

Policy Brief: Localization of the Republic Act No. 11313 or the Safe Spaces Act

1 Executive Summary

Republic Act No. 11313, or the Safe Spaces Act (SSA), fundamentally expanded protections against gender-based violence in the Philippines by penalizing sexual harassment across streets, public spaces, and online platforms. This landmark legislation shifted the legal paradigm by dismantling the outdated requirement of "moral ascendancy," ensuring protection for all persons regardless of sex, sexual orientation, or gender identity. However, despite Joint Memorandum Circular 2020-01 from the Philippine Commission on Women (PCW) and the Department of the Interior and Local Government (DILG) mandating Local Government Units (LGUs) to serve as primary frontline enforcers, grassroots implementation remains critically weak. Baseline data from Quezon City underscores the severe normalization of this violence, revealing that 3 out of 5 women—and a staggering 88% of young women aged 18 to 24—have experienced sexual harassment while commuting, with many suffering from severe physical violations like groping. Currently, national mandates fail to protect vulnerable populations due to significant local implementation gaps, including a lack of trained barangay personnel, rigid reporting procedures, and "jurisdictional silos" that leave victims harassed just outside institutional gates without recourse. To translate the Safe Spaces Act from a national policy into a protective community reality, LGUs must bridge the gap through proactive localization. This brief urgently recommends that local councils enact customized local ordinances expressly prohibiting gender-based sexual harassment, establish physical Anti-Sexual Harassment (ASH) Desks and hotlines, invest in environmental security measures, and mandate extensive public information and capacity-building campaigns.

2 Background

The right to navigate public spaces free from fear, harassment, and violence is a fundamental human right and a cornerstone of an inclusive, democratic society. For decades, however, streets, transport terminals, and public corridors in the Philippines have frequently functioned as landscapes of fear for women, girls, and gender minorities. A baseline study conducted in Quezon City, by UN Women & Social Weather Stations (SWS), in 2016 revealed the severe normalization of such violence, demonstrating that a significant majority of women experience sexual harassment in public spaces [1]. The normalization of catcalling, groping, and transphobic slurs has historically restricted the mobility of these vulnerable groups, limited their economic participation, and compromised their physical and psychological well-being [2].

To rectify this deeply entrenched socio-cultural violence, the Philippine government enacted Republic Act No. 11313, widely known as the Safe Spaces Act (SSA) or the Bawal Bastos Law [3]. Since 1995, sexual harassment in the Philippines has been prohibited under Republic Act No. 7877, or the Anti-Sexual Harassment Act of 1995, although its definition was limited to acts occurring in work, education, and training environments; this scope was significantly expanded with the enactment of Republic Act No. 11313, or the Safe Spaces Act, which covers all forms of sexual harassment—verbal, non-verbal, and physical—and seeks to protect all persons, regardless of sex, sexual orientation, and gender identity and expression, from gender-based violence and discrimination in both private and public spaces [4]. This legislation fundamentally shifted the legal paradigm of sexual harassment. It dismantled the outdated legal requirement of "moral ascendancy" or a superior-subordinate relationship, officially

recognizing and penalizing gender-based sexual harassment committed by any individual in streets, public spaces, and online platforms. Rooted in the principles of human rights and intersectional inclusivity, the law explicitly protects individuals against misogynistic, homophobic, and transphobic violence, affirming the right of every citizen to exist in public spaces without the constant threat of predatory behavior [3].

However, national legislation alone cannot dismantle localized cultures of harassment. Because gender-based sexual harassment is a hyper-local reality—occurring in community streets, local transport hubs, and barangay alleys—the Philippine Commission on Women (PCW) and the Department of the Interior and Local Government (DILG) issued Joint Memorandum Circular No. 2020-01 [5]. This critical directive mandates all local government units (LGUs) to serve as the primary frontline enforcers of the Safe Spaces Act. Despite this clear mandate, a critical gap persists. Without customized local ordinances, localized apprehension protocols, and dedicated grassroots funding, the Safe Spaces Act risks remaining a symbolic national edict rather than a protective community reality. Translating this legislation from paper to pavement is not merely an administrative compliance requirement; it is an urgent moral imperative. LGUs must bridge this gap to actively reclaim public spaces, ensuring that the promise of a society free from fear is felt by every woman and gender minority in their daily lives.

