

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SIXTEENTH CONGRESS
First Regular Session

House Bill No. 1934

Introduced by Representatives
DIOSDADO MACAPAGAL ARROYO and GLORIA MACAPAGAL ARROYO

AN ACT
AMENDING ARTICLE 341 OF REPUBLIC ACT NO. 3815, AS AMENDED,
OTHERWISE KNOWN AS THE REVISED PENAL CODE

EXPLANATORY NOTE

The white slavery trade in the country has remained an insurmountable area of concern due to lack of stringent penalties in our present laws. This major trade has become a menace to the dignity and welfare of our people especially women and young children as it reduces them to mere sex objects. Multi-sectoral efforts from Philippine society and the government have proven to be ineffective given the ills that presently plague our criminal justice system.

Such alarming reality should push us to amend existing laws to deter, if not totally eradicate, this inhumane practice of peddling women and children in the white slavery trade. This bill seeks to provide a higher penalty from such practice, punishable under Article 341 of the Revised Penal Code, as amended. It likewise provides for the punishment of persons acting as procurer or recruits of prostitutes. Sanctions are also imposed against establishments or enterprises which promote, facilitate or conduct activities constituting prostitution.

As the white slave trade becomes more rampant rather than curtailed, there is a need to put more teeth into the law and impose higher penalties against those who transgress and exploit women and young children.

In view of the foregoing considerations, early passage of this bill is earnestly sought.


DIOSDADO MACAPAGAL ARROYO
Second District, Camarines Sur


GLORIA MACAPAGAL ARROYO
Second District, Pampanga

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

SECTION 1. Article 341 of Republic Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby further amended to read as follows:

"Art. 341. *White slave trade*. – The penalty of **RECLUSION TEMPORAL** [Prision mayor] in its medium and maximum periods shall be imposed upon any person who, in any manner, or under any pretext, shall engage in the business or shall profit by prostitution or shall [enlist the services of any other for the purpose of prostitution]:

(A) ENGAGE IN OR PROMOTE, FACILITATE OR INDUCE PROSTITUTION WHICH INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

1. ACTING AS A PROCURER OF A PROSTITUTE;
2. INDUCING A PERSON TO BE A CLIENT OF A PROSTITUTE BY MEANS OF WRITTEN OR ORAL ADVERTISEMENTS OR OTHER SIMILAR MEANS;

3. TAKING ADVANTAGE OF ANY ASCENDANCY, INFLUENCE OR RELATIONSHIP TO PROCURE A PERSON AS A PROSTITUTE:

4. THREATENING OR USING VIOLENCE TOWARDS A PERSON TO ENGAGE HIM/HER AS A PROSTITUTE; OR

5. GIVING MONETARY CONSIDERATION, GOODS OR OTHER PECUNIARY BENEFIT TO A PERSON WITH THE INTENT TO ENGAGE SUCH PERSON IN PROSTITUTION; OR

(B) DERIVE PROFIT OR ADVANTAGE FROM PROSTITUTION, WHETHER AS MANAGER OR OWNER OF THE ESTABLISHMENT WHERE THE PROSTITUTION TAKES PLACE, OR OF THE SAUNA, DISCO, BAR, RESORT, PLACE OF LEISURE AND/OR ENTERTAINMENT OR ESTABLISHMENT SERVING AS A COVER OR WHICH ENGAGES IN PROSTITUTION IN ADDITION TO THE ACTIVITY FOR WHICH THE LICENSE HAS BEEN ISSUED TO SAID ESTABLISHMENT.

FOR PURPOSES OF THIS ACT, THE TERM PROSTITUTE SHALL MEAN ANY PERSON WHO, FOR MONEY, PROFIT OR ANY FORM OF MATERIAL CONSIDERATION OR ADVANTAGE SHALL HABITUALLY OR WITH INTENT TO HABITUALLY ENGAGE OR INDULGE IN SEXUAL INTERCOURSE OR LASCIVIOUS CONDUCT."

SECTION 2. *Common Penal Provisions.* – The penalty provided under this Act shall be imposed in its *maximum* period if the offender:

(a) has been previously convicted under this Act or under Article 341 of the Revised Penal Code, as amended, in its form prior to its amendment by this Act;

(b) is, in reference to the prostitute, an ascendant, parent, guardian, stepparent or collateral relative within the second degree of consanguinity or affinity;

(c) is a manager or owner of an establishment which has no license to operate or its license has expired or has been revoked;

(d) is a foreigner, who shall likewise be deported immediately after service of sentence and forever barred from entry to the Philippines; and

(e) is a public officer or employee, who shall likewise suffer the penalty of perpetual or temporary absolute disqualification.

In addition to the penalty of imprisonment, a fine to be determined by the court, which shall not be less than One Hundred Thousand Pesos (Php100,000.00), shall be imposed. Said fine shall be administered as a cash fund by the Department of Social Welfare and Development (DSWD) and disbursed, for the rehabilitation of each prostitute victim and any immediate member of his/her family if the latter is the perpetrator of the offense, in this order.

When the offender is a corporation, partnership or association, the officer, director, employee or agent thereof who is responsible for the violation of this Act shall suffer the corresponding penalty imposed.

SECTION 3. *Rules and Regulations.* – Unless otherwise provided in this Act, the Department of Justice (DOJ), in coordination with the DSWD, shall promulgate rules and regulations for the effective implementation of this Act.

SECTION 4. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations which are contrary to the provision of this Act are hereby repealed, amended and modified accordingly.

SECTION 5. *Separability Clause.* – If any part of this Act shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 6. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,