

Republic of the Philippines  
HOUSE OF THE REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session

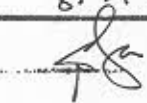
HOUSE BILL No. 803

Page 1 of 6

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HOUSE OF REPRESENTATIVES

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Introduced by HON. RODEL M. BATOCABE, HON. ALFREDO A. GARBIN, Jr. and  
HON. CHRISTOPHER S. CO

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### EXPLANATORY NOTE

This bill seeks to deter, prosecute, and eliminate bullies and the culture of bullying, especially the commission of such acts against the marginalized, oppressed, and powerless (hereinafter referred to as MOP's), and to establish institutions that caters to the promotion of equality and social justice among citizens, regardless of race, ethnic origin, religion, or religious affiliation or beliefs, sexual orientation, gender identity, social status, age, looks, or political beliefs.

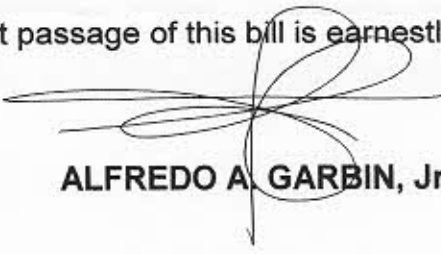
The 1987 Constitution declares that the State values the dignity of every human person and guarantees full respect for human rights. It also imposes on the State the duty to ensure the fundamental equality before the law of men and women. In addition, the Philippines is a signatory to numerous international agreements that seek to ensure respect for the human rights of all persons regardless of race, ethnic origin, religion, or religious affiliation or beliefs, sexual orientation, gender identity, social status, age, looks, or political beliefs.

Unfortunately, people who belong to the marginalized, oppressed, and powerless sectors of society, such as women, children, religious minorities, the LGBT community and indigenous peoples are still subject to the physical and verbal abuses of those who are close-minded and discriminatory against them. No one has yet been prosecuted for these constitutionally offensive acts.

It is high time that we instill in our people that the freedom of speech is not without limits; that in order to attain equality and social justice and maintain the democracy for which our ancestors died, the State needs to install measures to prevent the undue suffering of the marginalized through the bullying of the perpetrators, and to prevent MOP-bullying in society.

Accordingly, the swift passage of this bill is earnestly sought.

  
RODEL M. BATOCABE

  
ALFREDO A. GARBIN, Jr.

  
CHRISTOPHER S. CO

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Introduced by HON. RODEL M. BATOCABE, HON. ALFREDO A. GARBIN, Jr. and  
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1 AN ACT  
2 DEFINING AND PENALIZING THE CRIME OF BULLYING OF THE MARGINALIZED,  
3 OPPRESSED AND POWERLESS

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

6 **SECTION 1. Title** – This Act shall be known as the “ANTI-MOP-BULLYING ACT OF  
7 2016.”

8 **SECTION 2. Declaration of Policy.** It is the policy of the State to:

- 9 (a) Maintain peace and order, protect life, liberty and property, and promote the  
10 general welfare for the enjoyment of the blessings of democracy by all  
11 people;
- 12 (b) Recognize and promote the rights of the marginalized and oppressed citizens  
13 within the framework of national unity and development;
- 14 (c) Give the highest priority to the enactment of measures that protect and  
15 enhance the right of all the people to human dignity; reduce social, economic  
16 and political inequalities; and remove cultural inequities by equitably diffusing  
17 wealth and political power for the common good.

18 **SECTION 3. Definition of Terms.** For the purpose of this Act, the following terms shall  
19 mean:

- 20 (a) *Discrimination* shall refer to any distinction, exclusion, restriction or reference  
21 made on the basis race, ethnic origin, religion, or religious affiliation or  
22 beliefs, sexual orientation, gender identity, social status, age, looks, or  
23 political beliefs, whether perceived or actual, which has the effect or purpose  
24 of impairing or nullifying the recognition, enjoyment or exercise, on an equal  
25 footing, of the human rights and fundamental freedoms in the political,  
26 economic, social, cultural, civil, or any other field of public life of a person.
- 27 (b) *Education* shall refer to all types and levels of education, and includes  
28 access to education, the standard and quality of education, and the  
29 conditions under which it is given.
- 30 (c) *Electronic devices* shall include, but are not limited to, telephones and mobile  
31 phones, computers, laptops and tablets, or any other device, tool or  
32 implement that may be developed for instant messaging, text messaging,  
33 chatting, emailing, video chatting, interaction in social networking websites,  
34 or other virtual interaction.

1 (d) *Employment* shall refer to the existence of an employer-employee  
2 relationship, which is determined by the four-fold test;

3 (1) Selection of the employee;

4 (2) Payment of wages;

5 (3) Power of dismissal; and

6 (4) Power of control.

7 This definition shall apply to regular, probational, contractual, seasonal  
8 and project-based workers. In legitimate contracting or subcontracting  
9 arrangements, the contractor/subcontractor shall be deemed the employer  
10 of the contractual employee.

