



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



NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **8041**

Introduced by Representative FRANZ S. PUMAREN

EXPLANATORY NOTE

The ongoing abuse, exploitation, and discrimination of children in the Philippines is an issue that demands urgent attention and action. Despite the enactment of Republic Act No. 7610, otherwise known as the “Special Protection of Children Against Abuse, Exploitation, and Discrimination,” the Council for the Welfare of Children (CWC) recorded almost 9,000 child abuse cases in 2022 alone.¹ Furthermore, with the advent of the digital age, our children are becoming more exposed and prone to online abuse and exploitation.

Three decades since its passage, it is timely for Congress to revisit and update RA No. 7610 to make it more effective and responsive to the present

¹ Flores, H. and Mateo, J. (2023, February 5). *Almost 9,000 child abuse cases reported in 2022*. Philstar Global. <https://www.philstar.com/headlines/2023/02/05/2242694/almost-9000-child-abuse-cases-reported-2022>

climate. Stronger laws and Penalties are needed to deter those who seek to prey on innocent children. The essence of enacting a special law against child abuse is to recognize that offenses against children or minors should be considered an aggravating factor and deserve a penalty more severe than what the Revised Penal Code (RPC) provides.

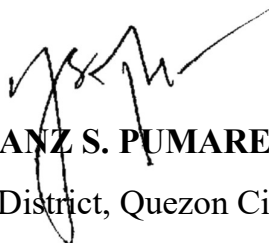
The enactment of RA No. 10951 in 2017, which adjusted the penalties of offenses under the RPC, as amended, highlights the need to amend special laws such as RA No. 7610 to provide more severe penalties for offenders. We must ensure that the laws of the land keep pace with the changing times and remain relevant and effective in protecting our children.

The ongoing abuse, exploitation, and discrimination of children in the Philippines is a pressing issue that demands our attention and action. Updating and strengthening RA No. 7610 is a critical step we can take to protect our children and ensure that harming them will not remain unpunished.

The safety and wellbeing of our children should be of utmost importance to us as a society. We cannot afford to wait any longer. We must work together for the protection of our children and guarantee that those who seek to harm them face justice.

The House of Representatives approved a version of this measure during the 18th Congress. However, the bill was not acted upon by the Senate due to lack of material time. Being a worthwhile endeavor, the 19th Congress must once again prioritize this measure and ensure its enactment into law.

Given the foregoing, the passage of this bill is earnestly sought.



FRANZ S. PUMAREN
3rd District, Quezon City



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**AN ACT
IMPOSING STIFFER PENALTIES FOR CHILD ABUSE,
EXPLOITATION AND DISCRIMINATION, AMENDING FOR THE
PURPOSE REPUBLIC ACT NO. 7610, OTHERWISE KNOWN AS THE
“SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE,
EXPLOITATION AND DISCRIMINATION ACT,” AS AMENDED**

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

1 **SECTION 1.** Section 9 of Republic Act 7610 is hereby amended to read
2 as follows:

3 “SEC. 9. *Obscene Publications and Indecent Shows.* - Any
4 person who shall hire, employ, use, persuade, induce or coerce a
5 child to perform in obscene exhibitions and indecent shows, whether
6 live or in video, pose, or model in obscene publications or
7 pornographic materials or to sell or distribute the said materials shall

suffer the penalty [of *prision mayor* in its medium period] **FROM FOURTEEN (14) YEARS, EIGHT (8) MONTHS AND ONE (1) DAY to SEVENTEEN (17) YEARS AND FOUR (4) MONTHS.**

“If the child used as a performer, subject or seller/distributor is below (12) years of age, the penalty shall be [imposed in its maximum period] **THIRTY (30) YEARS AND ONE (1) DAY TO FORTY (40) YEARS.**

“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* in its medium period] **FROM SEVENTEEN (17) YEARS, FOUR (4) MONTHS and ONE (1) DAY TO TWENTY (20) YEARS.”**

SEC. 2. Section 10 of the same Act, as amended, is hereby amended to read as follows:

“SEC. 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 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* in its medium period] **FROM TWELVE (12) YEARS, AND ONE (1) DAY TO FOURTEEN (14) YEARS AND EIGHT (8) MONTHS.**

“(b) Any person who shall keep or have in his company a minor, twelve (12) years or under or who is (10) years or more his

