Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

13th Congress
First Regular Session

HOUSE BILL NO. 771



Introduced by Representative Harlin Cast. Abayon

EXPLANATORY NOTE

As early as 1995, the Department of Social Welfare and Development posted a nerve-shaking report about child prostitutes in the Philippines estimated then to be around sixty thousand (60,000.00). In the internet, our country is featured and made known as sex tourism spot because of our numerous and cheap child prostitutes. When the economic crisis in our midst, this number posted years ago, will surely rise as parents got unemployed-children drop out from school and become substitute bread winners of the family; while our peso becoming cheaper in the comparison to dollar-a condition favorable to foreign pedophiles.

As we are battling for economic recovery, legislating and adopting measures that would save us from recession and greater poverty, it is also wise and imperative that we protect our children against in human livelihood (prostitution), prevent parents not to take desperate decision like selling their children to pedophiles, and punish persons who destroy the future of our children. After all, for whom are we doing this economic battle but for Filipino children poor and rich alike.

Article XVI, Section 2, paragraph 2 of our Constitution mandates the State to defend the right of the Children to assistance, and special protection from all forms of negligence, abuse, cruelty, exploitation and other conditions prejudicial to their development.

Considering that the problem of pedophilia is serious and remains unabated, a approval of the bill is urgently urged.

HARLIN CAST. ABAYON

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AN ACT
DEFINING THE CRIME OF EDOPHILIA AND IMPOSNG PENALTIES THEREFOR.

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

SECTION 1. ***Declaration of Policy***.- The State shall defend the right of the children to assistance and special protection from all forms of negligence, abuse, cruelty, exploitation and other conditions prejudicial to their development. Towards this end, pedophilia is hereby declared a felony.

SECTION 2. ***Definition of Terms***.- For purposes of this Act, the term:

(a) " Pedophilia" shall refer to a psycho-sexual perversion in which the offender engages in sexually explicit conduct against children

(b) " Pedophile" shall refer to a person who engages in pedophilia as defined herein, who can be homosexual, bisexual or heterosexual in orientation.

(c) "Children" shall mean minors below fifteen (15) years of age.

(d) " Sexually explicit conduct" shall refer to actual or simulated, assasultive or non-assasultive.

(1) Sexual intercourse, including sexual contact in the manner of genital-genital, oral-genital, oral-anal contact, whether between persons of the same opposite sex;

(2) Sexual contact, to mean the intentional touching, either directly or through clothing of the enitalia, anus groin, breast, inner thigh, or buttocks of any child with the intent to abuse, humiliate, harass, degrade, arose, or gratify

(3) sexual desire of any person, including masturbation, lewd exhibition of the genitalia or public area, sadistic or masochistic abuse, pederasty and sodomy.

(e) " Assaultive" shall refer to forced sex contact involving the threat of harm or the use of violence to perform the abuse or molestation.

(f) " Non-assaultive" shall refer to pressured sex contact wherein the offender uses enticement of the child, with affection, attention, or material goods, cajoling or parental collusion in taking advantage of the age, naivete and relations of the victim.

(g) "Masturbation" shall include solitary or manual manipulation of the genital with the hand, or the manual stimulation of the genitals of the victim, the offender or both during the production of child pornography or child erotica, or while observing the child bathing, undressing, excreting, engaging I lewd exhibition or performing sexually explicit conduct.

(h) "Child Pornography" shall refer to sexually explicit material with children as subject; sexually explicit reproduction of child's image or voice, including sexually explicit photographic graphics, film slides, magazines, videotapes, audiotapes and handwritten notes.

(i) "Child erotica" shall refer to any material relating to children that serves as a sexual purpose for a given individual.

(j) "Pederasty" shall mean sexual contact between adult males and consenting children for reasons of producing satisfactory relationship for both adults and the children.

(k) "Sodomy" shall refer to anal or other corpulation-like act between persons of the same sex, or between a person and an animal. This includes fellatio, cunnilingus, digital or penile penetration of the anus, rectum, or vigana,, or the rubbing of the offender's penis on the genital or rectal area, inner thighs, or buttocks of the child.

(l) "Fellation" shall order to the oral stimulation of the penis of the offender or the child.

(m) Cunnilingus" shall refer to the oral stimulation if the vulva or vagina of the offender of the child.

SECTION 3. ***Assistance to the Victims of the Crime of Pedophilia***- There shall be a special and specific assistance program to the victims of the crime of pedophilia other than those provided in Article II, Section 4 of Republic Act No. 7610, to be carried

out by the Department of Social Welfare and Development (DSWD). The same shall include, but not limited to, the establishment of shelters, counseling and rehabilitation program for the victims f pedophilia.

SECTION 4. ***Report on Pedophilia Cases***.- Any responsible officer of a hospital or medical institution who has treated any child for injuries, either physical or mental, resulting from the commission of pedophilia, shall report the incident to the DSWD or to any nearest police station.

SECTION 5. ***Penalties***- The penalty of reclusion temporal in its maximum period and a fine of not less than One Hundred Thousand Pesos (Php 100,000.00) nor more than Two Hundred Thousand Pesos (Php 200,000.00) shall be imposed in case of sexual intercourse and upon persons who engage in the business of, or profit by, or enlist the services of children for purpose of pedophilia.

If by reason of sexual intercourse the child dies or becomes insane, the penalty of reclusion perpetua and a fine of not less than Three Thousand Pesos (Php 300,000.00) nor more than Five Thousand Pesos (Php 500,000.00) shall be imposed.

Pederasty shall be punished by prison correctional in its medium period shall be imposed.

In case of sexual contact, the penalty of arresto mayor in its maximum period shall be imposed .

In case of masturbation, child pornography and sodomy, the offender shall be punished by arresto minor in its maximum period.

In cases of child erotica, fellatio and cunnilingus, the penalty of arresto mayor in its medium period shall be imposed.

If the accused is a foreigner, the Bureau of Immigration shall issue a hold departure order upon the issuance of a court order granting bail. He shall be deported only upon service of the sentence.

SECTION 6. ***Repealing Clause***.- All laws, decrees, orders, rules and regulations, and other issuances, or parts thereof, inconsistent with this Act are hereby repealed or modified accordingly, except seduction under Articles 337 and 338, Chapter III, Title XI of the Revised Penal Code, Republic Act No. 7659 on heinous crimes and Republic Act No. 7610 on child abuse.

SECTION 7. ***Effectivity Clause***.- This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspaper of general circulation.

Approved.