

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SIXTEENTH CONGRESS
First Regular Session

House Bill No. **1390**

Introduced by Representatives
DIOSDADO MACAPAGAL ARROYO and GLORIA MACAPAGAL ARROYO

AN ACT
PROHIBITING HARASSMENT AND INVASION OF PRIVACY
FOR COMMERCIAL PURPOSES

EXPLANATORY NOTE

Section 5, Article 2, of the Constitution provides that, "The maintenance of peace and order, the protection of life, liberty and property, and the promotion of general welfare are essential for the enjoyment by all the people of the blessing of democracy."

One important aspect covered by this particular provision of the Constitution is the privacy of individuals and their families which have been violated, time and again, by unscrupulous photographers, videographers and audio recorders who physically trespass in order to capture images or other reproductions of their private lives for commercial purposes. Some though have taken advantage of available high-tech gadgets with very intrusive modern visual or auditory enhancement devices, such as powerful telephoto lenses and hyperbolic microphones that enable invasion of private areas, to take the act of trespassing to a whole new and different level.

Due to these developments, harassment and trespass threatens not only public persons and their families, but also private persons and their families for whom personal tragedies or circumstances beyond their control create media interest.

With this bill, adequate protection will be given individuals, be they public or private, from personal intrusion for commercial purposes and also against intrusions on

their privacy due to activities undertaken in connection with the reproduction and broadcast of their private activities.

In view of the foregoing, we earnestly appeal for the immediate approval of this bill.



DIOSDADO MACAPAGAL ARROYO
Second District, Camarines Sur



GLORIA MACAPAGAL ARROYO
Second District, Pampanga

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House Bill No. 1390

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DIOSDADO MACAPAGAL ARROYO and GLORIA MACAPAGAL ARROYO

**AN ACT
PROHIBITING HARASSMENT AND INVASION OF PRIVACY
FOR COMMERCIAL 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 the "Personal Privacy Protection Act of 2013."

SECTION 2. *Declaration of policy.* - It is a declared policy of the State to protect public and private individuals against unwarranted harassment and invasion of privacy for commercial purposes.

SECTION 3. *Definition of Terms.* - For the purpose of this Act, the term:

(A) "For commercial purposes" means with the exceptions of sale, financial gain, or other consideration;

(B) "Harassment" means the act of persistently and physically following or chasing a person in a manner that causes the person to have a reasonable fear of bodily injury, in order to capture by a visual or auditory recording instrument any type of visual image, sound recording or other physical impression of the person for commercial purposes.

SECTION 4. *Harassment for Commercial Purposes.* - Any person who shall commit harassment against another for commercial purposes shall suffer the penalty of:

(A) *Reclusion temporal* and a fine of Fifty Thousand Pesos (P50,000.00), if death is proximately caused by such harassment;

(B) *Prision mayor* and a fine of Twenty Thousand Pesos (P20,000.00), if seriously bodily injury is proximately caused by such harassment; and

(C) *Arresto mayor* and a fine of One Thousand Pesos (P1,000.00), if neither death nor serious bodily injury is proximately caused by such harassment.

SECTION 5. *Persons Criminally Liable.* – Only persons physically present at the time of, and engaging in or assisting another in engaging, the commission of the act penalized under Section 4 hereof shall be subject to criminal or civil liability under this Act.

A person shall not be subject to such violation by reason of the conduct of an agent, employee, or contractor of that person or because images or recordings captured in violation of this Act were solicited, bought, used, or sold by that person.

SECTION 6. *Limitation on Defenses.* – It is not a defense to a prosecution or civil action that

(A) No image or recording was captured; or

(B) No image or recording was sold.

SECTION 7. *Exception.* – The provisions of this Act shall not apply with respect to official law enforcement activities.

SECTION 8. *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 9. *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 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or at least two (2) newspapers of general circulation.

Approved,