1 junior in any public or private place, hotel, motel, beer joint,
 2 discotheque, cabaret, pension house, sauna or massage parlor, beach
 3 and/or tourist resort or similar places shall suffer the penalty [of
 4 *prision mayor* in its maximum period] **FROM FOURTEEN (14)**
 5 **YEARS, EIGHT (8) MONTHS AND ONE (1) DAY TO**
 6 **SEVENTEEN (17) YEARS AND FOUR (4) MONTHS** and a fine
 7 of not less than [Fifty Thousand Pesos (P50,000)] **FIVE**
 8 **HUNDRED THOUSAND PESOS (P500,000.00):** *Provided:* That
 9 this provision shall not apply to any person who is related within
 10 fourth degree of consanguinity or affinity or any bond recognized
 11 by law. Local custom and tradition, or acts in the performance of a
 12 social, moral or legal duty.

13 “(c) Any person who shall induce, deliver or offer a minor to
 14 any one prohibited by this Act to keep or have his company a minor
 15 as provided in the preceding paragraph shall suffer the penalty [of
 16 *prision mayor* in its medium period] **FROM TEN (10) YEARS**
 17 **AND 1 DAY to TWELVE (12) YEARS** and a fine of not less than
 18 [Forty thousand pesos (P40,000)] **FOUR HUNDRED**
 19 **THOUSAND PESOS (P400,000.00):** *Provided, however,* That
 20 should the perpetrator be an ascendant, stepparent or guardian of the
 21 minor, the penalty imposed shall be [prision mayor in its maximum
 22 period] **FROM FOURTEEN (14) YEARS, EIGHT (8)**
 23 **MONTHS AND ONE (1) DAY TO SEVENTEEN (17) YEARS**
 24 **AND FOUR (4) MONTHS,** a fine of not less than [Fifty thousand
 25 pesos (P50,000)] **FIVE HUNDRED THOUSAND PESOS**
 26 **(P500,000.00),** and the loss of parental authority over the minor.

27 “**THE OFFENDER SHALL LIKEWISE UNDERGO A**
 28 **REEDUCATION AND REORIENTATION PROGRAM ON**
 29 **CHILD PROTECTION TO BE CONDUCTED BY THE**

DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT.”

“(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 period] **FROM TEN (10) YEARS AND ONE (1) DAY TO WELVE (12) YEARS** and a fine of not less than [Fifty thousand pesos (P50,000)] **FIVE HUNDRED THOUSAND PESOS (P500,000.00)**, 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 of illegal activities, shall suffer the penalty [of *prision correccional* in its medium period to *reclusion perpetua*] **FROM TWELVE (12) YEARS AND ONE (1) DAY TO THIRTY (30) YEARS.**

“X X X.”

SEC. 3. Section 16 of the same Act, as amended, is hereby amended to read as follows:

“SEC. 16. *Penal Provisions.* –

“(a) Any employer who violates Section 12, 12-A, and Section 14 of this Act, as amended, shall be penalized by imprisonment of [six (6) months] **ONE (1) YEAR** and one (1) day to six (6) years or a fine of not less than [Fifty thousand pesos

(P50,000.00)] **ONE HUNDRED THOUSAND PESOS (P100,000.00)** but not more than [Three hundred thousand pesos (P300,000.00)] **FOUR HUNDRED THOUSAND PESOS (P400,00.00)** or both at the discretion of the court.

“(b) Any person who violates the provision of Section 12-D of this Act or the employer of the subcontractor who employs, or the one who facilitates the employment of a child in hazardous work shall suffer the penalty of a fine of not less than [One hundred thousand pesos (P100,000.00)] **TWO HUNDRED THOUSAND PESOS (P200,000.00)** but not exceeding One million pesos (P1,000,000.00), or imprisonment of not less than twelve (12) years and one (1) day to twenty (20) years, or both such fine and imprisonment at the discretion of the court.

“(c) Any person who violates Sections 12-D(1) and 12-D(2) shall be prosecuted and penalized in accordance with the penalty provided for by [R.A. 9208 otherwise known as the ‘Anti-Trafficking in Persons Act of 2003’] **SECTION 12 OF REPUBLIC ACT NO. 10364 OR THE ‘EXPANDED ANTI-TRAFFICKING IN PERSONS ACT OF 2012’**: *Provided*, That such penalty shall be imposed in its maximum period.

“(d) Any person who violates Section 12-D (3) shall be prosecuted and penalized in accordance with R.A. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002"; *Provided*, That such penalty shall be imposed in its maximum period.

