

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HB NO. 371



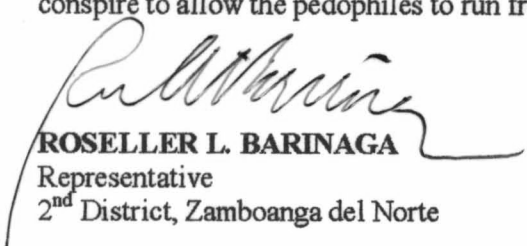
Introduced by **Rep. Roseller L. Barinaga**

EXPLANATORY NOTE

It has been noted both here and abroad that violations against Republic Act No. 7610 (or the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act) continue undated. A substantial number of child rape and sexual molestations as well as cases of child prostitution involving minors below the age of twelve (12) continue to be bannered in dailies and newspapers. Even more scandalous is the deplorable or blatant corrupt manner by which some government agencies and more so law enforcement officers handle these cases.

To correct the situation it is urgent that Republic Act No. 7610 be amended to effect the following: a) causing a mandatory hold departure order for those accused on cases involving children below twelve (12) years old to prevent the culprits from fleeing abroad, and b) making law enforcers and other government officers, including members of the judiciary and Justice Department criminally culpable for willfully abetting these crimes or causing or assisting in the plight of those accused.

It is hoped that this bill, once passed into law, will help deter those in government who would conspire to allow the pedophiles to run free from justice.



ROSELLER L. BARINAGA

Representative

2nd District, Zamboanga del Norte

Congress of the Philippines)
Thirteenth Congress)
First Regular Session)

HOUSE OF REPRESENTATIVES

371

HB NO. _____

Introduced by Rep. Roseller L. Barinaga

AN ACT

AMENDING REPUBLIC ACT NO. 7610 OTHERWISE KNOWN AS THE SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION ACT, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Another Section shall be added to Article XI (II), entitled Remedial Measures which shall read as follows:

“SEC. 31 *AUTOMATIC HOLD ORDERS FOR THOSE ACCUSED.* - NO PERSON ACCUSED OF VIOLATIONS AGAINST REPUBLIC ACT NO. 7610, INCLUDING FOREIGNERS, MAYBE ALLOWED TO LEAVE THE COUNTRY DURING THE PENDENCY OF THEIR CASES. FOR THIS PURPOSE, THE COMMISSION ON IMMIGRATION AND DEPORTATION SHALL AUTOMATICALLY ISSUE A HOLD ORDER AGAINST ANY FOREIGN TRAVEL BY ANY ACCUSED.”

SEC. 2. An entirely new Article shall be inserted between Article VII (7) and Article VIII (8) of republic Act No. 7610 and thus become the new Article VIII (8) which shall read as follows:

“ARTICLE VIII

MEMBERS OF THE LAW ENFORCEMENT SECTOR, THE JUSTICE DEPARTMENT, AND THE JUDICIARY WHO ABET THE MISCARRIAGE OF JUSTICE.”

“SEC. 12. *PENALTIES FOR LAW ENFORCERS AND MEMBERS OF THE JUSTICE DEPARTMENT AND THE JUDICIARY WHO FACILITATE THE ESCAPE OF PERSONS ACCUSED OF VIOLATIONS OF REPUBLIC ACT NO. 7610.* - ANY LAW ENFORCER OR MEMBER OF THE JUSTICE DEPARTMENT, INCLUDING THE COMMISSION ON IMMIGRATION AND DEPORTATION, OR ANY MEMBER OF THE JUDICIARY WHO FACILITATES THE ESCAPE OF ANY ACCUSED SHALL BE PROSECUTED, AND IF FOUND GUILTY, SHALL BE PUNISHED BY IMPRISONMENT OF NOT LESS THAN FIVE (5) YEARS AND NOT MORE THAN TWELVE (12) YEARS.

A LAW ENFORCER OR MEMBER OF THE JUSTICE DEPARTMENT OR MEMBER OF THE JUDICIARY SHALL BE DEEMED TO HAVE FACILITATED THE ESCAPE OF AN ACCUSED OR CAUSED A MISCARRIAGE OF JUSTICE IF:

1. HE OR SHE FAILS TO INFORM THE CID OF A CASE OF VIOLATION OF REPUBLIC ACT NO. 7610 IN ACCORDANCE WITH THIS ACT; OR

2. HE OR SHE FAILS TO ISSUE THE HOLD ORDER AGAINST ANY ACCUSED IN ACCORDANCE WITH THIS ACT; OR

3. REFUSES TO ARREST ANY ACCUSED PURSUANT TO HIS/HER DUTIES AS STIPULATED IN THIS ACT; OR

4. FAILS TO PREVENT ANY ACCUSED FROM LEAVING THE COUNTRY;
OR

5. IN HIS OR HER CUSTODY, ANY ACCUSED ESCAPES DETENTION AND/OR SUCCEEDS IN LEAVING THE COUNTRY.”

SEC. 3. *Resequencing of Republic Act No. 7610.* – All the numbers of Articles and Sections affected by these amendments shall correspondingly be charged in accordance with the new sequence required by the amendments herein.

SEC. 4. *Repealing Clause.* – All Acts and Decrees or parts of Acts and Decrees, executive orders, laws, ordinances and statutes and their implementing rules and regulations inconsistent with the provision of this Act are hereby repealed, amended or modified accordingly.

SEC. 5. *Separability Clause.* - If any provision or parts of this Act is declared invalid, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SEC. 6. *Effectivity.* – This Act shall take effect upon its approval.

Approved.