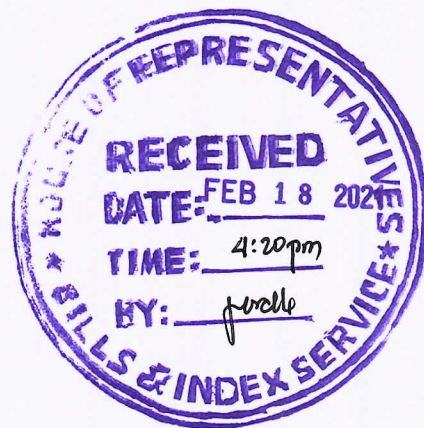


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 8772



Introduced by **Rep. ANGELO MARCOS BARBA**
2nd District, Ilocos Norte

**AN ACT PROHIBITING HARASSMENT AND INVASION OF
PRIVACY FOR COMMERCIAL PURPOSES**

EXPLANATORY NOTE

Section 11 Article 2 of the 1987 Constitution provides that the State values the dignity of every human person and guarantees full respect for human rights. This is further elucidated in Article 19 of the Civil Code, which expressly provides that every person must, in the exercise of his rights and in the performance of his duties, act with justice, give everyone his due, and observe honesty and good faith.

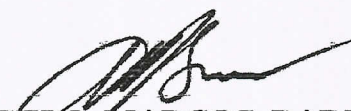
Unfortunately, this basic principle is often ignored in pursuit of “newsworthy” scoops, sensationalized photographs, and controversial soundbites. There are ruthless journalists, photographers, videographers and even private individuals who persistently and physically follow or chase a person, celebrity or not, for scoops, photos and soundbites, in a manner that causes the person to have reasonable fear of harm or bodily injury not only to his or her person, but also fears for the safety his or her family.

This kind of harassment for commercial purposes has caused a certain degree of harm or injury to these individuals. The excesses of the press and/or devious individuals have fueled calls for the protection of all persons against unwarranted harassment and invasion of privacy for commercial purposes.

Hence, this bill. This proposed measure seeks to penalize the act of persistently and physically following or chasing a person in a manner that causes a person to have reasonable fear of bodily injury in order to capture by a visual or auditory recording instrument any type of visual image, recording, or other physical impression of the person for commercial purposes.

It is time to draw the line between legitimate information gathering and violation of the right to privacy.

In light of the foregoing, the passage of this bill is most earnestly sought.


ANGELO MARCOS BARBA

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*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".

SECTION 2. Declaration of Policy. – The State values the dignity of
every human person and guarantees full respect for human rights. It is hereby
declared the policy of the State to protect all natural persons against
unwarranted harassment and invasion of privacy for commercial purpose.

SECTION 3. Definition of Terms. – For the purpose of this Act, the term;

- a. *Harassment* means the act of persistently and physically following or
chasing a person in a manner that causes the such person to have
reasonable fear of bodily injury, in order to capture by a visual or
auditory recording instrument any type of visual image, recording or
other physical impression of the person for commercial purposes.
- b. *For commercial purposes* means any act done with the expectation of a
sale, financial gain, or other consideration. A visual image, sound
recording, or other physical impression shall not be found to have been,
or intended to have been captured for a commercial purpose unless it is
intended to be, or was in fact, sold, published, or transmitted.

SECTION 4. Construction. This law shall not be construed to impair or
limit any otherwise lawful activities of law enforcement personnel or
employees of governmental agencies or other entities, either public or private,
who, in the course and scope of their employment or duties, and supported by
reasonable suspicion, attempt to capture any type of visual image, sound
recording, or other physical impression of a person to obtain evidence of
suspected illegal activity or other misconduct, the suspected violation of any
administrative rule or regulation, a suspected fraudulent conduct, or any

activity involving a violation of law or business practices or conduct of public officers adversely affecting the public welfare, health, or safety.

SECTION 5. *Limitation of defenses.* – It is not a defense to a violation of this Act that no image, recording or physical impression was captured or sold.

SECTION 6. *Penalties.* – Any person who harasses another for commercial purposes shall be punished:

(a) By *reclusion temporal*, and a fine of fifty thousand pesos, if death is proximately caused by such harassment; and

(b) By *prision mayor*, and a fine of twenty thousand pesos, if serious bodily injury is proximately caused by such harassment;

SECTION 7. *Child Involvement* – Without prejudice to other related laws, an offender who intentionally harasses a child for commercial purposes who has been targeted based on his or her parent's employment or status shall be sentenced up to the maximum penalty for the proper offense.

For purposes of this act, a *child* is a person who is not more than 18 years of age.

SECTION 8. *Separability Clause.* – If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law of the provision not otherwise affected shall remain valid and subsisting.

SECTION 9. *Repealing Clause.* – Any provision of law, decree, order, rule or regulation inconsistent with this Act is hereby repealed and/or modified accordingly.

SECTION 10. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,