“(e) If a corporation commits any of the violations aforecited, the board of directors/trustees and officers, which include the president, treasurer and secretary of the said corporation who

1 participated in or knowingly allowed the violation, shall be
 2 penalized accordingly as provided for under this Section.

3 “(f) Parents, biological or by legal fiction, and legal guardians
 4 found to be violating Sections 12, 12-A, 12-B and 12-C of this Act
 5 shall pay a fine of not less than [Ten thousand pesos (P10,000.00)]
 6 **ONE HUNDRED THOUSAND PESOS (P100,000.00)** but not
 7 more than [One hundred thousand pesos (P100,000)] **THREE**
 8 **HUNDRED THOUSAND PESOS (P300,000.00)**, or be required
 9 to render community service for not less than [thirty (30) days]
 10 **THREE (3) MONTHS** but not more than one (1) year, or both such
 11 fine and community service at the discretion of the court: *Provided,*
 12 That the maximum length of community service shall be imposed
 13 on parents, [or] legal guardians **OR ADULT CAREGIVERS**
 14 **WHO HAVE CUSTODY OF THE CHILD AND** who have
 15 violated the provisions of this Act three (3) times: *Provided further,*
 16 That in addition to the community service, the penalty of
 17 imprisonment of [thirty (30) days] **THREE (3) MONTHS** but not
 18 more than one (1) year or both at the discretion of the court, shall be
 19 imposed on the parents or legal guardians who have violated the
 20 provisions of this Act more than three (3) times.

21 “(g) The Secretary, of Labor and Employment or his/her duly
 22 authorized representative may, after due notice and hearing, order
 23 the closure of any business firm or establishment found to have
 24 violated any of the provisions of this Act more than three (3) times.
 25 He/she shall likewise order the immediate closure of such firm or
 26 establishment if:

27 “(1) The violation of any provision of this Act has
 28 resulted in the death, insanity or serious physical injury of a
 29 child employed in such establishment; or

1 “(2) Such firm or establishment is engaged or
2 employed in prostitution or in obscene or lewd shows.

3 “(h) In case of such closure, the employer shall be required to
4 pay the employee(s) the separation pay and other monetary benefits
5 provided for by law.”

6 **SEC. 4.** Section 20 of the same Act, as amended, is hereby amended
7 to read as follows:

8 “SEC. 20. *Discrimination.* – Children of indigenous cultural
9 communities shall not be subjected to any and all forms of
10 discrimination.

11 “Any person who discriminates against children of
12 indigenous cultural communities shall suffer a penalty [of *arresto*
13 *mayor* in its maximum period] **FROM TWO (2) YEARS, FOUR**
14 **(4) MONTHS AND ONE (1) DAY TO FOUR (4) YEARS AND**
15 **TWO (2) MONTHS** and a fine of not less than [Five thousand
16 pesos (P5,000)] **FIFTY THOUSAND PESOS (P50,000.00)** nor
17 more than [Ten thousand pesos (P10,000)] **ONE HUNDRED**
18 **THOUSAND PESOS (P100,000.00).**

19 **“THE OFFENDER SHALL LIKEWISE UNDERGO A**
20 **REEDUCATION AND REORIENTATION PROGRAM ON**
21 **THE INDIGENOUS PEOPLES CULTURE OF THE**
22 **PHILIPPINES, TO BE CONDUCTED BY THE NATIONAL**
23 **COMMISSION ON INDIGENOUS PEOPLES OR THE**
24 **PHILIPPINE TASK FORCE FOR INDIGENOUS PEOPLES**
25 **RIGHTS”**

26 **SEC. 5. *Implementing Rules and Regulations.*** - Within one hundred
27 eighty (180) days from the effectivity of this Act, the Secretary of Labor
28 and Employment in coordination with the Secretary of Social Welfare and
29 Development, concerned agencies in the public sector and other

1 stakeholders in the private sector, shall issue the necessary rules and
2 regulations to effectively implement the provisions of this Act.

3 **SEC. 6. *Separability Clause.*** - If any provision of this Act is held
4 invalid or unconstitutional, other provisions not affected thereby shall
5 remain to be in full force and effect.

6 **SEC. 7. *Repealing Clause.*** - All laws, decrees, orders, rules and
7 regulations, inconsistent with any of the provisions of this Act are hereby
8 repealed, amended or modified accordingly.

9 **SEC. 8. *Effectivity.*** - This Act shall take effect fifteen (15) days after
10 its publication in the *Official Gazette* or in a newspaper of general
11 circulation.

Approved,