

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

House Bill No. 5439



Introduced by Representatives Mariano Michael M. Velarde Jr. and William Irwin
Tieng (BUHAY Party List)

EXPLANATORY NOTE

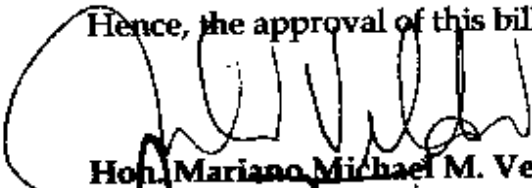
Data from the Philippine National Police Women's and Children's Protection Desk provides that, in 2009, a total of 9,787 cases of child abuse were reported. According to the PNP, this was higher than the 8588 reported cases in 2008.

This fact is abominable in light of a State principle, enshrined in our Constitution, that asserts 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.

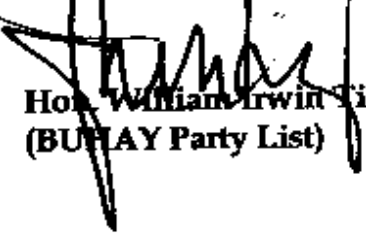
In this regard, this piece of legislation seeks the protection of children from sexual abuses while they are in places of learning. In furtherance of such aim, this measure prohibits convicted sexual offenders from entering school premises, subject to rational and humane exceptions.

In sum, this bill recognizes that children are most vulnerable to crimes such that there can never be a redundancy of legitimate measures to protect their morals, health and safety, and does not in any way intend to disgrace convicted sexual offenders who have served and who are serving their sentences.

Hence, the approval of this bill is earnestly requested.



Hon. Mariano Michael M. Velarde Jr.



Hon. William Irwin Tieng
(BUHAY Party List)

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**AN ACT TO PROTECT THE SAFETY, MORAL, AND WELL-BEING OF SCHOOL
CHILDREN BY PROHIBITING LISTED SEX OFFENDERS FROM ENTRANCE TO
SCHOOL PREMISES OR ACTIVITIES, AND FOR OTHER PURPOSES**

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

Section 1. Short Title. - This Act shall be known as "*Sex Offenders School Access
Prohibition Act.*"

SEC. 2. Definition of Term. - The term sex offender shall refer to any person who has
been convicted by final judgment of sexual offense as defined by any of the
following provisions of the Revised Penal Code:

- 1) Rape, as defined in Article 266-A of the Revised Penal Code;
- 2) Acts of lasciviousness, as defined Article 336 of the Revised Penal Code;
- 3) Qualified seduction, as defined in Article 337 of the Revised Penal Code;
- 4) Simple seduction, as defined in Article 338 of the Penal Code;
- 5) Acts of lasciviousness with the consent of the offended party as defined in
Article 339 of the Revised Penal Code;
- 6) Corruption of minors as defined in Article 340 of the Revised Penal Code;
- 7) White slave trade as defined in Article 341 of the Revised Penal Code

**SEC. 3. Duty of the Bureau of Jail, Management, and Penology to submit list of
sexual offenders.** - The local Bureau of Jail, Management and Penology shall submit
to the Department of Education (hereinafter referred to as DepEd) Division
Superintendent, a list of sexual offenders who have been released or are being placed
under parole or probation. The DepEd Division Superintendent shall thereafter
distribute copies of the aforementioned list to every school under its jurisdiction.

SEC. 4. School Access Prohibition. -

1) If a person is currently listed as sex offender as provided by Section 2 of this Act, it shall be unlawful for such person to:

- (a) Enter or to remain inside the premises of any public or private high school and of any public or private elementary school, day care center, or any other preparatory building or school grounds, other than to drop off or pick up the person's child or children.
- (b) Loiter on a public way within five hundred (500) feet of a school building or school grounds when children under the age of eighteen (18) years are present.
- (c) Ride in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when children under the age of eighteen (18) years are present in such conveyance.
- (d) Reside within five hundred (500) feet of the property on which a school is located.

2) The provisions of this section shall not apply to an adult criminal sex offender who is:

- (a) A student attending the school;
- (b) Attending an academic conference or other scheduled school event with school officials as a parent or legal guardian of a child who is enrolled in the school and is participating in the conference or event;
- (c) Dropping off or picking up a child or children and the person is the child or children's parent or legal guardian; or
- (d) Temporarily on school grounds, during school hours, for the purpose of making a mail, food or other delivery.

(3) Nothing in this section shall prevent a school district from adopting more stringent safety and security requirements for employees and non-employees while they are in school facilities.

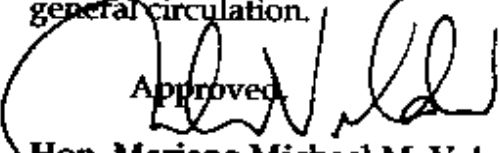
SEC. 5. Report by School Principals. - School principals will immediately report to law enforcement any listed sex offender who has not been granted permission pursuant to this policy and who is observed or known to be within the premises, or loitering within 500 feet of the property line of a school or other location where a school activity is scheduled to occur.

School personnel shall not use information received by the school regarding any listed sexual offender to harass, intimidate, commit a crime against, or cause harm to any person.

SEC. 6. 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.

SEC. 7. 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.

SEC. 8. Effectivity Clause. - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved: 

Hon. Mariano Michael M. Velarde Jr.

Hon. William Irwin Tieng
(BUHAY Party List)

