

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4386



INTRODUCED BY HONORABLE DR. REY B. AQUINO

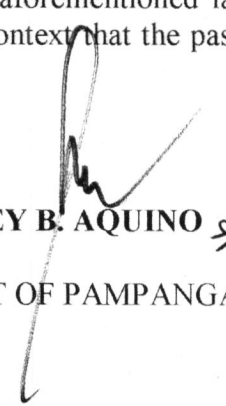
EXPLANATORY NOTE

The development of the Internet and the proliferation of computer technology, as well as mobile technology, have created new opportunities for those who engage in illegal activity. The rise of technology and online communication has made information gathering easier, faster and broader in scope. It has also resulted in the emergence of new varieties of criminal activity, which are in violation of human dignity and disrespect for human being.

The sex industry and the proliferation of pornographic materials depicting man and woman alike and disgusting child pornography have clearly been major reasons for the growth of the Internet. Web sites are one of the most common ways to access and promote pornography, the trafficking of women and children, and prostitution. Many of the Web sites are also instrumental in assisting those interested in sex tourism. For instance, brothels have openly created Web sites that advertise women and children available to be used in pornography and prostitution. What is really disturbing is the growing number of children, and teenagers who are addicted to this activity resulting to the decrease of morality among youths of today.

Curbing the growth or even attempting to eradicate the pornographic images available on the Internet, which has no national borders, is a difficult task that will require international comity; thus, there is a need to make this act an extraterritorial crime.

The rapid expansion and proliferation of Internet pornography notwithstanding the enactment of Anti Trafficking Law is alarming. The aforementioned law does not have enough teeth to combat such problem. It is in this context that the passage of this bill is earnestly sought.

HON. DR. REY B. AQUINO 
Congressman
3RD DISTRICT OF PAMPANGA

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**AN ACT PROHIBITING THE PROLIFERATION OF INDECENCY USING THE
DIFFERENT FORMS OF INFORMATION TECHNOLOGY**

SECTION 1. This act shall be known as "Internet Indecency Act"

SECTION 2. In line with Article II, paragraph 11 of the Philippine Constitution, which reads: *"The State values the dignity of every human person and guarantees full respect for human rights,"* the state shall enact measures and develop programs to promote human dignity and protect all people from exploitation.

SECTION 3. Except as provided in the treaties and laws of preferential application, the provisions of this Act shall be enforced not only within the Philippine Archipelago, including its atmosphere, its interior waters and maritime zone, but also outside of its jurisdiction.

SECTION 4. It shall be unlawful for any person to engage in any form of pornographic exploitation, using any information technology such as cyberspace, satellite, and mobile phones, which includes posting nude pictures, posing and performing indecent and lewd acts and engaging in cyber sex.

For purposes of this act, "cybersex" shall include, but not be limited to, activities pertaining not only to viewing and/or downloading pornography, but also to reading and writing sexually explicit letters and stories, e-mailing to set up personal meetings with someone, placing advertisements to meet sexual partners, visiting sexually-oriented chat rooms, and engaging in interactive sexual online affairs for a fee or for any consideration.

A person who violates this section shall be punished by imprisonment of 5 years or by a fine not exceeding P1, 000,000.00 or both.

SECTION 5. It shall be unlawful for any person to solicit, or persuade, entice, or compel any person from engaging in such activities as mentioned in the preceding paragraph.

A person who violates this section shall be punished by imprisonment of 5 years if the victim is over 18 years of age who acted with consent or by a fine not exceeding P1, 000,000.00 or both and an imprisonment of not less than 10 years if the victim is below 18 years of age, even if the victim acted with consent.

SECTION 6. It shall be unlawful for any person to maintain a business or establishment primarily engaged in services mentioned Section 4 herein.

A person who violates this section shall be punished by imprisonment of 5 years if the victim is over 18 years of age who acted with consent or by a fine not exceeding P1, 000,000.00 or both and an imprisonment of not less than 10 years if the victim is below 18 years of age, even if the victim acted with consent.

The establishment shall be immediately closed and its registration and license to operate shall be revoked.

SECTION 7. A penalty of imprisonment of not less than 10 years shall be imposed upon any person who maintains a website engaged in pornographic exploitation as defined by Section 4 of this Act.

A penalty of imprisonment of not less than 20 years or a fine not less than P500,000.00 or both shall be imposed upon any person if the victim is a minor.

SECTION 8. Any establishment that provides Internet services for the public must device a way to prevent any person to access pornographic sites, and to prevent minors from engaging in any interactive sexual online affairs and conversation.

It is prohibited for such establishments to have a private room where sexual predators can freely commit acts mentioned in sectioned 4 of this Act.

Any person who violates this section shall be punished by imprisonment of 5 years if the victim is over 18 years of age who acted with consent or by a fine not exceeding P1, 000,000.00 or both and an imprisonment of not less than 10 years if the victim is below 18 years of age, even if the victim acted with consent.

The establishment shall be immediately closed and its registration and license to operate shall be revoked.

SECTION 8. The consent of the person exploited to commit any of the acts violating this provision shall not in any way exempt or mitigate the criminal liability of the offender.

SECTION 9. *Separability Clause.* If for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 10. *Effectivity.* - This Act shall take effect fifteen days (15) days from the date of its publication in at least two newspapers of general circulation.

APPROVED _____