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SENATE

Senate Bill No. 2442

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INTRODUCED BY HON. MANNY VILLAR

EXPLANATORY NOTE

The Constitution mandates the State to uphold human rights, including the dignity of every human person, and the right of the people to be secure in their persons, houses, papers, against unreasonable searches and seizures of whatever nature and for any purpose.

Further, the Civil Code provides:

"Art. 26. Every person shall respect the dignity, personality, privacy and peace of mind of his neighbors and other persons. The following and similar acts, though they may not constitute a criminal offense, shall produce a cause of action for damages, prevention and other relief:

- (1) Prying into the privacy of another's residence;
- (2) Meddling with or disturbing the private life or family relations of another;
- (3) Intriguing to cause another to be alienated from his friends;
- (4) Vexing or humiliating another on account of his religious beliefs, lowly station in life, place of birth, physical defect, or other personal condition."

These legal rights are violated by "stalking," which is an act described herein as harassing, bothering, frightening and otherwise interfering with the private lives of people. The act is a form of disguised intimidation which may be a subtle attempt at harassment.

Existing civil and criminal remedies are insufficient to prevent the commission of the act. This bill therefore, seeks to define and penalize the acts constituting the crime of stalking.


MANNY VILLAR

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

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-Stalking Act."

Section 2. Declaration of Policy. - It is hereby declared the policy of the State to penalize stalking acts which violate the right of every person to privacy.

Section 3. Definition of Terms.

- (a) "Harasses" means to engage in a knowing and willful conduct that -
- (1) is directed at a particular person; and
 - (2) seriously alarms, disturbs, or terrorizes the person; and
 - (3) serves no legitimate purpose; and
 - (4) would cause a reasonable person to suffer substantial emotional distress; and
 - (5) in fact causes substantial emotional stress to the person.
- (b) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.

Constitutionally-protected activity is not included within the meaning of "course of conduct."

(c) "Credible threat" means a threat made with the intent to cause the person who is the target to reasonably fear his or her safety. The threat must be against the life of, or a threat to cause bodily injury to, a person.

(d) "Emotional distress" means temporary or permanent state of great physical or mental strain.

(e) "Family or household member" means spouses, or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity within the fourth degree, current or former live-in partners or persons who share biological parenthood.

Section 4. Punishable Acts. - A person commits stalking when he or she harasses another by:

(a) making repeated unsolicited telephone calls without the purpose of legitimate communication; or

(b) making repeated communications anonymously or at extremely inconvenient hours, or in offensively coarse language; or

(c) making repeated visits to the victim's home or workplace; or

(d) following or repeatedly maintaining visual or physical proximity to the victim in or about a public place or places; or

(e) engaging in any other course of alarming conduct.

Section 5. Penalty. - Any person who commits any of the acts mentioned in Section 4 shall be punished by Arresto Mayor in its maximum period to Prison Correccional in its minimum period or a fine ranging from P 1,000.00 to P 5,000.00 pesos.

If the offender subsequently commits the same crime or is a family or household member of the victim, the next higher penalty shall be imposed.

Section 6. 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.

Section 7. Repealing Clause. Any law, presidential decree or issuance, executive order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

Section 8. Effectivity. This Act shall take effect fifteen (15) days after its publication in at least two (2) newspaper of general circulation.

Approved,