

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 4509

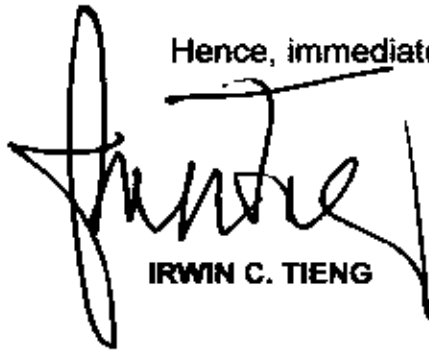
Introduced by HON. IRWIN C. TIENG
and HON. MARIANO MICHAEL M. VELARDE

EXPLANATORY

The influence of obscene devices designed primarily for the physical stimulation of human genitals, commonly called as sex toys and gadgets may seem unnoticed. However, there is now an influx of this kind of devices in the Philippines, especially in Metro Manila. The proliferation of these obscene devises which are insensitively and openly displayed in shops or stalls is very alarming. The public, especially minors, being exposed to these obscenities may suffer disturbing effects and could trigger sexually impure ideas and acts that give room to sex related offenses.

This Bill aims to penalize the distribution, possession with intent to distribute and production of any obscene device designed or marketed as useful primarily for the physical stimulation of human genital organs for anything of pecuniary value in order to protect the morals of the society. This is also in keeping with the policy of the state to value the dignity of every human person and to promote and safeguard its integrity and the moral, spiritual and social being of its citizenry from the pernicious effects of obscene devices.

Hence, immediate approval of this bill is earnestly sought.



IRWIN C. TIENG



MARIANO MICHAEL M. VELARDE

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HOUSE BILL NO. 4509

Introduced by HON. IRWIN C. TIENG
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AN ACT
PENALIZING THE DISTRIBUTION, POSSESSION WITH INTENT TO DISTRIBUTE
AND PRODUCTION OF ANY DEVICE FOR THE PHYSICAL STIMULATION OF
HUMAN GENITALS FOR ANYTHING OF PECUNIARY VALUE AND PROVIDING
PENALTIES FOR VIOLATIONS THEREOF

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

Section 1. **Declaration of Policy.** - It is the policy of the State to value the dignity of every human person and to promote and safeguard its integrity and the moral, spiritual and social well-being of its citizenry from the pernicious effects of obscene devices.

Towards this end, the government shall pursue an intensive and unrelenting campaign against the distribution, possession with intent to distribute and production of any obscene device.

Section 2. **Prohibited Acts.** - It shall be unlawful for any person:

- a) To knowingly distribute, possess with intent to distribute, or offer or agree to distribute, any obscene device designed or marketed as useful primarily for the physical stimulation of human genital organs for anything of pecuniary value;
- b) Being a wholesaler, to knowingly distribute, possess with intent to distribute, or offer or agree to distribute, for the purpose of resale or commercial distribution at retail of the same; and
- c) To knowingly produce, or offer or agree to produce the same.

Device not otherwise obscene may be obscene under this Act if the distribution of the device, the offer to do so, or the possession with the intent to do so, or production, the offer or agreement to do so, is a commercial exploitation of erotica solely for the sake of their prurient appeal.

Section 3. **Penalties.** - Any person violating any acts prohibited under Section 3 of this Act shall be punished by:

- a) The penalty of imprisonment of not more than one (1) year and/or fine ranging from Ten Thousand (P 10,000.00) to Twenty Thousand Pesos (P 20,000.00) for acts falling under Section 3(a);

- b) The penalty of imprisonment of not more than one (1) year and/or a fine ranging from Twenty Thousand Pesos (P 20,000.00) to Thirty Thousand Pesos (P 30,000.00) for acts falling under Section (b) and (c).

Section 4. *Implementing Rules and Regulations.* - The Department of Trade and Industry, the Department of Interior and Local Government and the Department of Justice shall promulgate a procedure for the prosecution of violators and other necessary rules and regulations for the effective implementation of this Act.

Section 5. *Separability Clause.* - If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

Section 6. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

Section 7. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved,