

9 AUG 24 AM 107

SENATE

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COMMITTEE REPORT NO. 560

Submitted jointly by the Committees on Justice and Human Rights; and Constitutional Amendments, Revision of Codes and Laws on AUG 24 2009

Re: Senate Bill No. 3401

Recommending its approval in substitution of Senate Bill Nos. 135, 1024 and 1196.

Sponsor: Senator Escudero

MR. PRESIDENT:

The Committees on Justice and Human Rights and Constitutional Amendments, Revision of Codes and Laws to which were referred Senate Bill No. 135 introduced by Senator Francis N. Pangilinan entitled:

"AN ACT DEFINING AND PENALIZING STALKING, AMENDING FOR THAT PURPOSE THE REVISED PENAL CODE, AS AMENDED, AND FOR OTHER PURPOSES"

Senate Bill No. 1024 by Senator Manny Villar, entitled:

"AN ACT DEFINING THE CRIME OF STALKING AND PROVIDING PENALTIES THEREFOR"

and Senate Bill No. 1196 introduced by Senator Miriam Defensor Santiago entitled:

"AN ACT DEFINING THE CRIME OF STALKING AND PROVIDING THE PENALTIES THEREFOR"

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached Senate Bill No. 3401 prepared by the Committees entitled:

"AN ACT
DEFINING THE CRIME OF STALKING AND PROVIDING PENALTIES
THEREFOR"

be approved in substitution of Senate Bill Nos. 135, ¹⁰²⁴ and ¹¹⁹⁶ with Senators Pangilinan, ^{VILLAR} Defensor-Santiago, and Escudero as authors thereof.

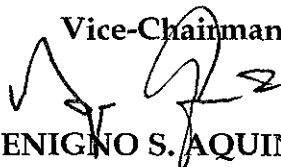
Respectfully Submitted:

Chairman:



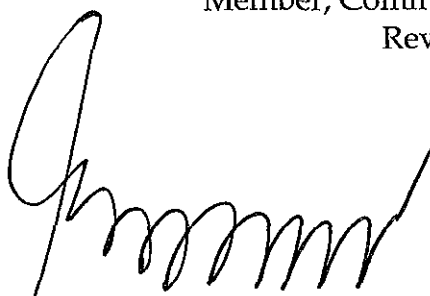
FRANCIS G. ESCUDERO
Committee on Justice and Human Rights
Committee on Constitutional Amendments,
Revision of Codes and Laws

Vice-Chairman:




BENIGNO S. AQUINO III
Committee on Justice and Human Rights
Member, Committee on Constitutional Amendments,
Revision of Codes and Laws

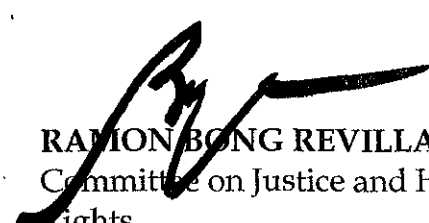
Members:




GREGORIO B. HONASAN II
Committee on Justice and Human Rights



MAR ROXAS
Committees on Justice and Human Rights;
and Constitutional Amendments, Revision
of Codes and Laws




RAMON BONG REVILLA, JR.
Committee on Justice and Human
Rights




RODOLFO G. BIAZON
Committees on Justice and
Human Rights; and Constitutional
Amendments, Revision of Codes
and Laws

by amendment

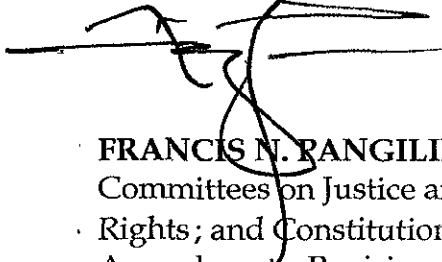

M.A. MADRIGAL
Committees on Justice and Human Rights;
and Constitutional Amendments, Revision
of Codes and Laws

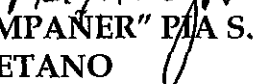

LOREN B. LEGARDA
Committee on Constitutional
Amendments, Revision of Codes
and Laws

RICHARD J. GORDON
Committee on Constitutional Amendments
Revision of Codes and Laws


MANUEL "LITO" M. LAPID
Committee on Constitutional
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and Laws

