

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila
-o0-

13th Congress
Third Regular Session

House Bill No. 6031



Introduced by **HON. TRANQUILINO B. CARMONA, M.D.**

EXPLANATORY NOTE

The proliferation and unregulated circulation of obscene videos otherwise known as “sex and video scandals” in computers, cell/video phones or any variation thereof, have greatly prejudiced the moral fiber of our society, and have triggered evil to invade the pristine thoughts of younger generation;

The balance between the right of individual to privacy and the State’s inherent duty to protect the moral fiber of society tilts either way. Information technology however, has made it convenient for these undesirable/scandalous images like “sex and video scandals” to circulate from cell phone to cell phone and/or cell phone to computer, or vice-versa, from one computer to another, and/or downloads/uploads from the internet;

The activities of circulating, copying, and other similar activities, of “sex and video scandals” have greatly affected students from elementary to high school, for having easy access to these materials. Reports show that students at their tender age and armed with cell phones had already mimicked those sexual activities they had watched from their mobile phones, and they used their very own classrooms as venue for such undesirable activities;

The rampant and unregulated showing/circulation of obscene/pornographic materials constitutes a clear and present danger to the moral and spiritual well-being of the youth, and impairs the mandate of the Constitution for the State to support the rearing of the youth for civil efficiency and the development of moral character and promote their physical, intellectual, and social well-being;

Under the circumstances, the moral values of the people have slowly and effectively been corroded. Ironically, there is a seeming lack of government concern to address this chronic problem of our younger generation. Thus, bold emergency measures must be adopted.

A handwritten signature in black ink, appearing to read "Tranquilino B. Carmona".

TRANQUILINO B. CARMONA, M.D.

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**AN ACT PROVIDING MEASURES TO CURB THE CIRCULATION OF OBSCENITIES
USING INFORMATION TECHNOLOGY RESOURCES**

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

SECTION 1. Definitions. - a) Obscene materials are defined as those materials which the average person applying contemporary community standards would find that a scene/material/image, taken as a whole, appeals to the prurient interest;

b) An uploaded/downloaded scene/image/material is “obscene” if the scene/material/image depicts or describes, actual or simulated: sexual intercourse, sodomy, sexual bestiality, masturbation, sadism, masochism, excretion or lewd exhibition of the genitals, and after applying contemporary community standards, such material is created and presented in such manner that is patently offensive/annoying to one’s religious sensibilities;

c) Information technology resources or “IT resources” include cell phones, computers, data processing or storage functions, computer systems and services, servers, networks, printers and other input/output and connecting devices, and related computer records, programs, software, and documentation;

d) Schools may refer to both private and public schools;

e) Internet houses/cafes shall refer to the venue where clients are being received, entertained, and served by internet/network providers and other similar activities;

f) “Public Viewing” for purposes of this Act, should take place when two (2) or more persons are watching “obscene materials” through information technology resources.

SECTION 2. Unlawful Acts. – (a) No person shall use electronic communication facilities to create, transmit, upload, or download obscene materials for public viewing. The intent to “view in public” the above-mentioned obscene material is presumed.

(b) Any person who shall deliberately/intentionally seek, provide, or obtain such obscene materials is also presumed to have sought, provided, or obtained such obscene material for public viewing;

(c) No person shall distribute or display the obscene materials referred to by this Act through information technology.

SECTION 3. *Enforcement of this Act in Schools.* – a) The Information Technology (IT) Board is hereby created to effectively implement the provisions of this Act, both in public and private, in schools and in internet houses/cafes. The Board shall be composed by the following:

1. National Telecommunications Commission Commissioner;
2. Department of Education Secretary;
3. Commission on Higher Education Commissioner.
4. Philippine National Police Chief

b) The IT Board shall provide technical support and promulgate appropriate rules and regulations for the enforcement of this Act, and to include appropriate mechanism for proper representations of the business sector in the IT BOARD;

c) The President of the Philippines shall designate the head of the Board who may or may not come from the above-mentioned Offices.

SECTION 4. *Penalty.* – a) Any person who violates Sections 2 of this Act or the rules and regulations to be promulgated pursuant thereto, either as principal, accomplice or accessory, shall, upon conviction, suffer a mandatory penalty of three (3) years and one (1) day to nine (9) years imprisonment plus a fine of not less than One Thousand Pesos (P100,000.00) but not more than Two Hundred Thousand Pesos (P200,000.00). Should the offense be committed by a juridical person, the chairman, the president, secretary, treasurer, or the partner responsible therefore, shall be the persons who will be penalized.

b) In event that the policy/corporate act of such juridical person violates the provisions of this Act, or tends to violate, or encourages violation, such juridical persons shall be fined in the amount of not less Three Hundred Thousand Pesos (P300,000.00) and not more than Nine Hundred Thousand (P900,000.00).

The provisions of Presidential Decree No. 968, as amended (Probation Law), shall not apply to persons who have been convicted under this Act, or have found to have violated the implementing rules and regulations of this Act.

SECTION 5. *Assistance in the Enforcement Functions of the BOARD.* - The BOARD may solicit assistance of other agencies and local government units, for a fixed and limited period. The government agencies and local government units exercising the enforcement functions for the BOARD shall, insofar as such functions are concerned, be subjected to the direction and control of the BOARD.

SECTION 6. *Personnel.* - The BOARD may determine its organizational structure and its staffing pattern. It shall have the power to transfer or detail employees. It shall appoint the Secretary of the BOARD who shall be the official custodian of the records of the meetings of the BOARD and who shall perform such other duties and functions as directed by the BOARD.

SECTION 7. *Annual Reports.* - The BOARD shall, within three months after the end of every fiscal year, submit its annual report to the President. The annual report shall include, among others, a statement of the BOARD's accomplishments together with its plans and recommendations to improve and develop its operations and the supervision and regulation of the information technology with respect to the proliferation of obscene materials.

SECTION 8. *Separability Clause.* - In case any provision of this Decree shall be held or declared invalid or unconstitutional, the validity of the other provisions shall not be affected thereby.

SECTION 9. Repealing Clause. - Any provision of law, decree, executive order, letter of instructions or implementation, or other rules and regulations inconsistent with the provisions of this Decree is hereby repealed, amended or modified accordingly.

SECTION 10. Effectivity. - This Decree shall take effect after fifteen (15) days following its publication in the Official Gazette or in the newspaper of general circulation.

APPROVED.