



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **5662**



Introduced by Representative **GERALDINE B. ROMAN**

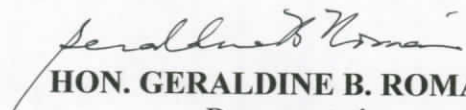
EXPLANATORY NOTE

The Constitution enshrines that the youth of the country is the catalyst for nation-building and according to our National Hero Dr. Jose Rizal, they are the hope of our motherland. The proper rearing of our youth is essential in ensuring that we are creating future generations of well-prepared citizens that will assume the task of being good leaders and custodians of the Philippine Republic.

Corollary to this, it is the responsibility of government to provide mechanisms by which the youth of this country are protected against unscrupulous individuals and ungodly practices. To this end, the government enacted Republic Act 7610 – otherwise known as the *Special Protection of Children Against Abuse, Exploitation, and Discrimination Act* – on 17 June 1992. It was designed specifically to allow the State to play a vital role in the safe and wholesome rearing of our children for them to be protected and to become good citizens of our country.

1992 was a quarter of a century ago and now there are still numerous instances where minors are exploited by both foreign predators and domestic abusers. The law needs updating now, and the penalties imposed therein do not seem to be attuned to the 21st Century. It is the duty of this modern legislature, the Seventeenth Congress of the Philippines, to ensure that the laws of the country keep up with the times in order to secure relevance and protection for our citizens.

For these reasons, passage of this bill is earnestly sought.


HON. GERALDINE B. ROMAN
Representative
First District, Bataan



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AN ACT
TO DETER THE EXPLOITATION OF MINORS BY IMPOSING STIFFER PENALTIES,
AMENDING FURTHER FOR THE PURPOSE REPUBLIC ACT NUMBERED 7610,
OTHERWISE KNOWN AS THE “SPECIAL PROTECTION OF CHILDREN AGAINST
ABUSE, EXPLOITATION, AND DISCRIMINATION ACT”, AND FOR OTHER
PURPOSES

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

Section 1. Section 9 of Republic Act no. 7610, as amended, is hereby amended to read as follows:

*“Section 9. Obscene Publications and Indecent Shows – Any person who shall hire, employ, use, persuade, induce, or coerce a child to perform in obscene exhibitions and indecent shows, whether live or in video, or model in obscene publications or pornographic materials or to sell or distribute the said materials shall suffer the penalty of ~~prision mayor~~ **reclusion temporal** in its medium period.*

*If the child used as a performer, subject, or seller/distributor is below twelve (12) years of age, the penalty **of reclusion perpetua** shall be imposed ~~in its maximum~~ period.*

*Any ascendant, guardian, or person entrusted in any capacity with the care of a child who shall cause and/or allow such child to be employed or to participate in an obscene play, scene, act, movie or show or in any other acts covered by this section shall suffer the penalty of ~~prision mayor~~ **reclusion temporal** in its ~~medium~~ **maximum** period.”*

Section 2. Section 10 of Republic Act no. 7610, as amended, is hereby amended to read as follows:

“Section 10. Other Acts of Neglect, Abuse, Cruelty, or Exploitation and Other Conditions Prejudicial to the Child’s Development –

“(a) Any person who shall commit any other acts of child abuse, cruelty or exploitation or to be responsible for other conditions prejudicial to the child's development including those covered by Article 59 of Presidential Decree No. 603, as amended, but not covered by the Revised Penal Code, as amended, shall suffer the penalty of ~~prision mayor~~**reclusion temporal** in its minimum period.

“(b) Any person who shall keep or have in his company a minor, twelve (12) years or under or who is ten (10) years or more his junior in any public or private place, hotel, motel, beer joint, discotheque, cabaret, pension house, sauna or massage parlor, beach and/or other tourist resort or similar places shall suffer the penalty of ~~prision mayor~~**reclusion temporal** in its ~~maximum~~**medium** period and a fine of not less than ~~fifty thousand pesos (PHP 50 000.00)~~**five hundred thousand pesos (PHP 500 000.00)**; Provided, That this provision shall not apply to any person who is related within the fourth degree of consanguinity or affinity or any bond recognized by law, local custom and tradition or acts in the performance of a social, moral or legal duty.

