

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress
First Regular Session

HOUSE BILL NO. 2857



Introduced by Honorable BIENVENIDO M. ABANTE, JR.

EXPLANATORY NOTE

It is the policy of the State to value the dignity of every human person and Congress is mandated under the Constitution to give highest priority to the enactment of measures to protect and enhance the right of all the people to human dignity, while educational institutions are similarly mandated to strengthen spiritual values and to develop moral character.

Added to this is the fact that we are imploring the aid of Almighty God in building our society and in establishing our government. Our society must therefore conform with these Constitutional declarations and must have proper moral background. But we cannot call ours as a moral society with prostitution abounding. Let our people be warned that they that commit fornication, wickedness and maliciousness are worthy of death which is God's judgment (Romans 1:29), and they that do adultery, fornication and lasciviousness which are the works of the flesh shall not inherit the kingdom of God (Galatians 5:19-21). To effectively check this particular ill of our society, those who indulge or have participation in prostitution should be punished. Under our present law, only the prostitute is punished. To make the law more effective, not only should the penalty be increased but that those having sexual relations with, including those who procure, prostitutes, as well as pimps ought to be punished too. It cannot be denied that families have either been broken or gone hungry, and lives of young women shattered due to or by reason of this immoral act called prostitution.

In the light of all the foregoing, the immediate passage of this Bill is earnestly
prayed for.



BIENVENIDO M. ABANTE, JR.

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AN ACT
PROHIBITING AND PENALIZING PROSTITUTION AND SEXUAL
RELATION WITH AND SOLICITATION OR PROCUREMENT OF,
PROSTITUTES, AMENDING FOR THE PURPOSE ARTICLE 202 OF ACT NO.
3815 OTHERWISE KNOWN AS "THE REVISED PENAL CODE."

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

Section. 1. Title. – This Act shall be known as the “Anti- Prostitution Act of 2004”.

Sec. 2. Declaration of Policy. – It is the policy of the State to protect the dignity of its citizenry, especially the women, and to preserve spiritual values, and to promote moral character among the people. Towards this end, the government shall wage a relentless drive against prostitution all over the country.

Sec.3. Definition of Terms. - As used in this Act, the following terms shall mean:

- a) Prostitution. - the act or practice of giving the body for sexual relations for money, profit or other valuable consideration, or for pleasure.
- b) Prostitute. - any person who, for money, profit, other valuable consideration, or for pleasure, habitually engages or indulges in sexual relation with another

- c) Sexual Relation. - any act committed for sexual gratification, including sexual intercourse, embracing and kissing, fondling of the female breast and/or the organ of reproduction, and other acts of lasciviousness.
- d) Pimp.-a person who procures clients or users of prostitutes.
- e) Procurer.-a person natural or juridical, who procures man or women for prostitution.
- f) Pander. - a person who encourages another to indulge in prostitution or to become a prostitute.
- g) User. - a person who has or engages in sexual relation with a prostitute, regardless of the frequency of such sexual relation.

Sec. 4. Prohibited Acts. - It is hereby declared prohibited, unlawful and punishable under this Act to be a prostitute, pimp, procurer, pander or user, as the terms are defined under Section 3 herein.

Sec. 5. Persons Liable and Penalties. - The following are liable and punishable under this Act as follows:

- a) The penalty of imprisonment of not less than one (1) year nor more than two (2) years shall be imposed upon a person found guilty as a prostitute.
- b) The penalty of imprisonment of not less than two (2) years nor more than three (3) years shall be imposed upon a person found guilty as a pimp.
- c) The penalty of imprisonment of not less than three (3) years nor more than four (4) years shall be imposed upon a person found guilty as a procurer: Provided, that if the procurer is a juridical person , the President, General Manager and the members of the Board of Directors shall be liable.
- d) The penalty of imprisonment of not less than two (2) years nor more than three (3) years shall be imposed upon a person found guilty as a pander: Provided, that if the pander is the parent or guardian of the person encouraged to engage in prostitution or to become a prostitute, he shall, upon conviction suffer the penalty of imprisonment of not less than three (3) years nor more than four (4) years.

e) The penalty of imprisonment of not less than three (3) years nor more than four (4) years shall be imposed upon a person found guilty as a user: Provided, that if the user is a public official or employee, the penalty of imprisonment of not less than four (4) years nor more than five (5) years shall be imposed: Provided further, that if the user is an elective or appointive public official, the penalty of imprisonment of not less than five (5) years nor more than six (6) years shall be imposed.

In any case, the guilty person shall not be entitled to the benefits of the Probation Law: Provided, that if the offender is a foreigner, he shall, after serving his sentence, be deported immediately without the need of further proceedings; Provided further, that if the offender is a minor who is not exempt from criminal liability under the pertinent provisions of Act No. 3815, otherwise known as the Revised Penal Code, he shall be proceeded against in accordance with the pertinent provisions of the said Code and other laws or decrees, rules and regulations regarding minor or youthful offenders.

Sec. 6. Witness Protection and Immunity from Prosecution. - any person who provides material information, whether testimonial or documentary, necessary for the investigation and prosecution of persons under this Act shall be placed under the Witness Protection Program under republic Act NO. 6981, and any person who serves as a witness for the government or provides evidence in a criminal case involving any violation of this Act shall be immune from any criminal prosecution.

Sec. 7. Separability Clause. - If for any reason any section or provision of this Act, or any portion thereof, or the application of such section or provision or portion thereof to any person, group or circumstance is declared invalid or unconstitutional, the remaining provisions of this Act shall not be affected by such declaration and shall remain in force and effect.

Sec. 8. Amendatory Clause.- The pertinent provisions of Article 202 of Act NO. 3815, otherwise known as "The Revised Penal Code" in so far as they are inconsistent herewith, are hereby expressly amended or modified accordingly.

Sec. 9. Repealing Clause. - The provisions of other laws, decrees, executive orders, rules and regulations inconsistent with this Act are hereby repealed, amended or modified accordingly.

Sec. 10. Effectivity. – This Act shall take effect within fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,