11 (e) *Ethnic origin* shall refer to the race, color, descent, national origin and  
12 ethnolinguistics origin of a person.

13 (f) *Indigenous peoples* as provided under Section 3(h), Chapter II of Republic  
14 Act No. 8371 or "The Indigenous Peoples Rights Act of 1997," shall refer to a  
15 group of people or homogenous societies identified by self-ascription and  
16 ascription by others, who have continuously lived as an organized community  
17 on communally bounded and defined territory, and who have, under claims of  
18 ownership since time immemorial, occupied, possessed and utilized such  
19 territories, sharing common bonds of language, customs, traditions and other  
20 distinctive cultural traits, or who have, through resistance to political, social  
21 and cultural inroads of colonization, non-indigenous religions and cultures,  
22 became historically differentiated from the majority of Filipinos. Indigenous  
23 Cultural Communities/Indigenous Peoples (ICCs/IPs) shall likewise include  
24 peoples who are regarded as indigenous on account of their descent from  
25 the populations which inhabited the country, at the time of conquest or  
26 colonization, or at the time of inroads of non-indigenous religions and  
27 cultures, or the establishment of present state boundaries, who retain some  
28 or all of their own social, economic, cultural and political institutions, but who  
29 may have been displaced from their traditional domains or who may have  
30 resettled outside their ancestral domains.

31 (g) *Marginalization* refers to the social process of becoming or being relegated to  
32 an unimportant or powerless position within a group, such that communities  
33 and individuals are prevented from exercising their rights and from being  
34 given opportunities and resources due to them.

35 (h) *Oppression* refers to a socially supported mistreatment and exploitation of a  
36 group or category of people by anyone, most usually a person or group of  
37 persons in the exercise of his/her/their authority.

38 (i) *Religious belief* refers to a strong belief in a supernatural power or powers  
39 that control human destiny.

40 **SECTION 4. Acts of MOP-bullying.** For purposes of this Act, bullying of the  
41 marginalized, oppressed, and powerless, or "MOP-bullying" shall refer to any severe or  
42 repeated use by one or more persons of a written, verbal or electronic expression, or a  
43 physical act or gesture, or any combination thereof, directed at another person because  
44 of his race, ethnic origin, religion, or religious affiliation or beliefs, sexual orientation,  
45 gender identity, social status, age, looks, or political beliefs, that has the effect of  
46 actually causing or placing the latter in reasonable fear of physical or emotional harm or  
47 damage to his property; creating a hostile environment in the political, economic, social,  
48 cultural, civil, or any other field of public life of the latter; infringing on the rights of the  
49 latter; or materially and substantially disrupting the public life of the latter or the orderly

1 operation of public establishments intended for the use and enjoyment of the general  
2 public; such as, but not limited to, the following:

- 3 (a) Any unwanted physical contact between the bully and the victim like  
4 punching, pushing, shoving, kicking, slapping, tickling, headlocks, inflicting  
5 pranks, teasing, fighting and the use of available objects as weapons;  
6 (b) Any act that causes damage to a victim's psyche and/or emotional well-  
7 being;  
8 (c) Any slanderous statement or accusation that causes the victim undue  
9 emotional distress like directing foul language or profanity at the target,  
10 name-calling, tormenting and commenting negatively on the victim's looks,  
11 clothes and body;  
12 (d) Any act of discrimination where a person physically or verbally abuses  
13 another because of race, ethnic origin, religion or religious affiliation or  
14 beliefs, sexual orientation, gender identity, social status, age, looks, or  
15 political beliefs; and  
16 (e) Cyber-bullying or any bullying done through the use of technology or any  
17 electronic means.

18 **SECTION 5. Persons Liable.** Any natural person who commits MOP-bullying through  
19 any of the acts described in the preceding section shall be liable under this Act.

20 Any person, natural or juridical, including government of private corporation, institution  
21 or company who requests, instructs, induces, encourages, authorizes or assists another  
22 to commit acts of MOP-bullying shall also be liable under this Act. Any natural or  
23 juridical person who is duty-bound to act on complaints of discrimination under this Act  
24 but fails or refuses to do so shall be deemed to have sanctioned the act, and shall  
25 consequently be held equally liable for MOP-bullying.

26 All government officers and workers are obliged to discourage and prevent MOP-  
27 bullying from occurring in the discharge of their duties and responsibilities.

