

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**19TH CONGRESS**  
Second Regular Session

HOUSE BILL NO. 10589



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**Introduced by Representative Michael L. Romero**

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**EXPLANATORY NOTE**

The **1987 Constitution** mandates the state to support **dignity and privacy** through appropriate technology and research, adequate financial services and other support services.

For purposes of this Act, the term:

- (a) "**Broadcast**" means to make public, by any means, a visual image with the intent that it be viewed by a person or persons.
- (b) "**Capture**" with respect to an image, means to videotape, photograph, film, record by any means, or broadcast.
- (c) "Female breast" means any portion of the female breast.
- (d) "**Photo or video voyeurism**" means the act of taking photo or video coverage of a person or group of persons performing sexual act or any similar activity or of capturing an image of the private area of a person or persons without the latter's consent, under circumstances in which such person/s has/have a reasonable expectation of privacy, or the act of selling, copying, reproducing, broadcasting, sharing, showing or exhibiting the photo or video coverage or recordings of such sexual act or similar activity through VCD/DVD, internet, cellular phones and similar means or device without the written consent of the person/s involved, notwithstanding that consent to record or take photo or video coverage of same was given by such person's.

(e) "**Private area of a person**" means the naked or undergarment clad genitals, public area, buttocks or female breast of an individual.

(f) "Under circumstances in which a person has a reasonable expectation of privacy" means believe that he/she could disrobe in privacy, without being concerned that an image or a private area of the person was being captured; or circumstances in which a reasonable person would believe that a private area of the person would not be visible to the public, regardless of whether that person is in a public or private place

This House Bill seeks to achieve and attain a higher degree of awareness in the acts and violations of **Photo or video voyeurism** with the end view that harmony and order shall be maintained more effectively, and the laws enforced with more impartiality.

Thus, the early passage of this bill is earnestly requested.

A handwritten signature in black ink, appearing to read 'Michael L. Romero', with a long horizontal flourish extending to the right.

**MICHAEL L. ROMERO Ph.D.**

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AN ACT

AMENDING **REPUBLIC ACT NO. 9995, “ANTI-PHOTO AND VIDEO VOYEURISM ACT OF 2009”**, TO ESTABLISH RESPONSIBILITY AND ACCOUNTABILITY, PROVIDING FOR STIFFER PENALTIES AND SANCTIONS, AND FOR OTHER PURPOSES

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

**SECTION 1. DECLARATION OF POLICY** — The state values the dignity and privacy of every human person and guarantees full respect for human rights. Toward this end, the State shall penalize acts that would destroy the honor, dignity and integrity of a person.

It shall be imperative for the state to promote **dignity and privacy** to all Filipino citizens.

For these purposes, the state shall provide the mechanisms to improve our **dignity and privacy** concerns by maximizing the use of existing resources of all government agencies and branches, recognizing in the process the government’s responsibility to provide a wholistic approach as having priority over its other functions.

It is a declared policy of the state in conformity with the mandate of the Constitution, to promote and Filipino dignity and privacy. The State also hereby recognizes the complementary roles of public and private institutions in the invaluable contributions they have made and will make to the state.

For these purposes, the state shall provide the mechanisms to improve **dignity and privacy** by maximizing the use of existing resources of the state, recognizing in the process the government's responsibility as having priority over its other functions.

**SECTION 2. section 5 of RA9995 is hereby amended to read as follows:**

**Section 5. Penalties.** - The penalty of imprisonment of not less than six **(6)** years but not more than twelve **(12)** years and a fine of not less than five hundred thousand pesos **(P500,000.00)** but not more than one million pesos **(P1,000,000.00)**, or both, at the discretion of the court shall be imposed upon any person found guilty of violating Section 4 of this Act.

If the violator is a juridical person, its license or franchise shall automatically be deemed revoked and the persons liable shall be the officers thereof including the editor and reporter in the case of print media, and the station manager, editor and broadcaster in the case of a broadcast media.

If the offender is a public officer or employee, or a professional, he/she shall be administratively liable.

If the offender is an alien, he/she shall be subject to deportation proceedings after serving his/her sentence and payment of fines.

**SECTION 3. EXEMPTION.** - Nothing contained in this Act, however, shall render it unlawful or punishable for any peace officer, who is authorized by a written order of the court, to use the record or any copy thereof as evidence in any civil, criminal investigation or trial of the crime of photo or video voyeurism:

Provided, That such written order shall only be issued or granted upon written application and the examination under oath or affirmation of the applicant and the witnesses he/she may produce, and upon showing that there are reasonable grounds to believe that photo or video voyeurism has been committed or is about to be committed, and that the evidence to be obtained is essential to the conviction of any person for, or to the solution or prevention of such, crime.

**SECTION 4. INADMISSIBILITY OF EVIDENCE.** - Any record, photo or video, or copy thereof, obtained or secured by any person in violation of **Republic Act No. 9995** shall not be admissible in evidence in any judicial, quasi-judicial, legislative or administrative hearing or investigation.

**SECTION 5. PRESCRIPTION OF CRIMES.** - The crime punishable under this act shall be prescribed in twenty **(20)** years.

**SECTION 6. TRANSITORY PROVISION** - Existing industries, businesses and offices affected by the implementation of this Act shall be given six **(6)** months transitory period from the effectivity of the IRR or such other period as may be determined, to comply with the requirements of this Act.

**SECTION 7. IMPLEMENTING RULES AND REGULATIONS.** - The departments and agencies charged with carrying out the provisions of this Act shall, within sixty **(60)** days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

in accordance with **Republic Act No. 9995**, subject to compliance with the requirements prescribed by the state.

**SECTION 8. REPEALING CLAUSE.** - All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**SECTION 9. SEPARABILITY CLAUSE.** – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

**SECTION 10. EFFECTIVITY CLAUSE.** – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,