“(c) Any person who shall induce, deliver or offer a minor to any one prohibited by this Act to keep or have in his company a minor as provided in the preceding paragraph shall suffer the penalty of ~~prision mayor~~ in its ~~medium~~**maximum** period and a fine of not less than ~~forty thousand pesos (PHP 40 000.00)~~**four hundred thousand pesos (PHP 400 000.00)**; Provided, however, That should the perpetrator be an ascendant, stepparent or guardian of the minor, the penalty to be imposed shall be ~~prision mayor~~**reclusion temporal** in its ~~maximum~~**medium** period, a fine of not less than ~~fifty thousand pesos (PHP 50 000.00)~~**five hundred thousand pesos (PHP 500 000.00)**, and the loss of parental authority over the minor.

“(d) Any person, owner, manager or one entrusted with the operation of any public or private place of accommodation, whether for occupancy, food, drink or otherwise, including residential places, who allows any person to take along with him to such place or places any minor herein described shall be imposed a penalty of ~~prision mayor~~ in its ~~medium~~**maximum** period and a fine of not less than ~~fifty thousand pesos (PHP 50 000.00)~~**five hundred thousand pesos (PHP 500 000.00)**, and the loss of the license to operate such a place or establishment.

“(e) Any person who shall use, coerce, force or intimidate a street child or any other child to;

“(1) Beg or use begging as a means of living;

“(2) Act as conduit or middlemen in drug trafficking or pushing; or

“(3) Conduct any illegal activities, shall suffer the penalty of ~~prision correccional~~**reclusion temporal** in its ~~medium period~~ to *reclusion perpetua*.

Section 3. Section 16 of Republic Act no. 7610, as amended, is hereby amended to read as follows:

“Section 16. Penalties –Any person who shall violate any provision of this Article shall suffer the penalty of a fine of not less than ~~one thousand pesos (PHP 1 000.00)~~**ten thousand pesos (PHP 10 000.00)** but not more than ~~ten thousand pesos (PHP 10 000.00)~~**one hundred thousand pesos (PHP 100 000.00)** or imprisonment of not less than ~~three (3) months~~**one (1) year** but not more than ~~three (3) six (6) years~~, or both at the discretion of the court; Provided, that in case of repeated violations of the provisions of this Article, the offender’s license to operate shall be revoked.”

Section 4. Section 20 of Republic Act no. 7610, as amended, is hereby amended to read as follows:

“Section 20. Discrimination –Children of indigenous cultural communities shall not be subjected to any and all forms of discrimination.

“Any person who discriminates against children of indigenous cultural communities shall suffer a penalty of ~~arresto mayor~~**prision correccional** in its ~~maximum~~**medium** period and a fine of not less than ~~five thousand pesos (PHP 5 000.00)~~**fifty thousand pesos (PHP 50 000.00)** nor more than ~~ten thousand pesos (PHP 10 000.00)~~**one hundred thousand pesos (PHP 100 000.00)**.

“The offender shall likewise undergo a re-education and re-orientation program on the indigenous peoples and culture of the Philippines, to be conducted by the National Commission on Indigenous Peoples.”

Section 5. Repealing Clause – Republic Act no.7610; and all laws, presidential decrees, executive orders, rules and regulations, and parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 6. Separability Clause – If, for any reason, any section or provision of this Act, or any portion thereof, or the application of such section, provision, or portion to any person, group, or circumstance is declared invalid or unconstitutional, the remainder of this Act or the application of such section, provision, or portion thereof to other persons, groups, or circumstances shall not be affected by such declaration.

Section 7. Effectivity – This Act shall take effect fifteen (15) days following its publication in three (3) newspapers of general circulation.

Approved,