

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
1ST Regular Session

HOUSE BILL NO. 4196



Introduced by: **Rep. Rodolfo C. Bacani**

EXPLANATORY NOTE

It is the duty of the State as the *parens patriae* of the people to protect them from any kind of abuse or exploitation especially when such acts are directed against the youth of this country. Our Constitution in Section 13, Article II declares that, "The State recognizes the vital role of the youth in nation-building **and shall promote and protect their physical, moral, spiritual, intellectual and social well-being.** xxx The proliferation of cybersex dens all over the country is an alarming occurrence that depicts the wanton disregard for the dignity of the youth and is a clear violation of their innate right to moral and social development.

In recent raids conducted by the Philippine National Police against cybersex dens, most of the victims recruited to engage in such lascivious acts were minors. Each had their own tragic story to tell on how they were, wittingly or unwittingly, with or without their consent, recruited through inducement of measly monetary consideration or through violence or intimidation. The appalling truth is that some parents or guardians even connive with the operators of such establishments for monetary consideration to lure their own minor children into such despicable acts citing poverty as a compelling reason to do so. To add insult to injury, owners or operators are ineffectually prosecuted because of inconsistencies in our laws.

Our laws seem inadequate in addressing this new form of abuse and exploitation against minors. It is for this reason that certain provisions of RA 7610 otherwise known as Anti-Child Abuse Law is proposed to be amended to conform to the changing times and circumstances. This amendatory measure is the most expedient action given the fact that our law enforcers are left in the dark in search for a precise and particular law essential for the prosecution of offenders.

In view of the foregoing, immediate approval of this bill is earnestly sought.


RODOLFO C. BACANI

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AN ACT

TO PENALIZE ANY PERSON WHO HIRES, PERSUADES, COERCES, INDUCES OR OTHERWISE ENGAGES CHILDREN FOR THE PURPOSE OF PERFORMING LASCIVIOUS ACTS CONSTITUTING INDECENT SHOWS OR EXHIBITION WITH OR WITHOUT THE USE OF SEX TOYS AND SIMILAR PARAPHERNALIA BROADCASTED OVER THE INTERNET WHETHER FOR PROFIT OR NOT AMENDING FOR THE PURPOSE REPUBLIC ACT NUMBER 7610 OTHERWISE KNOWN AS THE SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION AND DISCRIMINATION ACT PROVIDING FOR PENALTIES THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. Section 9 of Republic Act 7610 otherwise known as The Special Protection of Children Against Abuse, Exploitation and Discrimination Act is hereby amended to read as follows:

Section 9. Obscene Publications and Indecent Shows. - Any person who shall hire, employ, use, persuade, induce or coerce a child to perform in obscene exhibitions and indecent shows, whether live or in video, or model in obscene publications or pornographic materials or to sell or distribute the said materials shall suffer the penalty of prision mayor in its medium period.

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

Any ascendant, guardian, or person entrusted in any capacity with the care of a child who shall cause and/or allow such child to be employed or to participate in an obscene play, scene, act, movie or show or in any other acts covered by this section shall suffer the penalty of prision mayor in its medium period.

SECTION 9-A. INDECENT SHOWS AND EXHIBITIONS BROADCASTED OVER THE INTERNET.- ANY PERSON WHO SHALL HIRE, PERSUADES, COERCES, INDUCES, WITH OR WITHOUT MONETARY CONSIDERATION, OR OTHERWISE ENGAGES A CHILD, WITH OR WITHOUT THE LATTER'S CONSENT, FOR THE PURPOSE OF PERFORMING LASCIVIOUS ACTS CONSTITUTING INDECENT SHOW OR EXHIBITION WHETHER OR NOT WITH THE USE SEX TOYS AND OTHER SIMILAR PARAPHERNALIA IN FRONT OF A WEB CAMERA CONNECTED TO A COMPUTER UNIT AND BROADCASTED OVER THE INTERNET WHETHER DONE FOR PROFIT OR NOT SHALL SUFFER THE PENALTY OF RECLUSION TEMPORAL IN ITS MEDIUM PERIOD.

IF THE PERSON IS A PARENT, GRANDPARENT, RELATIVE IN ANY DEGREE, WHETHER BY CONSANGUINITY OR AFFINITY, OR A GUARDIAN WHO PERSUADES, INDUCES, COERCES OR INTIMIDATES THE CHILD FOR THE

PURPOSE OF COMMITTING THE ACTS AS DESCRIBED IN THE PRECEDING PARAGRAPH THE PENALTY OF RECLUSION TEMPORAL IN ITS MINIMUM PERIOD SHALL BE IMPOSED INCLUDING THE ACCESSORY PENALTY OF LOSS OF PARENTAL AUTHORITY OVER THE CHILD.

OWNERS OF ESTABLISHMENTS OF WHATEVER NATURE WHERE THE SAID LACIVIOUS ACTS ARE COMMITTED, WITH OR WITHOUT THEIR KNOWLEDGE OR CONSENT, SHALL SUFFER A PENALTY ONE DEGREE LOWER THAN THAT IMPOSED IN THE PRECEDING PARAGRAPH.

SEC. 2. This Act shall take effect immediately upon completion of its publication in two (2) news papers of general circulation. The publication shall not be later than seven (7) days after approval hereof

Approved,