

## NO! NO! SEXUAL HARRASMENT UPDATES

*by:*  
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In 2019, a lawyer-professor has been suspended by the Supreme Court for sending flowers to his student, texting and inviting his student to go out with him, showing a revealing photo of a girl to his student who looks her, and using sexually-charged language in class.

While this above-stated case may seem about a lawyer, may we just remind ourselves that the Code of Ethics for Professional Teachers instructs teachers to live with dignity, self-discipline, and a dignified personality at all times. To do that, we, teachers, must learn how to behave and project ourselves not just with our students, but with society in general.

While the old law, Republic Act No. 7877 (R.A. 7877) or the Anti-Sexual Harassment Act of 1995, is still in effect, a new law, Republic Act 11313 (R.A. 11313) or Safe Spaces Act, has become effective in 2019. So here are three updates on anti-sexual harassment law.

First, the requirement of power, authority, or moral ascendancy with R.A. 7877 is no longer needed in R.A. 11313. With this, while the former law criminalizes the sexual conduct /harassment by a superior to a subordinate or by a teacher to a student, the new law criminalizes the sexual conduct /harassment made by a teacher to a teacher or among peers, by a subordinate to a superior, by a student to a teacher, and by student to another student.

Second, R.A. 11313 defines gender-based sexual harassment, thus, it is no longer needed that a sexual favor be made, but any unwanted or uninvited sexual actions or remarks to any person, regardless of the offender's motive, will suffice. For example, wolf-whistling,

stalking, and catcalling are now forms of sexual harassment, regardless of who made it, to whom the same was addressed, and for whatever reason, as long as the victims felt offended on the same.

Third, the policy of the State is a zero-tolerance against sexual harassment, thus, the school must take action, and if necessary, take appropriate steps to resolve the situation, should any of their teacher or administration has knowledge about a possible or looming act of sexual harassment or sexual violence, even if an individual/victim does not want to file any complaint.

Thus, if there is a mere gossip among students or teachers that someone possibly committed sexual harassment, the school must take action even there is no complaint yet. Any rumor of sexual harassment or misconduct inside the school must be dealt with immediately and effectively.

*References:*

Re: Anonymous Complaint Against Atty. Cresencio P. Co Untian, Jr.; A.C. No. 5900  
April 10, 2019;  
Code of Ethics for Professional Teachers  
Republic Act No. 7877 or the Anti-Sexual Harassment Act of 1995  
Republic Act 11313 or Safe Spaces Act