

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1441

Introduced by Honorable CARMELO F. LAZATIN

EXPLANATORY NOTE

With the rapid advancement of information and communication technology nowadays through the World Wide Web, it is alarming to note that even pornography and prostitution has tapped a new channel in a form popularly known as cybersex.

It is indeed upsetting that with the Internet technology now made accessible to minors, the impact on the moral fiber of the society is unimaginable. Amidst of all these are the youth who are the heaviest users and primary audience of mass media. If left unrepressed, these obscene practices will impose their detrimental effects psychologically, morally and physically. Hence, there is an urgent need to intensify the campaign against cybersex given the numerous studies that point out to a higher correlation of exposure to pornography, prostitution and incidence of sex crimes.

With the proliferation of these operations, it is no longer bearable to regulate them on the basis of fairly loose guidelines. Unless rigid measures are founded against these abuses, society will bear the social costs since proliferation of obscene and pornographic materials and rampant exhibition of lewd shows in our midst have threatened the moral fibers of our society.

Thus this bill seeks to prohibit the operation of Philippine-based cybersex in the country and provide penalties for violation. Through this, the State shall at least lessen the widespread incidence of prostitution and pornography in the Philippines that reaches every part of the globe through the cyberspace.

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


CARMELO F. LAZATIN
First District, Pampanga

Republic of the Philippines
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FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1444

Introduced by REP. CARMELO F. LAZATIN

**AN ACT PROHIBITING CYBERSEX AND PROVIDING PENALTIES FOR THE
VIOLATION THEREOF AND FOR OTHER PURPOSES.**

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

SECTION 1. *Title.* – This Act shall be known and cited as the “Anti-Cybersex Act”.

SECTION 2. *Declaration of Policy.* – It is the declared policy of the State to uphold the morality of the society particularly the women and the youth, against immoral and obscene acts through the use of the cyberspace by prohibiting the operation of cybersex in the Philippines.

SECTION 4. *Enforcement of the Act.* – Towards this end, this act shall prohibit the operation of cybersex in the country, provide corresponding penalties for violators and ensure the welfare sexworkers particularly the minors.

SECTION 5. *Definition of term-* As used in this Act, Cybersex shall mean “any form of interactive prostitution and other forms of obscenity through the cyberspace as the primary channel”.

SECTION 6. *Unlawful Acts* –This Act shall prohibit the following obscene acts through the use of the cyberspace:

1. Live sex shows whose participant either heterosexual or homosexual copulates or perform sexual acts normals, oral and anal;
2. Explicit picture, scenes or exhibitions depicting or describing homosexual and lesbian acts; heterosexual acts (normal, oral or anal); masturbation including the practice of autoerotism; excretion such as urination and edema materials; sadomasochistic sex that involves whippings, beatings, slashing and other forms of physical injuries, bestiality, necrophilia; bondage and sex;

3. Depiction or description of sex mixed with sacrileges;
4. Explicit pictures or scenes depicting or describing in sex acts with other children or with adults;
5. Lewd, licentious, libidinous, lustful depiction or description of the body such as genitals, pubic region, buttocks, female breast below a point immediately above the top of areola, human male genitals in discernibly turgid state, human genitals in a state of sexual stimulation and fondling erotic touching of human genitals, pubic region, buttocks, female breast;
6. Lewd depiction and description of sexual paraphernalia such as life-sized rubber dolls, dildos, artificial sex organs, vibrators or any sex gadgets.
7. Coercion, intimidation or fraudulent induction of a person into performing indecent acts or participating in the operation of cybersex whether as sex worker, pimp, promoter, financier, computer specialist and administrative employees, among others; and
8. Employment of minors in the operation of cybersex.

SECTION 7. *Penalties*- The following penalties shall be imposed upon any person who shall commit any of the unlawful acts:

1. If the offender is the producer, financier, promoter, manager of a cybersex operation, a punishment of a fine of not less than Five Hundred Thousand pesos (P 500,000.00) but not more than One Million Pesos (P 1,000,000) and by imprisonment of not less than 20 years but not more than 30 years. A payment amounting to P 100,000 shall be given by the offender to each participant who is found to be victims of coercion and if below 18 years of age.

If such offender is a judicial person, its president, manager, director or head shall be made liable thereby.

If found to be an alien, deportation immediately after service of sentence and power barred from the entry in the country shall be charged.

2. If the offender is the demonstrator, performer, actor or exhibitor in any demonstration, performance or exhibition involving any of the unlawful acts stipulated in Section 5 of this act, a punishment by a fine not less than Two Hundred Fifty Thousand Pesos (P 250,000) or by imprisonment of not less than three years but not more than six years imprisonment or both at the discretion of the court.

If found to be an alien, deportation immediately after service of sentence and power barred from the entry in the country shall be charged.

3. If the offender is the computer specialist, supervisor, and any other person

involved in the administrative aspect of the cybersex operations including landlords, if place is rented or leased as a business establishment, shall be penalized accordingly. A fine of not less than but not more than P 150,000 shall be charged or an imprisonment of one and a half year or both at the discretion of the court.

If found to be an alien, deportation immediately after service of sentence and power barred from the entry in the country shall be charged.

SECTION 8. *Exemptions to Penalties*- If the offenders as enumerated in Section 7 are proven to be below 18 years old whether voluntary workers or victims of coercion shall be exempted from the penalties imposed by this Act. Instead, the offender shall be subject to the provisions of Republic Act Number 7610 or the "Special Protection to the Children Against Abuse, Exploitation and Discrimination Act" and shall be placed immediately under the protective custody of Department of social Welfare and Development (DSWD).

Whereas, offenders above 18 years of age who are proven to be victims of coercion or involuntary participation shall be likewise placed immediately under the protective custody of the DSWD.

SECTION 9. *Separability Clause*. – If any provisions or part hereof, is invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 10. *Repealing Clause*. – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule of regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 11. *Effectivity Clause*. – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,