

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress
First Regular Session

HOUSE BILL NO. 2887



Introduced by Honorable **BIENVENIDO M. ABANTE, JR.**

EXPLANATORY NOTE

Jesus Christ declared that whosoever looketh on a woman to lust after her hath committed adultery with her already in his heart (Matthew 5:28). If indeed our country is the ONLY (so-called) CHRISTIAN country in Asia, and if therefore we are TRUE BELIEVERS in Him, then we must submit to the Biblical injunction to: GLORIFY GOD in our BODY and in our SPIRIT which are God's, for we are bought with a price (I Corinthians 6:20); do all things DECENTLY and in order (I Corinthians 14:40); and abstain from FLESHLY LUSTS which was against the SOUL (I Peter 2:11). Perhaps it is in this context that the Fundamental Law of our land declares that the State VALUES the DIGNITY of every HUMAN PERSON and shall PROMOTE the MORAL, SPIRITUAL and SOCIAL well-being of the youth, and has MANDATED Congress to give HIGHEST PRIORITY to the enactment of measures that PROTECT and ENHANCE the RIGHT of all the people to HUMAN DIGNITY. The Constitution even mandates educational institutions to STRENGTHEN ETHICAL and SPIRITUAL VALUES and DEVELOP MORAL CHARACTER.

WE are living witnesses to broken homes and families, shattered dreams of parents and children, rising crimes against persons and chastity, unwarranted and/or early pregnancies, abortions, child abuse, and utter lack of respect to human values and dignity. The moral fibers of our society continue to disintegrate, and OBSCENITY and PORNOGRAPHY have greatly contributed to these ills of society. We must come back to a society where we have a moral foundation to stand and where the law is respected and obeyed.

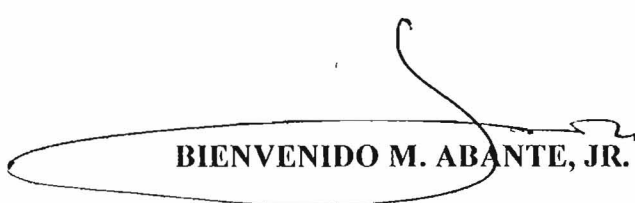
A 13-year old girl got pregnant because she and her 14-year old boyfriend discovered her father's cache of pornography and they imitated the sexual acts portrayed in these materials. Studies showed that high percentage of high school students are actually doing sexually what they had seen in pornography. This only shows the "modeling" effect or "imitating-learning" effect as well as "triggering" effect that pornography has on human sexual behavior. Studies likewise showed that people exposed to pornography have greater acceptance of pre- and extramarital sex, and an enhancement of the belief that male and female promiscuity is natural. Further studies showed that most sex offenders emulate the acts they saw depicted in pornography and they use pornography depicting sex to arouse them preparatory to seeking a victim.

True, God also believes in ART. But He created art for His HONOR and GLORY, hence, God's art must reflect His beauty, His perfection, His goodness and His Holiness. So-called art that runs counter to these criteria should be considered IMMORAL. So-called "art" that actually sparks and fuels the depraved evil nature of human being is no art at all and should be declared IMMORAL and ILLEGAL. Nude erotic poses of man and woman do not reflect "art". There is no art in it. Such poses are in reality conceived of to arouse public interest with a view to EARN.

While freedom of speech and of the press guarantees the right to utter and publish whatever one pleases, yet, if for its blasphemy, obscene or scandalous character, the same may be curtailed under the police power of the State to promote the general welfare. Censorship of immoral or indecent pictures is not a violation of such freedom. Obscenity is utterly without redeeming social value, hence, it should be restrained.

Unless we act now with determination and dispatch, our children may no longer be able to recover from the DEVASTATING effect of obscenity and pornography. As the Bible tells us, withhold not good from them to whom it is due, when it is in the power of thine hand to do it (Proverbs 3:17). Let us not be judged by history that we, as legislators of our country, who should be examples of moral values have become apathetic and unconcerned to the cry of our people, particularly the youth, in bringing back moral values to our beloved country.

The immediate passage of this Bill therefore is earnestly prayed for.



BIENVENIDO M. ABANTE, JR.

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AN ACT
PROHIBITING AND PENALIZING THE PRODUCTION, PRINTING,
PUBLICATION, IMPORTATION, SALE, DISTRIBUTION AND EXHIBITION
OF OBSCENE AND PORNOGRAPHIC MOVIES AND MATERIALS, AND THE
EXHIBITION OF LIVE SEXUAL ACTS, AMENDING FOR THE PURPOSE
ART. 201 OF THE REVISED PENAL CODE.

