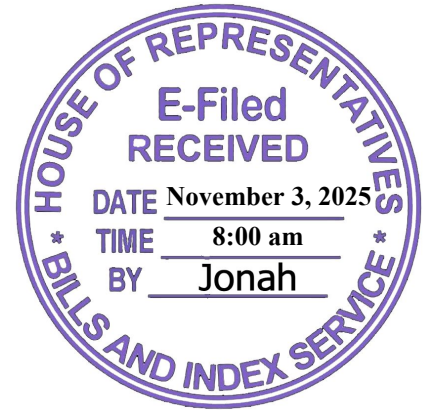




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session



House Bill No. 5744

Introduced by CIBAC Party-List Representative
EDUARDO "BRO. EDDIE" C. VILLANUEVA

EXPLANATORY NOTE

The age of technological advancement of our generation—the internet, in particular – not only paved the way for modern development but also brought a new wave of problems to the society such as online pornography and the rapid increase of users that exploit minors and children.

The Philippine society is not exempted. In fact, according to the United Nations Children Emergency Fund (UNICEF) on their 2017 report "The State of World's Children: Children in a Digital World," the country is the top global source of child pornography¹—an astounding truth that urges us to review prevailing laws.

Currently, the Revised Penal Code penalizes grave scandal, immoral doctrines, obscene publications and exhibitions and indecent shows. In 2017, Republic Act No 10951 increased the penalty for promoting immoral doctrines, obscene publications and indecent shows under Article 201 of the Revised Penal Code from a fine of at least Php6,000 to a fine ranging from Php20,000 to Php200,000.

In addition to the felonies punishable under the Revised Penal Code, consequently, Republic Act No 7610 or the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act, penalizes any person who shall hire, employ, use, persuade, induce or coerce a child to perform in obscene exhibitions and indecent shows, or model in obscene publications or pornographic materials or to sell or distribute the said materials.

Despite these laws, however, Filipino children continue to be vulnerable to online mild predators and pornographers. In February 2019, it was reported that online sexual exploitations remain widespread in the Philippine, 80% of the victims of which

¹ December 13, 2017. Philippines top global source of pornography - UNICEF. Retrieved from: <https://www.rappler.com/nation/191219-philippines-top-global-source-child-pornography-unicef/>. Accessed on September 1, 2022.

are minors, most of whom are 12 years old or younger.² In most instances, these minors are compelled to undress in front of an international audience of sexual predators online.³

The continued prevalence of these incidents in the Philippines may be attributed to the fact that despite the deplorable nature of the offense, the prescribed penalties for these offenses are not commensurate to their gravity. Under the Revised Penal Code, an offender who is found guilty of violating Article 201 may be punished by a fine ranging from Php20,000 to Php200,000 or imprisonment of not more than six years. Thus, even if an offender is convicted, there is no assurance that the offender would be put behind bars and kept away from the public. The fine is also negligible when compared to the profit that the pornography business generates.

This bill seeks to give greater protection to minors, increase the penalties for obscene, pornographic and immoral activities, and update our penal laws to adapt to the advanced technology now employed by those in the business of defiling the dignity of persons through lust and greed.

In view of these considerations, the immediate passage of this bill is earnestly sought.


EDUARDO "BRO. EDDIE" C. VILLANUEVA

² February 22, 2019. Cybersex ops still prevalent in PH; 80 pct of victims are minors. Retrieved from <https://news.abs-cbn.com/spotlight/02/22/19/cybersex-ops-still-prevalent-in-ph-80-pct-of-victims-are-minors>. Accessed on September 1, 2022.

³ February 14, 2018. Gov't to boost crackdown on child pornography. Retrieved from <https://www.cnnphilippines.com/news/2018/02/14/crackdown-on-child-pornography.html>. Accessed on September 1, 2022.



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HOUSE BILL NO. 5744

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AN ACT
DETERRING THE CONTINUED PROLIFERATION OF IMMORAL DOCTRINES,
OBSCENE PUBLICATIONS AND EXHIBITIONS AND INDECENT SHOWS BY
INCREASING THE PENALTIES THEREFOR, AND FOR OTHER PURPOSES

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

1 **SECTION 1. Short Title** - This Act shall be known as the *“Immorality,*
2 *Pornography and Obscenity Deterrence Act.”*
3

4 **SEC. 2.** Article 201 of Act No. 3815, as amended by Republic Act No. 10951,
5 otherwise known as the Revised Penal Code, is hereby amended to read as follows:
6

7 “Article 201. Immoral doctrines, obscene publications and exhibitions,
8 and indecent shows. - The penalty of BOTH prision mayor [or] AND a
9 fine ranging from [Twenty thousand pesos (P20,000)] FIVE HUNDRED
10 THOUSAND (P500,000.00) TO [Two hundred thousand pesos
11 (P200,000)] TWO MILLION PESOS (P2,000,000.00) [, or both such
12 imprisonment and fine,] shall be imposed upon:
13

