section 9. A teacher shall ensure that conditions contribute to the maximum development of learners are adequate, and shall extend needed assistance in preventing or solving learner's problems and difficulties.

Article IX: The Teachers and Parents

Section 1. Every teacher shall establish and maintain cordial relations with parents, and shall conduct himself to merit their confidence and respect.

Section 2. Every teacher shall inform parents, through proper authorities, of the progress and deficiencies of learner under him, exercising utmost candour and tact in pointing out the learner's deficiencies and in seeking parent's cooperation for the proper guidance and improvement of the learners.

Section 3. A teacher shall hear parent's complaints with sympathy and understanding, and shall discourage unfair criticism.

Article X: The Teacher and Business

Section 1. A teacher has the right to engage, directly or indirectly, in legitimate income generation; provided that it does not relate to or adversely affect his work as a teacher.

Section 2. A teacher shall maintain a good reputation with respect to the financial matters such as in the settlement of his debts and loans in arranging satisfactorily his private financial affairs.

Section 3. No teacher shall act, directly or indirectly, as agent of, or be financially interested in, any commercial venture which furnish textbooks and other school commodities in the purchase

and disposal of which he can exercise official influence, except only when his assignment is inherently, related to such purchase and disposal; provided they shall be in accordance with the existing regulations; provided, further, that members of duly recognized teachers cooperatives may participate in the distribution and sale of such commodities.

Article XI: The Teacher as a Person

Section 1. A teacher is, above all, a human being endowed with life for which it is the highest obligation to live with dignity at all times whether in school, in the home, or elsewhere.

Section 2. A teacher shall place premium upon self-discipline as the primary principle of personal behavior in all relationships with others and in all situations.

Section 3. A teacher shall maintain at all times a dignified personality which could serve as a model worthy of emulation by learners, peers and all others.

Section 4. A teacher shall always recognize the Almighty God as guide of his own destiny and of the destinies of men and nations.

Article XII: Disciplinary Actions

Section 1. Any violation of any provision of this code shall be sufficient ground for the imposition against the erring teacher of the disciplinary action consisting of revocation of his Certification of Registration and License as a Professional Teacher, suspension from the practice of teaching profession, or reprimand or cancellation of his temporary/special permit under causes specified in Sec. 23, Article III or R.A. No. 7836, and under Rule 31, Article VIII, of the Rules and Regulations Implementing R.A. 7836.

Article XIII: Effectivity

Section 1. This Code shall take effect upon approval by the Professional Regulation Commission and after sixty (60) days following its publication in the Official Gazette or any newspaper of general circulation, whichever is earlier.

IX. Effectivity

This Code of Conduct shall take effect upon approval by the **School President** and the **Board of Directors of Samar Colleges, Inc**., and shall remain in force until amended or repealed. All employees are required to familiarize themselves with its provisions and comply accordingly.

X. Approval

This Code of Conduct has been reviewed and approved by the School Management to ensure that all policies and standards herein are consistent with the mission, vision, and core values of Samar Colleges, Inc. All employees are expected to read, understand, and comply with its provisions.

Prepared by:

LYDIA A. GONZALES, D.M.
Head, HRMD

Recommending Approval:

LETECIA R. GUERRA, Ph.D.
SVP for Basic Education

MELDRITO B. VALLES, Ph.D.
SVP for Student Cultural and External Affairs

MARILYN D. CARDOSO, Ph.D.
SVP for Programs Development & Quality Assurance

PEDRITO G. PADILLA, Ph.D.
SVP for Academic Programs

FIDENCIA P. ORAL
SVP for Finance

MANUELILDA ROSARIO A. TORREVILLAS
SVP for Administration / School Administrator

APPROVED

RHETT CAESAR L. PICZON
School President & Chairman of the Board

Date:_____

SAMAR COLLEGE CODE OF CONDUCT
ACKNOWLEDGMENT AND CONFORMITY FORM

I,_____

an employee of Samar Colleges, Inc., hereby acknowledges that:

1. I have received a copy of the Code of Conduct.
2. I have read and understood its contents.
3. I commit to abide by the provisions of the Code of Conduct and to uphold the mission, vision, and values of the College.
4. I understand that violation of this Code may subject me to disciplinary action, consistent with due process and applicable laws.

By signing this form, I manifest my conformity and full commitment to comply with the Code of Conduct of Samar Colleges, Inc.

_____
Employee's Name & Signature

_____
Position/Department:

_____
Date

Witnesses:

_____
Immediate Head

_____
HR Representative