3. Evidence/Key Findings

3.1. The Case of Quezon City: Safe Cities Initiative

To understand the urgent need for localizing the Safe Spaces Act, one must examine the foundational baseline data that originally catalyzed the Safe Cities Metro Manila Programme—a flagship partnership between UN Women and the Quezon City Local Government [1]. This initiative provided the first-ever research data in the country on the prevalence and incidence of sexual violence against women and girls (SVAWG) in public spaces, highlighting critical gaps that LGUs must address.

UN Women baseline research revealed that 3 out of 5 women have experienced a form of sexual harassment while commuting in Metro Manila. The vulnerability is heavily concentrated among young adults, with a staggering 88% of women aged 18 to 24 reporting that they have experienced some form of sexual harassment.

The data dismantled the misconception that street harassment is limited to "minor" verbal offenses. 1 in 3 of these women experienced the worst, most aggressive forms of sexual harassment. This explicitly includes witnessing male public exposure and masturbation, as well as rubbing or groping (panghihipo) inside cramped public utility vehicles like the MRT and jeepneys.

The study mapped exactly where these offenses occur, proving that harassment is embedded in daily municipal infrastructure. Women experience these violations as they use public transport, wait at terminals, navigate markets and malls, or simply walk home through their own neighborhoods.

The data highlighted a severe lack of functional reporting mechanisms. Whether due to deeply ingrained shame or fear of retaliation, women traditionally ignore and keep silent about catcalls, wolf-whistling, stalking, repeated demands for their phone numbers, and indecent language.

Prior to the national passage of the Safe Spaces Act, Quezon City demonstrated the exact blueprint for localization. In response to the baseline data, the Quezon City Local

Government successfully passed pioneering amendments to its Gender and Development Code. This localized legislation specifically increased penalties for sexual harassment and SVAWG in public spaces, proving that when an LGU acts, it directly bridges the gap between knowing the problem and actively preventing it.

3.2. Localization of the Safe Spaces Act provides essential definitions that establish the framework for LGU implementation

Under the SSA, **Gender** refers to socially ascribed characteristics, roles, norms, and expectations. Gender Identity and/or Expression relates to a person's internal sense of identity, characterized by their manner of clothing, behavior, and inclinations in relation to masculine or feminine conventions.

The law's coverage is expansive, encompassing streets, alleys, sidewalks, public parks, schools, malls, transportation terminals, and public utility vehicles (PUVs).

This offense is committed through any unwanted and uninvited sexual actions or remarks against any person in a public space, regardless of the perpetrator's motive. Common forms include catcalling, intrusive gazing, flashing, groping, stalking, and the persistent telling of sexual jokes.

The law classifies certain severe acts as "Qualified GBSH". This applies if the harassment occurs in a PUV where the perpetrator is the driver and the victim is a passenger, or if the offended party belongs to a vulnerable demographic, such as a minor, a senior citizen, or a person with disability (PWD).

3.3. Implementation Gaps

Despite the national mandate, evidence shows that many barangays lack dedicated, trained personnel to handle GBSH cases. Because victims often face harassment in transit or just outside institutional boundaries (like school gates), they frequently fall into jurisdictional silos where local authorities fail to recognize or penalize the offense properly without a localized ordinance [6].

For students and workers, while internal campus or workplace premises are often perceived as safe due to security checks, a critical gap exists right outside the gates. Harassment frequently occurs in immediate off-campus zones (e.g., poorly lit streets, transport terminals). However, companies or institutions frequently refuse to intervene in these off-site incidents, citing a lack of jurisdiction, leaving vulnerable population, women and girls without institutional or legal recourse.

Furthermore, existing anti-harassment policies often impose rigid procedural barriers, such as a strict five-day window for filing complaints. This technicality fails to account for the trauma victims experience and effectively bars many from seeking justice.

4. Recommendations

Enact a Localized Ordinance, where city, municipal, and barangay councils must pass ordinances that localize the applicability of the SSA. These local ordinances should expressly prohibit misogynistic, transphobic, homophobic, and sexist remarks in public spaces. LGUs must set up physical ASH Desks at city and municipal halls, managed by trained ASH Desk Officers, to expedite the receipt and processing of GBSH complaints. Furthermore, dedicated ASH Hotlines must be established to direct emergency reports immediately to service providers. LGUs can invest in security measures, such as to install and maintain functional CCTV cameras along major roads, alleys, and sidewalks to aid in evidence gathering and deter GBSH in public areas. Along, Information Dissemination and Capacity Building, the local governments

must post copies of the SSA and the corresponding local ordinances in conspicuous public places. LGUs should conduct extensive information campaigns, anti-sexual harassment seminars, and capacity-building programs to ensure constituents understand gender dynamics and legal protections.

References

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