UNDERSTANDING THE LAW ON SEXUAL HARASSMENT IN EDUCATION OR TRAINING ENVIRONMENT

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In education or training environment, teachers have the responsibility to protect and respect their students from abuses or sexual harassments. On the other hand, students must be aware that there is a law existing against sexual harassment in education or training environment so that they will be aware as to when they are sexually harassed and eventually, protect themselves from possible sexual harassment cases. It must be noted that Republic Act No. 7877 or the Anti-Sexual Harassment Act of 1995 is a criminal case. However, this criminal case will not bar the filing of an administrative case and civil case against offenders.

Under Republic Act No. 7877 or the Anti-Sexual Harassment Act of 1995, sexual harassment in education or training environment is committed by a teacher, instructor, professor, coach, trainor, or any person who, having authority, influence or moral ascendancy over another in a training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the student, trainee or apprentice.\(^1\) It may also be committed by any person who directs or induces another to commit any act of sexual harassment or who cooperates in the commission thereof by another without which it would not have been committed.\(^2\)

Based on the law, sexual harassment is committed against the student regardless whether the demand, request or requirement of sexual favors from the teacher, instructor, professor, coach, trainor, or any person who, having authority, influence or moral ascendancy over another in a training or education environment, is accepted or not. What is important is there is a demand, request or requirement of sexual favor.

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Sexual harassment in an education or training environment is committed against one who is under the care, custody or supervision of the offender, or against one whose education, training, apprenticeship or tutorship is entrusted to the offender. This means that students, trainees or apprentices, regardless of their gender, are the victims.

Sexual harassment is committed when the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or consideration. It is also committed when the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

Sexual harassment cases are serious matters that must be given attention for the students, trainees or apprentices who are so young to be burdened by bad experiences that may haunt them for the rest of their lives.

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