

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

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7134



Introduced by **ANG PROBINSYANO**
Party-List Representative Alfred Delos Santos

EXPLANATORY NOTE

The Philippines emerged as a global hot spot for child sexual exploitation, especially through online platforms (UNICEF, 2020). In 2018 alone, 600,000 sexualized photos of Filipino children were bartered and traded. Furthermore, various groups have monitored an increase in the number of online sexual exploitation cases involving children as many areas in the country are placed under quarantine due to the coronavirus disease (COVID-19).

According to Child Rights Network (CRN), online sexual predators are taking advantage of the situation to exploit more children to satisfy their disturbing sexual obsessions and that the worsening economic situation may push adults to resort to peddling children to sexual predators online “due to the lucrative nature of these activities”. These exploitation and abuses can leave serious long-term emotional and physical effects to the children.

Despite current legislations such as the Republic Act No. 7610, otherwise known as the “Special Protection of Children Against Abuse, Exploitation, and Discrimination Act”, Filipino children remains to be vulnerable to forms of abuse and exploitation. This bill seeks to amend the current law and impose heavier penalties to express the gravity and utmost concern of the State to protect and defend the welfare and safety of our nation’s future.

In view of the foregoing, the passage of the bill is earnestly requested.

ALFRED C. DELOS SANTOS
Representative, Ang Probinsyano Partylist

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1 **AN ACT AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 7610,**
2 **OTHERWISE KNOWN AS THE "SPECIAL PROTECTION OF CHILDREN**
3 **AGAINST ABUSE, EXPLOITATION AND DISCRIMINATION ACT"**
4

5 *Be it enacted by the Senate and the House of Representatives of the*
6 *Philippines in Congress assembled:*
7

8 SECTION 1. *Amendment to Section 5 of R.A. 7610. – Section 5, Article III of*
9 *Republic Act No. 7610, otherwise known as the "Special Protection of Children*
10 *Against Abuse, Exploitation, and Discrimination Act," as amended, is hereby*
11 *further amended to read as follows:*
12

13 *"Section 5. Child Prostitution and Other Sexual Abuse. - Children,*
14 *whether male or female, who for money, profit, or any other*
15 *consideration or due to the coercion or influence of any adult,*
16 *syndicate or group, indulge in sexual intercourse or lascivious*
17 *conduct, are deemed to be children exploited in prostitution and other*
18 *sexual abuse.*
19

20 *"The penalty of reclusion temporal in its medium period to reclusion*
21 *perpetua shall be imposed upon the following:*
22

23 *(a) Those who engage in or promote, facilitate or induce child*
24 *prostitution which include, but are not limited to, the following:*
25

26 *(1) Acting as a procurer of a child prostitute;*
27

28 *(2) Inducing a person to be a client of a child prostitute by*
29 *means of written or oral advertisements or other similar means;*
30

1 (3) Taking advantage of influence or relationship to procure a
2 child as prostitute;

3
4 (4) Threatening or using violence towards a child to engage him
5 as a prostitute; or

6
7 (5) Giving monetary consideration goods or other pecuniary
8 benefit to a child with intent to engage such child in prostitution.

9
10 (b) Those who commit the act of sexual intercourse of lascivious
11 conduct with a child exploited in prostitution or subject to other sexual
12 abuse; Provided, That when the victims is under twelve (12) years of
13 age, the perpetrators shall be prosecuted under Article 335,
14 paragraph 3, for rape and Article 336 of Act No. 3815, as amended,
15 the Revised Penal Code, for rape or lascivious conduct, as the case
16 may be: Provided , That the penalty for lascivious conduct when the
17 victim is under twelve (12) years of age shall be reclusion temporal in
18 its medium period TO RECLUSION PERPETUA; and

19
20 (c) Those who derive profit or advantage therefrom, whether as
21 manager or owner of the establishment where the prostitution takes
22 place, or of the sauna, disco, bar, resort, place of entertainment or
23 establishment serving as a cover or which engages in prostitution in
24 addition to the activity for which the license has been issued to said
25 establishment.”

26
27 Section 2. *Coverage.* – This Act shall not be applicable to those accused
28 who are charged with violation of Sec. 5, Article III of R.A. No. 7610 through an
29 Information filed before the courts prior to the effectivity of this Act and 1 are
30 undergoing trial, regardless of the stage thereof.

31
32 This Act shall only be applicable to acts committed after its effectivity.

33
34 No accused shall be convicted and penalized with the higher penalty under
35 this Act where the same would violate the constitutional proscription against ex
36 post facto laws.

37
38 Section 3. *Implementing Rules and Regulations.* – The Department of
39 Justice, in coordination with the Supreme Court, shall formulate and
40 promulgate, in accordance with applicable laws and rules, such rules or
41 regulations as are necessary to implement the provisions of this Act.

42
43 Section 4. *Separability Clause.* – If for any reason any part or provision of
44 this Act is declared invalid or unconstitutional, the remaining parts or provisions
45 not affected thereby shall remain in full force and effect.

46

1 Section 5. *Repealing Clause.* – All laws or parts of laws, presidential
2 decrees, executive orders, circulars, rules and regulations contrary to or
3 inconsistent with the provisions of this Act are hereby repealed or amended
4 accordingly.

5
6 Section 6. *Effectivity.* – This Act shall take effect fifteen (15) days after its
7 publication in the Official Gazette or in a newspaper of general circulation.

8
9 Approved,