

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 5902



Introduced by: Representative MANUEL JOSE M. DALIPE

EXPLANATORY NOTE

Our Constitution provides that "the state recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being." It further provides that the state shall defend "the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development."

Yet, sadly, millions of Filipino children across socio-economic backgrounds, ages, religions and culture suffer violence, exploitation, and discrimination. And it is more depressing to know that millions more are at risk.

In light of the circumstances, it is the duty of the government to ensure the absolute safety of all children against all forms of abuse, exploitation and discrimination. Thus, Republic Act No. 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act was enacted.

Twenty-seven years have passed since the enactment of RA 7610, but child abuse remains prevalent in the country. Evidently, there is a need to update the law in order to better protect our children and create an environment fit for them.

In view of the foregoing, immediate passage of this measure is earnestly requested.

MANUEL JOSE M. DALIPE

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AN ACT IMPOSING STIFFER PENALTIES FOR CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7610, AS AMENDED

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

SECTION 1. Section 9 of Republic Act No. 7610, otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act", is hereby amended to read as follows:

"SEC. 9. *Obscene Publications and Indecent Shows.* – Any person who shall hire, employ, use, persuade, induce or coerce a child to perform in obscene exhibitions and indecent shows, whether live or in video, pose, or model in obscene publications or pornographic materials or to sell or distribute the said materials shall suffer the penalty of [prison mayor] **RECLUSION TEMPORAL** in its medium period.

"If the child used as a performer, subject or seller/distributor is below twelve (12) years of age, the penalty shall be [imposed in its maximum period] **RECLUSION PERPETUA**.

"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 [prison mayor] **RECLUSION TEMPORAL** in its [medium] **MAXIMUM** period."

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*] **RECLUSION TEMPORAL** in its minimum period.

“(b) Any person who shall keep or have in his company a minor, twelve (12) years or under or who is ten (10) years or more his junior in any public or private place, hotel, motel, beer joint, discotheque, cabaret, pension house, sauna or massage parlor, beach and/or other tourist resort or similar places shall suffer the penalty of [*prision mayor*] **RECLUSION TEMPORAL** in its [maximum] **MEDIUM** period and a fine of not less than [Fifty thousand pesos (P50,000)] **FIVE HUNDRED THOUSAND PESOS (P500,000.00)**: *Provided*, That this provision shall not apply to any person who is related within the fourth degree of consanguinity or affinity or any bond recognized by law, local custom and tradition, or acts in the performance of a social, moral or legal duty.

“(c) Any person who shall induce, deliver or offer a minor to any one prohibited by this Act to keep or have in his company a minor as provided in the preceding paragraph shall suffer the penalty of *prision mayor* in its [medium] **MAXIMUM** period and a fine of not less than [Forty thousand pesos (P40,000)] **FOUR HUNDRED THOUSAND PESOS (P400,000.00)**: *Provided, however*, That should the perpetrator be an ascendant, stepparent or guardian of the minor, the penalty to be imposed shall be [*prision mayor*]**RECLUSION TEMPORAL** in its [maximum] **MEDIUM** period, a fine of not less than [Fifty thousand pesos (P50,000)] **FIVE HUNDRED THOUSAND PESOS (P500,000.00)**, and the loss of parental authority over the minor.

“THE OFFENDER SHALL LIKEWISE UNDERGO A REEDUCATION AND REORIENTATION PROGRAM ON 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] **MAXIMUM** period 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 streetchild 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 any illegal activities, shall suffer the penalty of [*prision correccional* in its medium period] **RECLUSION TEMPORAL** to *reclusion perpetua*."

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

"SEC. 16. *Penal Provisions.* -

"(a) Any employer who violates Sections 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 (P400,000.00)** 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 more than 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 participated in or knowingly allowed the violation, shall be penalized accordingly as provided for under this Section.

"(f) Parents, biological or by legal fiction, and legal guardians found to be violating Sections 12, 12-A, 12-B and 12-C of this Act shall pay a fine of not less than [Ten thousand pesos (P10,000.00)] **ONE HUNDRED THOUSAND PESOS (P100,000.00)** but not more than [One hundred thousand pesos (P100,000.00)] **THREE HUNDRED THOUSAND PESOS (P300,000.00)**, or be required to render community service for not less than [thirty (30) days] **THREE (3) MONTHS** but not more than one (1) year, or both such fine and community service at the discretion of the court: *Provided*, That the maximum length of community service shall be imposed on parents, [or] legal guardians **OR ADULT**

CAREGIVERS WHO HAVE CUSTODY OF THE CHILD AND who have violated the provisions of this Act three (3) times: *Provided, further,* That in addition to the community service, the penalty of imprisonment of [thirty (30) days] **THREE (3) MONTHS** but not more than one (1) year or both at the discretion of the court, shall be imposed on the parents or legal guardians who have violated the provisions of this Act more than three (3) times.

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

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

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

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

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

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

“Any person who discriminates against children of indigenous cultural communities shall suffer a penalty of [*arresto mayor*] **PRISION CORRECCIONAL** in its [maximum] **MEDIUM** period and a fine of not less than [Five thousand pesos (P5,000)] **FIFTY THOUSAND PESOS (P50,000.00)** nor more than [Ten thousand pesos (P10,000)] **ONE HUNDRED THOUSAND PESOS (P100,000.00)**.

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

SEC. 5. Within one hundred eighty (180) days from the effectivity of this Act, the Secretary of Labor and Employment in coordination with the Secretary of Social Welfare and Development, concerned agencies in the public sector and other stakeholders in the private sector, shall issue the necessary rules and regulations to effectively implement the provisions of this Act.

Such rules and regulations shall take effect upon their publication in two (2) national newspapers of general circulation.

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

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

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

Approved,