14 (1) Those who shall publicly, in whatever form, medium or technology,
15 expound or proclaim doctrines openly contrary to public morals;
16

17 (2) (a) The authors of obscene literature, published with their
18 knowledge in any form; the editors publishing such literature; and
19 the owners/operators and employees of the establishment selling
20 the same;
21

22 (b) Those who, in theaters, fairs, cinematographs or any other place
23 accessible or made accessible to the public even if privately-owned,
24 or through the internet or some other virtual location where
25 information can be posted, stored or transferred, willingly exhibit, for
26 free, profit or any consideration, indecent or immoral plays, scenes,

1 acts or shows, or clips, whether visually or through the use of the
2 other senses, whether live or [in film,] recorded. [which are
3 proscribed by virtue hereof,] These shall include those which (1)
4 glorify criminals or condone crimes; (2) serve no other purpose but
5 to satisfy the market for violence, lust or pornography; (3)
6 intentionally offend or discriminate any race, or religion; (4) tend to
7 abet traffic and use of prohibited drugs and the abuse of regulated
8 drugs; and (5) are contrary to law, public order, morals, good
9 customs, established policies, lawful orders, decrees and edicts;

- 10
11 (3) Those who shall sell, give away, DISTRIBUTE, LEASE,
12 CIRCULATE or exhibit films, prints, engravings, sculpture,
13 PICTURES, [or] literature, SOUND RECORDINGS, OR ANY
14 MATERIAL, IN WHATEVER FORM, which are offensive to morals,
15 ESPECIALLY THOSE REFERRED TO IN SUBSECTION (2)(B)(1)
16 TO (5) ABOVE.
17

18 FOR PURPOSES OF THIS ARTICLE, ANY MATERIAL WHICH, TO A
19 REASONABLE PERSON USING THE MORAL AND ETHICAL
20 STANDARDS OF THE CITY OR MUNICIPALITY WHERE THE
21 MATERIAL WAS SOLD, DISTRIBUTED, EXHIBITED AND/OR
22 CIRCULATED, UNNECESSARILY EMPLOY THE USE OF SEX
23 AND/OR VIOLENCE, OR UNNECESSARILY ADVERTISE AND/OR
24 PROMOTE DRUG ABUSE, CRIME OR OTHER UNLAWFUL OR
25 IMMORAL ACTS SHALL BE DEEMED TO BE IMMORAL, OBSCENE
26 AND/OR PORNOGRAPHIC.
27

28 IF THE OFFENDER IS A PUBLIC OFFICER OR EMPLOYEE, THE
29 MAXIMUM PENALTY SHALL BE IMPOSED, INCLUDING THE
30 ACCESSORY PENALTY OF PERPETUAL ABSOLUTE
31 DISQUALIFICATION.
32

33 ANY PUBLIC OFFICER OR EMPLOYEE WHO SHALL KNOWINGLY
34 ASSIST, IN WHATEVER FORM, WHETHER FOR CONSIDERATION
35 OR OTHERWISE, ANY PERSON IN COMMITTING ANY OF THE
36 OFFENSES MENTIONED IN THE PRECEDING PARAGRAPHS
37 SHALL BE PENALIZED WITH PRISION MAYOR AND A FINE OF TWO
38 MILLION PESOS (P2,000,000.00) INCLUDING PERMANENT
39 DISQUALIFICATION FROM HOLDING PUBLIC OFFICE.”
40

41 **SEC. 3.** A new Article 201-A of Act No. 3815, as amended, otherwise known as
42 the Revised Penal Code, is hereby amended to read as follows:
43

44 **“ARTICLE 201-A. SALE, DISTRIBUTION OR TRANSFER OF**
45 **IMMORAL, OBSCENE AND/OR PORNOGRAPHIC MATERIALS TO**
46 **MINORS – ANY PERSON FOUND GUILTY OF SELLING,**
47 **DISTRIBUTING OR TRANSFERRING TO A MINOR, FOR**
48 **CONSIDERATION OR OTHERWISE, ANY IMMORAL, OBSCENE**
49 **AND/OR PORNOGRAPHIC MATERIAL IN WHATEVER FORM,**
50 **MEDIUM OR TECHNOLOGY, SHALL SUFFER THE PENALTY OF**