**ALAN PETER "COMPAÑERO S.
CAYETANO**
Committee on Justice and Human Rights

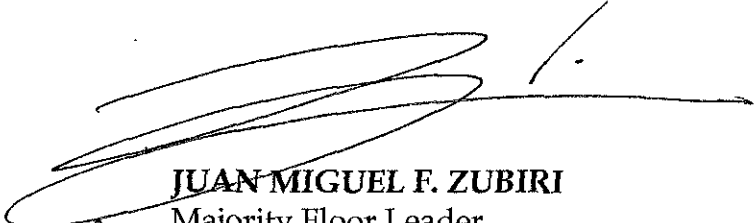

FRANCIS N. RANGILINAN
Committees on Justice and Human
Rights; and Constitutional
Amendments, Revision of Codes
and Laws



**"COMPAÑERO" PIA S.
CAYETANO**
Committee on Constitutional Amendments,
Revision of Codes and Laws

JOKER P. ARROYO
Committee on Constitutional
Amendments, Revision of Codes
and Laws

Ex-Officio Members:


JINGGOY EJERCITO ESTRADA
President Pro-Tempore


JUAN MIGUEL F. ZUBIRI
Majority Floor Leader

may amend:

AQUILINO Q. PIMENTEL JR.
Minority Floor Leader


Hon. JUAN PONCE ENRILE
Senate President
Senate of the Philippines
Pasay City

Second Regular Session
THIRD

2017

9 JUN 24 2017

SENATE

RECEIVED BY: 

S.B. No. 3401

Prepared jointly by the Committees on Justice and Human Rights and Constitutional Amendments, Revision of Codes and Laws with Senators Pangilinan, Villar, Defensor Santiago and Escudero as authors thereof

**AN ACT
DEFINING THE CRIME OF STALKING AND PROVIDING
PENALTIES THEREFOR**

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

1 **SECTION 1.** *Title.* - This Act shall be known as the "The Anti-Stalking Law of the
2 Philippines."

3
4 **SEC. 2.** *Declaration of Policy.* - It is hereby a declared policy of the State to protect
5 and promote every individual's dignity, right to privacy and security, peace of mind,
6 and psychological and emotional welfare, and consequently penalize each and every act
7 which, in any manner, undermines the same.

8
9 **SEC. 3.** *Definition of Terms.* - For the purposes of this Act:

10
11 (a) Family - shall mean the spouse, parent, child, any person related within the third
12 degree of consanguinity and affinity, or any person who regularly resides in or is part
13 of the household of the victim.

14 (b) Repeatedly - shall mean at least three (3) separate occasions closely related in
15 time or evidencing a continuity of purpose;

16 (c) Follows - shall mean maintaining a visible physical proximity to another person
17 or pursuing or conducting surveillance upon that person without any legitimate
18 purpose so as to cause a reasonable person to suffer substantial emotional and
19 psychological distress;

1 (d) Harasses - shall mean a willful and malicious course of conduct directed at a
2 specific person which seriously and reasonably alarms, intimidates, torments or
3 terrorizes a person;

4 (e) Disallowed Contact - shall mean any contact with another person that is initiated
5 or continued in a malicious manner and with willful disregard of that person's
6 expressed desire that the conduct be avoided or discontinued and which creates a
7 reasonable belief on the part of that person that it is meant to place him/her in a state of
8 reasonable fear for his or her safety, liberty or privacy, including, but not limited to:

- 9 1. approaching or confronting that person in a public or private place;
- 10 2. entering into or remaining on the property owned, leased, or occupied by
11 that person;
- 12 3. contacting that person by telephone, or by any other means of
13 communication equipment utilized to transmit messages, documents,
14 photos, images, videos, or information through air, radio or satellite
15 frequencies;
- 16 4. sending mail or other means of oral or written communications to that
17 person; or
- 18 5. causing damage to that person's home or property.

19 (f) Substantial Emotional Distress - shall mean severe mental anguish, fright,
20 anxiety, wounded feelings, moral shock, social humiliation and other similar forms of
21 psychological and emotional distress.

22 (g) Physical Injury - shall mean those injuries defined and punished under Title
23 Eight, Chapter Two, specifically Articles 262 to 266 of the Revised Penal Code;

24 (h) Restraint - shall mean those offenses defined and punished under Title Nine,
25 Chapter One, Section One, specifically Articles 267 and 268, and Title Eleven, Chapter
26 Four, specifically Article 342, of the Revised Penal Code;

27 (i) Sexual Assault - shall mean those offenses defined and punished under Title
28 Eleven, Chapter Two, specifically Articles 335 and 336 of the Revised Penal Code;

29 (j) Minor - shall refer to a person under eighteen (18) years of age.

