

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

Thirteenth Congress  
First Regular Session

House Bill No. 3468



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Introduced by Representative **Imee R. Marcos**

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**EXPLANATORY NOTE**

The internet is one of the most important and revolutionary communication infrastructures the world has ever seen. It has given rise into interaction between people in ways never before possible. Such function of the internet has made transactions and communication more efficient, convenient and less expensive for the people.

Unfortunately, the same function of the internet has likewise given rise to wrongs and crimes committed in cyber space. Through cyber space, conventional crimes like theft, falsification, and even murder are committed by unconventional means. And now, with the continuing rise of the internet, child pornography is rapidly proliferating in the internet due to its widespread reach and capacity for anonymity. One of the more popular forms child pornography is the depiction of schoolgirls as objects or subjects of sexual acts and perversions, whether real or cartoon. In the Philippines, several raids and investigations have been done by the National Bureau of Investigation (NBI) on organizations which engage in cyber prostitution or the rendering of sexual and other obscene performances and exhibitions through the internet. News reports state that the NBI conducted a raid in Laguna where about 70 children, whose age range from seven (7) to sixteen (16), were rescued from a group engaged in child pornography. Just recently, a man was arrested in Canada in connection with an investigation of possessing and making child pornography. Practically unregulated by any governing body beyond parental control and with its vastness affording anonymity, the internet has become a bigger and better venue for child pornography.

This bill seeks to address this problem by penalizing several acts which are either preparatory to or *per se* amounts to child pornography and prostitution. Higher and more stringent standards are set by this bill, taking into account the tenderness and frailness of children. As such, even acts which are not really obscene but are detrimental to the health, development, and moral, spiritual, intellectual, and social well-being of the children. An example of acts which may be detrimental to the health and development of children are internet sites where a child is scantily dressed, or where a child is made to do suggestive poses. The acts of inducing or luring a minor into sexual conduct through a computer or any other electronic device or system is penalized in this act. So are the publication of obscene materials involving a minor and the dissemination of information about a child. It is hoped that this bill will reduce, if not altogether diminish, the rate of circumventions of Republic Act No. 7610 in cyberspace. The author is of the opinion that this bill will assist and empower the Philippine government in its fight against child pornography and its policy to protect all children from any abuse, discrimination and exploitation.

In view hereof, immediate passage of the bill is earnestly sought.

*Imee R. Marcos*  
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**AN ACT**  
**AMENDING REPUBLIC ACT NO. 7610, AS AMENDED, OTHERWISE KNOWN AS THE**  
**SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION**

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

**SECTION 1.** Section 5 (a), Title III, of Republic Act No. 7610 shall be amended to read as follows:

"Section 5. - xxx

The penalty of *reclusion temporal in its medium period* to *reclusion perpetua* shall be imposed upon the following:

(a) those who engage in or promote, facilitate, or induce child prostitution which include but are not limited to the following:

- 1) xxx
- 2) xxx
- 3) xxx
- 4) xxx
- 5) xxx
- 6) Soliciting a minor for unlawful sexual purposes, or engaging in an obscene or indecent act or performance, or for any performance that is otherwise detrimental to the health, and moral, intellectual and social development of children, with the use of a computer or other electronic devise or system;
- 7) Corrupting a minor by using a computer or other electronic devise or system for sexually explicit conduct by: (i) corrupting the morals of a child, or, (ii) enticing or encouraging a minor to commit prostitution; or, (iii) encouraging, inducing, advising, persuading, coercing, ordering, commanding, assisting a minor to run away from home to engage in sexually explicit conduct;
- 8) Knowingly induces a minor by means of a computer, or other electronic devise or system, to engage in sexual intercourse, in an obscene or indecent act or performance, in deviant sexual contact for his or her benefit, or to perform any other act which is otherwise detrimental to the health, and moral, intellectual and social development of children.

**SECTION 2.** *Posting, Exhibiting, Receiving, or Sending Obscene Publications and Indecent Shows on the Internet.* - Article V of Republic Act No. 7610 shall be amended to add section 9-A, which shall read as follows:

"Section 9-A. *Posting, Exhibiting, Receiving, or Sending Obscene Publications and Indecent Shows on the Internet.* - The penalty of *reclusion*

*perpetua* shall be suffered by any person posting, exhibiting, receiving or sending obscene publications and indecent shows, or any other material wherein a child is shown engaged in any sexual or sexually-related acts in the internet.

The following acts are punishable by *reclusion perpetua*:

1. Using a computer to receive, sell, lend, distribute, exhibit materials wherein a child is performing obscene exhibitions, particularly indecent shows or exhibits, or those where a child is portrayed in any manner detrimental to his or her health and moral, intellectual and social development, or wherein a child is shown engaged in sexual or sexually-related acts;

2. Advertising or having in possession with intent to advertise, sell, lend, distribute, exhibit, or give away or show any materials mentioned in the preceding paragraph;

3. Write, print, film, photograph, simulate, graphically depict, publish, utter any advertisement or notice of any kind giving information, directly or indirectly, stating or purporting to state where, how, from whom, or by what means any obscene exhibitions and indecent shows, or wherein a child is shown engaged in sexual or sexually-related acts, can be purchased, obtained or seen via the internet."

If the child used as a performer or subject is below twelve (12) years of age, the penalty shall be imposed in its maximum period.

**SECTION 3. Disseminating Information about a Minor on the Internet.** – Article V of Republic Act No. 7610 shall be amended to add section 9-B, which shall read as follows:

"Section 9-B. *Disseminating Information about a Minor on the Internet.* - It shall be unlawful for any person to send to another, the name, address, and/or phone number of a minor under the following circumstances:

1) With any material or comment about the minor regarding any sexual act, activity or conduct, or any act or performance which is suggestive thereof, or otherwise detrimental to the child's health and moral, intellectual and social development, the penalty of *reclusion temporal* in its medium period shall be meted;

2) For the purpose of facilitating communication or contact with the minor by the third party, whether or not such communication was for sexual purposes, or for the purpose of harassing the minor, the penalty of *prision mayor* in its medium period shall be meted.

If the child used whose information is disseminated is below twelve (12) years of age, the penalty shall be imposed in its maximum period.

**SECTION 4. Separability Clause.** – If any provision or section of this Act or the application thereof to any person or circumstance is held to be invalid, the other provisions or sections of this Act, and the application of such provision or section to other persons or circumstances, shall not be affected thereby.

**SECTION 5. Repealing Clause.** - Any law, presidential decree or issuance, executive order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified, or amended accordingly.

**SECTION 6. Effectivity.** - This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

**Approved,**