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

Section 1. Title. – This act shall be known as the “**ANTI-OBSCENITY AND PORNOGRAPHY ACT OF 2004**”.

Section 2. Declaration of Policy. – It is the policy of the State to give special value to the dignity of every human person and to promote and safeguard its integrity and the moral, spiritual and social well-being of its citizenry, especially the youth in general and women in particular, from the pernicious effects of obscenity and pornography.

To effectively enforce this policy, the government shall wage a relentless campaign against obscenity and pornography. Likewise, the government shall see to it that educational institutions are complying with their Constitutional mandate to strengthen ethical and spiritual values and to develop moral character and personal discipline.

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

- a.) **Obscene.** - Anything that is indecent, erotic, or offensive or contrary to good customs or religious beliefs, principles or doctrines, or which tends to corrupt or deprave the human mind, or is calculated to excite impure imagination or arouse purient interest, or which violates the proprieties of language and human behavior, regardless of the motive of the producer, printer, publisher, writer, importer, seller, distributor or exhibitor, such as but not limited to:
1. showing, depicting or describing sexual acts;
 2. showing, depicting or describing human sexual organs or the female breasts;
 3. showing, depicting or describing completely nude human bodies;
 4. describing erotic reactions, feelings or experiences on sexual acts; or
 5. performing live sexual acts of whatever form.
- b.) **Pornographic or Pornography.**- Objects or subject of photography, illustrations, paintings, drawings, writings, literature, billboards, posters, movies, music records, video and VHS tapes, VCD, DVD, CD or laser disc, television shows or programs, magazines, newspapers, tabloids, newsletter and comic books calculated to excite or stimulate sexual drive or impure imagination, regardless of the motive of the author thereof.
- c.) **Materials.**- Newspapers, tabloids, magazines, newsletters, literature, articles, writings and comic books regardless of the frequency and place of publication or circulation, whether its circulation is limited to subscribers, and whether printed in the Philippines or abroad; photographs, drawings, illustrations, drawings, billboards, and posters; movies, television shows or programs, music records, video and VHS tapes, VCD, DVD, CD, laser disc, and similar matters, whether produced in the Philippines or abroad.

d.) Sex.- The area of human behavior concerning sexual activity, sexual desires and instinct and their expressions.

e.) Sexual act.- Having sex or act of satisfying one's sex instinct.

f.) Magazine.- a paperback periodical publication of writings by different authors, often illustrated and with advertisement, whether printed in the Philippines or abroad.

g.) Comic book.- magazine consisting of narrative cartoon drawings.

Section 4. Punishable Acts.- The following acts are declared illegal and punishable:

- a) Producing, importing or distributing obscene or pornographic movies;
- b) Showing or exhibiting, or causing the showing or exhibition of, distributing or selling obscene or pornographic movies, in or by means of any of the materials, as may be applicable, as the terms are defined under this Act;
- c) Printing, publishing, showing, exhibiting or advertising or causing the printing, publication, showing exhibition or advertising of anything obscene or pornographic, other than movies, in any of the materials, as may be applicable, as the terms are defined under this Act;
- d) Printing, publishing, importing, selling or distributing, any magazine or comic books containing anything obscene or pornographic as the terms are defined under this Act;
- e) Showing, exhibiting, selling or distributing obscene or pornographic movies in video or VHS tapes, VCD, DVD, CD, laser disc and similar materials, whether produced in the Philippines or abroad, in a restaurant, club, or other places open to the public, including private buildings, places or houses where the viewers are not limited to the owner thereof and the members of his family;

- f) Writing any obscene or pornographic article in any newspaper, tabloid, magazine, newsletter or comic books;
- g) Performing, or allowing the performance of, live sex or sexual act in any place open to public viewing.