30
31 **SEC. 4. Stalking.** - Any person who shall repeatedly follow, harass and/or commit
32 disallowed contact against another person or his/her family after having been given
33 reasonable warning or request to desist therefrom by or on behalf of the person so
34 followed, harassed and/or contacted, with the reasonable belief on the part of such
35 person or such person's family that such act/s so perpetrated place/s him/her or

1 his/her family under fear of death, physical injury, unlawful restraint, sexual assault or
2 other similar analogous circumstances shall be guilty of the crime of stalking.

3
4 **SEC. 5.** *Penal Provision.*- Any person convicted of the crime of stalking shall be
5 punished by *prision correccional* and/or a fine of not less than One Hundred Thousand
6 Pesos (Php 100,000.00) but not more than Five Hundred Thousand Pesos (Php
7 500,000.00), or both, at the discretion of the court.

8
9 If the victim is a woman or minor the highest penalty shall be imposed.

10
11 **SEC. 6.** *Injunction and Posting of Bond.* - Any victim of stalking shall have the right
12 to ask for an injunction from the court before which the case has been filed, ordering the
13 accused to refrain from the acts complained of as stalking. In which case, and if the
14 evidence of guilt is strong, the accused shall likewise be required to post a bond in cash
15 or in two (2) sufficient sureties, in an amount to be fixed by the court depending upon
16 the gravity of the acts alleged to have been committed by the accused as stalking,
17 conditioned upon the undertaking to be contained in the injunction order.

18 The injunction shall be issued and the bond shall be ordered posted only after the
19 filing of a written and verified motion therefor, with attached proof of service to the
20 accused, and hearing on the motion to determine whether the evidence of the
21 prosecution warrants an injunction and/or is strong.

22
23 **SEC. 7.** *Counseling.* - Any person convicted of the crime of stalking shall be
24 required to undergo medical, psychological or psychiatric examination and treatment
25 and enter and remain in a specific institution for that purpose when in the discretion of
26 the court, which ordered the conviction, the same is required and the evidence so
27 warrants.

28
29 **SEC. 8.** *Supplementary Applications.* - The provisions of Act No. 3815, as amended, or
30 Revised Penal Code, in so far as they are applicable shall be *supplementary* to this act.

31
32 **SEC. 9.** *Separability Clause.* - In the event that any provision of this Act is declared
33 void or unconstitutional such declaration shall not affect the validity of the unaffected
34 provisions of this Act.

1 **SEC. 10.** *Effectivity.* - This Act shall take effect fifteen (15) days after its publication
2 in two (2) newspapers of general circulation or the Official Gazette.

3

4 *Approved.*

FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)

Second Regular Session

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SENATE

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COMMITTEE REPORT NO. 560

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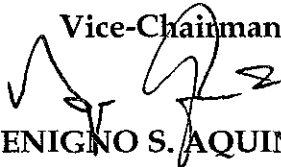
Respectfully Submitted:

Chairman:



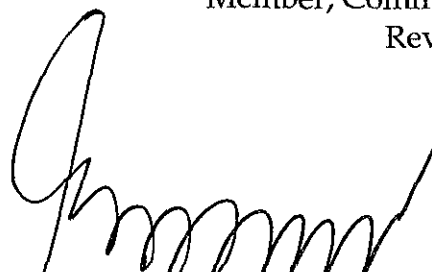
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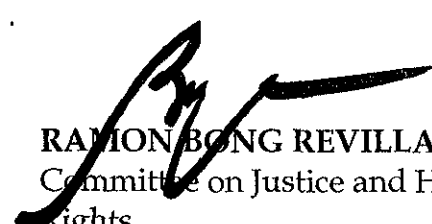


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Member, Committee on Constitutional Amendments,
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Members:




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RODOLFO G. BIAZON
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by amend

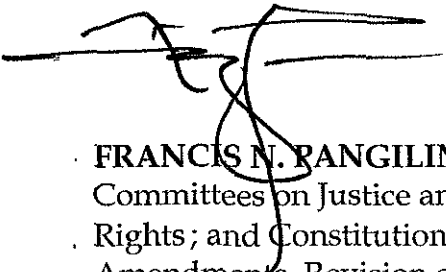

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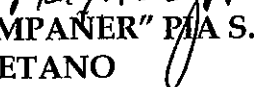

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30 Revised Penal Code, in so far as they are applicable shall be *suppletory* to this act.

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