
TOWARDS CREATING A RESPECTFUL COMMUNITY BEHAVIOR: A Critical Review of the Safe Spaces Act's Enforcement and Challenges

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Republic Act No. 11313 otherwise known as Safe Spaces Act or the Bawal Bastos Law was enacted in 2019 that aims to combat all forms of gender based sexual harassment in various public and private places which includes streets, educational institution, office or workplace, online platforms, among others. The law covers a broad scope that would ensure that everyone is safeguarded and protected from unwanted sexual actions or remarks in multiple environments and of different form of sexual harassment. Violation of the law imposes penalties such as imprisonment or fines.

Safe Spaces Act or the Bawal Bastos Law has marked its purpose showing strength through its comprehensive coverage that extends to a broad scope of protection that includes the streets, public spaces, workplaces, schools, and online environment. It sends a clear message that any forms of harassment will not be tolerated whether a simple catcalling on the streets, improper behavior in schools, and unwarranted online advances. Its intent to cover physical and online spaces acknowledges the realities of modern harassment especially in the online community which is equally serious and damaging as physical harassment. With the increasing use of internet and social media, this is a crucial aspect of the law. Vulnerable groups are also given particular protection where it reinforces the law's commitment to protect human dignity and ensure that everyone enjoy the public spaces without fear of harassment. The inclusive nature of the law, as provided in its comprehensive definition of harassment, ensures that it adapts to various form of harassment making it more difficult for perpetrators to escape accountability and hide behind the gray areas of the law. By addressing sexual harassment in areas of less attention, responsibility is not just projected towards victims to avoid harassment, but is an idea of shared responsibility enjoining society as a whole to ensure that public areas remain free from harassment.

While the law takes a significant step toward addressing such issues, its implementation is facing several challenges hindering its effectiveness. Despite mandating institutions to establish policies and mechanisms in the addressing and reporting complaints, many educational institutions and workplaces have failed to effectively implement mandates. Several testimonies from educational institutions show inconsistent enforcement and institutional accountability. One instance happened in one of the schools in Bacoar where one student had reported of being harassed by one of his physical education teachers however, despite courageously exposing the predatory behaviors of faculty members, faculty members of the school favored the teacher accusing the student of tarnishing the teacher's honor. Administrators outright dismissed their complaints and said they were just overthinking.

Instead of immediate action, the school officials failed to conduct immediate investigation and provide psychological intervention.^[1] Said instances indicate that perpetrators face minimal consequences, some merely being transferred to a different school rather than facing criminal or administrative charges. The lack of accountability shouts for stronger policies and strict implementation of the law, to create a systematized investigatory procedure that would instill bravery rather than fear when faced with such unwanted sexual advances.

One factor that deters effective implementation of the law is the deep-rooted cultural norms such that institutions and workplaces prioritize reputation over the safety of its constituents, discouraging victims from telling their stories then end up secluding themselves contrary to the goal of the law to protect human dignity. Such resistance in reporting is often seen in environment with hierarchical structures. To break such resistance, the law should emphasize a comprehensive approach that would incorporate effective legal enforcement, educational initiatives, and community engagement that would help shift culture-based perceptions and promote respect and inclusivity.

In the efforts of strengthening public education and awareness, the law's reach and effectiveness remain limited. Such gap in the widespread understanding of the law prevents people from realizing their rights and the protections afforded to them. One way to inform the people of the provisions of the law, is to hold awareness sessions, seminars, or public information drive. For example, the Department of Trade and Industry (DTI) organized an awareness session to educate their employees of the significance of the law and emphasizing discussion in creating safer environments for all individuals.^[2]

Such efforts are recognized, however the wider audience can be found on the community, the law should have extended efforts to reach educational discussions to the community incorporating lessons on consent, respect, and gender equality. To promote community engagement and localized implementation, the law should provide intensified approach in compelling community leaders such as barangay officials to make sure that they have a strong foundation of the law and a clear understanding of their roles in its enforcement.

The law also failed to include the provision of institutional support to the victims that would encourage them in reporting and ensuring that justice be served. Aside from the perpetrators, victims should be given attention more through establishment of support services such as counseling, legal assistance and financial support the victims of harassment. Through these

^[1] G. David, How Lax Implementation of Safe Spaces Act Fails to Exact Justice for Survivors (2024) available at <https://phkule.org/article/1213/uncovering-how-legal-systems-fail-to-exact-justice-for-sexual-harassment-survivors/> (last visited June 3, 2025)

^[2] <https://www.dti.gov.ph/pab/pab-news/dti-pab-holds-awareness-session-on-safe-spaces-act-in-celebration-of-womens-month/#:~:text=In%20celebration%20of%20this%20year's,Makati%20City.>

policies that protect victims, it can help mitigate the trauma associated with harassment and ensure that they feel safe when reporting sexual harassment incidents.

Same with some of our laws, the Safe Spaces Act also operates alongside other laws addressing sexual harassment and gender-based violence such as the Anti-Violence Against Women and Children Act. While these laws complement each other, they also show overlapping provisions that can lead to confusion regarding jurisdiction and what appropriate legal recourse to be availed by the victim that potentially complicates seeking for justice. To address these issues, it is essential for law enforcement agencies and legal practitioners to know the distinctions between these laws.

Though the Safe Spaces Act entails a progressive move in addressing gender-based sexual harassment in the Philippines, its effectiveness is compromised with its enforcement, cultural resistance, victim support, and overlapping legal frameworks. The Safe Spaces Act is not just a piece of legislation but a tool for cultural transformation. The success of its implementation depends on changing the perspective and attitude of people towards harassment and setting the norm of respectful behavior.