1 PRISION MAYOR AND A FINE RANGING FROM FIVE HUNDRED
2 THOUSAND (P500,000.00) TO TWO MILLION PESOS
3 (P2,000,000.00).
4

5 IF THE OFFENDER IS A PUBLIC OFFICER OR EMPLOYEE, THE
6 MAXIMUM PENALTY SHALL BE IMPOSED, INCLUDING THE
7 ACCESSORY PENALTY OF PERPETUAL ABSOLUTE
8 DISQUALIFICATION.
9

10 ANY PUBLIC OFFICER OR EMPLOYEE WHO SHALL KNOWINGLY
11 ASSIST, IN WHATEVER FORM, WHETHER FOR CONSIDERATION
12 OR OTHERWISE, ANY PERSON IN COMMITTING ANY OF THE
13 OFFENSES MENTIONED IN THE PRECEDING PARAGRAPHS
14 SHALL BE PENALIZED WITH PRISION MAYOR AND A FINE OF TWO
15 MILLION PESOS (P2,000,000.00), INCLUDING PERMANENT
16 DISQUALIFICATION FROM HOLDING PUBLIC OFFICE.”
17

18 **SEC. 4.** Section 9 of Republic Act No. 7610, otherwise known as the Special
19 Protection of Children Against Child Abuse, Exploitation and Discrimination Act is
20 hereby amended to read as follows:
21

22 **“Section 9. Obscene Publications and Indecent Shows.** – Any
23 person who shall hire, employ, use, persuade, induce or coerce a child
24 to perform in obscene exhibitions and indecent shows, whether live or in
25 video, or model in obscene publications or pornographic materials or to
26 sell or distribute the said materials shall suffer the penalty of prision
27 mayor in its [medium] MAXIMUM period AND A FINE RANGING FROM
28 FIVE HUNDRED THOUSAND PESOS (P500,000.00) TO TWO
29 MILLION PESOS (P2,000,000.00).
30

31 THE SAME PENALTY SHALL BE IMPOSED ON ANY PERSON WHO
32 SHALL USE VIRTUAL OR DIGITAL IMAGES OF A CHILD OR
33 INDIVIDUALS MADE TO APPEAR LIKE MINORS IN ANY OBSCENE
34 PUBLICATION OR PORNOGRAPHIC MATERIAL IN WHATEVER
35 FORM OR MEDIUM.
36

37 ANY PERSON WHO SHALL SELL, GIVE AWAY, DISTRIBUTE,
38 LEASE, CIRCULATE, PRODUCE, SPONSOR OR EXHIBIT ANY
39 MATERIAL ENCOURAGING OR PROMOTING SEXUAL
40 INTERCOURSE OR ANY SEXUAL OR PROFANE ACTIVITY WITH A
41 MINOR OR MINORS SHALL LIKEWISE SUFFER THE PENALTY
42 PROVIDED UNDER THE FIRST PARAGRAPH OF THIS SECTION.
43

44 If the child used as a performer, subject or seller/distributor is below
45 twelve (12) years of age, the penalty shall be imposed in its maximum
46 period AND THE MAXIMUM AMOUNT OF FINE.
47

48 Any ascendant, guardian, or person entrusted in any capacity with the
49 care of a child who shall cause and/or allow such child to be employed
50 or to participate in an obscene play, scene, act, movie or show or in any

1 other acts covered by this section shall suffer the penalty of prision
2 mayor in its [medium] MAXIMUM period.

3
4 IF THE OFFENDER IS A PUBLIC OFFICER OR EMPLOYEE, THE
5 MAXIMUM PENALTY SHALL BE IMPOSED, INCLUDING THE
6 ACCESSORY PENALTY OF PERPETUAL ABSOLUTE
7 DISQUALIFICATION.

8
9 ANY PUBLIC OFFICER OR EMPLOYEE WHO SHALL KNOWINGLY
10 ASSIST, IN WHATEVER FORM, WHETHER FOR CONSIDERATION
11 OR OTHERWISE, ANY PERSON IN COMMITTING ANY OF THE
12 OFFENSES MENTIONED IN THE PRECEDING PARAGRAPHS
13 SHALL BE PENALIZED WITH PRISION MAYOR AND A FINE OF TWO
14 MILLION PESOS (P2,000,000.00) INCLUDING PERMANENT
15 DISQUALIFICATION FROM HOLDING PUBLIC OFFICE.”

16
17 **SEC. 5. Separability Clause.** – If any provision of this Act is declared
18 unconstitutional, the other provisions not affected thereby shall continue to be in full
19 force and effect.

20
21 **SEC. 6. Repealing Clause.** – All laws, decrees, rules and regulations, or parts
22 thereof inconsistent with this Act are hereby repealed or amended accordingly.

23
24 **SEC. 7. Effectivity.** – This Act shall take effect fifteen (15) days following its
25 complete publication in the Official Gazette or in at least two (2) newspapers of general
26 circulation.

27
28 *Approved,*