Section 5. Penalties.- The following penalties shall be imposed upon any person found guilty of committing any of the prohibited acts under Section 4 of this Act:

- a.) For producing, importing or distributing obscene or pornographic movies, the penalty of imprisonment of not less than four (4) years nor more than five (5) years and a fine of not less than One Hundred Thousand Pesos (P100,000.00) nor more than Three Hundred Thousand Pesos (P300,000.00) shall be imposed.
- b.) For showing, exhibiting, distributing or selling, or causing the showing, exhibition, distribution, or sale of obscene or pornographic movies in, or by means of, any of the materials, as may be applicable, as defined in this Act, the penalty of imprisonment of not less than six (6) years nor more than ten (10) years and a fine of not less than Five Hundred Thousand Pesos (P500,000.00) nor more than One Million Pesos (P1,000,000.00) shall be imposed.
- c.) For printing, publishing, showing, exhibiting, or advertising, or causing the printing, publication, showing, exhibition or advertisement of anything obscene or pornographic, other than movies, in any of the materials, as may be applicable, as defined in this Act, the penalty of not less than five (5) years nor more than seven (7) years and a fine of not less than Four Hundred Thousand Pesos (P400,000.00) nor more than Seven Hundred Thousand Pesos (P700,000.00) shall be imposed.

- d.) For printing, importing, selling, or distributing any magazine or comic book containing anything obscene or pornographic, as defined in this Act, the penalty of imprisonment of not less than four (4) years nor more than five (5) years and a fine of not less than One Hundred Thousand Pesos (P100,000.00) nor more than Three Hundred Thousand Pesos (P300,000.00) shall be imposed.
- e.) For showing, exhibiting, selling or distributing obscene or pornographic movies in video or VHS tapes, VCD, DVD, CD, laser disc or similar means, whether produced, copied or recorded in the Philippines or abroad, in any department store, restaurant, club or other similar places open to the public, including private buildings, houses or places where the viewers are not limited to the owner thereof and members of his family, the penalty of imprisonment of not less than six (6) years nor more than ten (10) years and a fine of not less than Five Hundred Thousand Pesos (P500,000.00) nor more than One Million Pesos (1,000,000.00) shall be imposed.
- f.) For writing any obscene or pornographic article in any newspaper, tabloid, magazine, newsletter or comic book, the penalty of imprisonment of not less than three (3) years nor more than five (5) years and a fine of not less than Fifty Thousand Pesos (50,000.00) nor more than Two Hundred Thousand Pesos (200,000.00) shall be imposed.
- g.) For performing, or allowing the performance of, any live sex or sexual act in any place open to public viewing, the penalty of imprisonment of not less than five (5) years nor more than seven years (7) and a fine of not less than Three Hundred Thousand Pesos (P300,000.00) nor

more than Five Hundred Thousand Pesos (P500,000.00) shall be imposed,

In any case, if the offender is a juridical person, the President, General Manager, Members of the Board of Directors, Editor-in-Chief, Production, Sales, Marketing and Advertising, Departments'/Sections' Managers or Heads thereof, as the case may be, shall be criminally liable.

Any person found guilty of committing any of the acts punishable under this Act shall not be entitled to the benefits of the Probation Law.

Section 6. Witness Protection and Immunity from Prosecution.- Any person who provides material information, whether testimonial or documentary, necessary for the investigation or prosecution of any one committing any of the acts punishable under this Act and who testifies against such person shall be placed under the Witness Protection Program pursuant to Republic Act No. 6981 and shall be immune from any criminal prosecution, subject to the pertinent provisions of Presidential Decree No. 1732 otherwise known as Decree Providing Immunity from Criminal Prosecution to Government Witnesses and the pertinent provisions of the Rules of Court.

Section 7. Informant's Reward.- Any person who, having knowledge or information of any offense committed under this Act, shall disclose the same which may lead to the arrest and conviction of the offender shall be rewarded an amount to be determined through a policy guidelines to be promulgated by the Department of Justice in coordination with the Movie and Television Review and Classification Board within Sixty (60) days from the effectivity of this Act.

Section 8. Implementing Rules and Regulations.- Within sixty (60) days from the effectivity of this Act, the DOJ, DILG, MTRCB, VRB and other concerned government agencies shall jointly promulgate the implementing rules and regulations, as may be necessary to ensure the efficient and effective implementation of the provisions of this Act: Provided, that absence of such implementing rules and regulations shall not

prevent the arrest, prosecution and conviction of any person committing an offense under this Act.

Section 9. Separability Clause.- If for any reason ,any section or provision of this Act, or any portion thereof, or the application of such section, 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.

Section 10. Repealing Clause.- The provisions of Article 201 of the Revised Penal Code is hereby repealed, and the provisions of other laws, decrees, executive orders, rules and regulations inconsistent with this Act are hereby repealed, amended or modified accordingly.

Section 11. Effectivity.- This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,