28 **SECTION 6. Duty of the Commission on Human Rights (CHR).** It shall be the duty of  
29 the Commission on Human Rights (CHR), in coordination with concerned agencies and  
30 organizations, to prevent or deter the commission of acts of mar-bullying and to provide  
31 the procedures for the resolution, settlement or prosecution of acts of mar-bullying.  
32 Towards this end, the CHR shall:

- 33 (a) Promulgate appropriate rules and regulations for the investigation of mar-  
34 bullying cases and the administrative sanctions therefore;  
35 (b) Oversee the implementation of this Act by agencies, corporations, companies  
36 and educational institutions, whether private or public;  
37 (c) Establish guidelines and mechanisms that will facilitate access of bullied  
38 persons to legal remedies under this Act and related laws, and enhance the  
39 protection and promotion of the rights of the Filipino people against mar-  
40 bullying on the basis of race, ethnic origin, religion or religious affiliation or  
41 beliefs, sexual orientation, gender identity, social status, age, looks, or  
42 political beliefs;  
43 (d) Coordinate with the Department of Education (DepEd) for the promotion of  
44 understanding and racial, cultural, gender and social harmony in schools;

1 (e) Assist in the filing of cases against individuals, agencies, institutions or  
2 establishments, whether private or public, that violate the provisions of this  
3 Act. For this purpose, the CHR shall:

- 4 (1) Provide legal assistance to victims of MOP-bullying such as  
5 through the preparation of necessary pleadings, referral letters  
6 and counseling;  
7 (2) Forget Memoranda of Agreement with Bar Associations, non-  
8 governmental organizations, law firms, and organizations that  
9 provide legal aid to victims of mar-bullying to ensure adequate  
10 and competent legal representation for the complainants;  
11 (3) Accredite lawyers who will accept *pro bono* cases under this  
12 Act; and  
13 (4) Create an efficient system of case referrals to appropriate  
14 government departments or agencies.

15 **SECTION 7. Common Penal Provisions.** Any person liable under this Act shall be  
16 penalized by *arresto mayor* or imprisonment for a period of not less than thirty (30) days  
17 or more than six (6) months and/or fine of not less than Ten thousand pesos  
18 (Php10,000.00) nor more than One hundred thousand pesos (Php100,000.00), taking  
19 into consideration the circumstances and gravity of the offense and the following  
20 conditions, to wit:

- 21 (a) The penalty provided under this Act shall be imposed in its maximum period if  
22 the offender has been previously convicted under this Act;  
23 (b) When the offender is a corporation, penalty or association, the officer or  
24 employee thereof who is responsible for the violation of this Act shall suffer  
25 the penalty imposed in its maximum period;  
26 (c) The penalty provided herein shall be imposed in its maximum period when  
27 the perpetrator is an ascendant, parent, guardian, stepparent or collateral  
28 relative within the second degree of consanguinity or affinity of the victim, or  
29 is the manager or owner of an establishment which has no license to operate  
30 or whose license has expired or has been previously revoked;  
31 (d) An offender who is a foreigner shall be deported immediately after service of  
32 sentence and shall be forever barred entry into the country;  
33 (e) The penalty provided for in this Act shall be imposed in its maximum period if  
34 the offender is a public official, officer or employee: *Provided*, That the  
35 penalty of suspension shall also be imposed; and  
36 (f) A fine to be determined by the court shall be imposed, which shall be remitted  
37 by the courts to the CHR to be administered as a cash fund and disbursed for  
38 the assistance of the victims.

39 **SECTION 8. Administrative Proceedings and Sanctions.** Upon finding by the CHR  
40 that a department, agency or instrumentality of government, government-owned and –  
41 controlled corporation, or local government unit has violated any provision of this Act  
42 and its implementing rules and regulations, the sanctions under administrative law, civil  
43 service, or other appropriate laws shall be recommended to the Civil Service  
44 Commission (CSC) and/or the Department of Interior and Local Government (DILG).  
45 The person directly responsible for the violation as well as the head of the agency or  
46 local chief executive shall be held liable under this Act.

47 **SECTION 9. Reparation to Victims.** In addition to existing laws and procedural rules  
48 for reparation to victims, the following measures shall be undertaken:

1 (a) The court, administrative agency, or quasi-judicial body shall follow the  
2 principles relating to the reparations to, or in respect of, victims, including  
3 restitution, compensation and rehabilitation. In their decisions, the court,  
4 administrative agency, or quasi-judicial body, may, either upon request or on  
5 their own volition, in exceptional circumstances, determine the scope and  
6 extent of any damage, loss or injury to the victims, stating therein the  
7 principles on which they are acting;

8 (b) The court, administrative agency, or quasi-judicial body may make an order  
9 directly against a convicted person, specifying appropriate reparation to, or in  
10 respect of, victims, including restitution, compensation and rehabilitation; and

11 (c) Before making an order under this section, the court, administrative agency,  
12 or quasi-judicial body shall invite and shall take into account representations  
13 from, or on behalf of, the convicted person, victims or other interested  
14 persons.

15 Nothing in this section shall be interpreted as prejudicing the rights of victims  
16 under national or international law.

17 **SECTION 10. Separability Clause.** - If any provision of this Act is declared invalid or  
18 unconstitutional, the other provisions not affected thereby shall continue to be in full  
19 force and effect.

20 **SECTION 11. Repealing Clause.** - All laws, decrees, executive orders or rules and  
21 regulations contrary to or inconsistent with the provisions of this Act are hereby  
22 repealed or modified accordingly.

23 **SECTION 12. Effectivity Clause.** This Act shall take effect fifteen (15) days from its  
24 publication in the Official Gazette or in at least two (2) newspapers of general  
25 circulation.

26 *Approved.*