

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

EIGHTEENTH (18th) CONGRESS
1st Regular Session

HOUSE BILL NO. 3020



Introduced by **Hon. WILTER "SHARKY" WEE PALMA II**

EXPLANATORY NOTE

All children regardless of race, color, or creed have the absolute right to be protected from the dangers of violence, exploitation and discrimination.

According to the United Nations International Children's Emergency Fund (UNICEF), children are particularly vulnerable due to their gender, race and economic status. While in extreme cases, children with disabilities and orphans are even more susceptible to the different faces of abuse and/or exploitation.

In reality, millions of children are not fully protected. Many of them have to deal with cases of violence, exploitation and discrimination on a daily basis. As such, these violations would then in turn lead to lesser chances of survival, impede their growth as individuals and deter them from pursuing their dreams.

In light of this, it is the government's duty to provide measures that would ensure the absolute safety of children against cases of abuse, exploitation and discrimination. As a result, the enactment of Republic Act No. 7610 otherwise known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act" served as the primary tool of the state to provide a safe and healthy rearing of our children in order for them to live the lives that they deserve.

However, despite the presence of such legislation, there are still countless cases where minors are exploited by domestic and foreign entities. It is clear that we need to make changes within the current system in order to keep up. With this, it is vital that we, as responsible members of the state, to ensure the protection of these children from such threats in order to provide a bright future for this generation and the generations to come.

In view thereof, support and approval of this bill is earnestly sought.



ATTY. WILTER "SHARKY" WEE PALMA II

1st District, Zamboanga Sibugay

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

EIGHTEENTH (18th) CONGRESS
First Regular Session

HOUSE BILL NO. 3020

Introduced By **HON. WILTER "SHARKY" WEE PALMA II**

**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:*

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

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

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

13 "Any ascendant, guardian, or person entrusted in any capacity with
14 the care of a child who shall cause and/or allow such child to be employed
15 or to participate in an obscene play, scene, act, movie or show in any other
16 acts covered by this section shall suffer the penalty of [*prision mayor*]
17 **RECLUSION TEMPORAL** in its [medium] **MAXIMUM** period."

18
19 **SECTION 2.** Section 10 of the same Act as amended, is here by amended to
20 read as follows:

21 "SEC. 10. *Other Acts of Neglect, Abuse, Cruelty or Exploitation and*
22 *Other Conditions Predjudicial to the Child's Development. –*

23 "(a) Any person who shall commit any other acts of child abuse,
24 cruelty or exploitation or be responsible for other conditions prejudicial to
25 the child's development including those covered by Article 59 of
26 Presidential Decree No. 603, as amended, shall suffer the penalty of [*prision*
27 *mayor*] **RECLUSION TEMPORAL** in its minimum period.

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

39 "(c) Any person who shall induce, deliver or offer a minor to any one
40 prohibited by this Act to keep or have in his company a minor as provided
41 in the preceding paragraph shall suffer the penalty of *prision mayor* in its
42 [medium] **MAXIMUM** period and a fine of not less than [Forty thousand

43 pesos (P40,000)] **FOUR HUNDRED THOUSAND PESOS (P400,000)** *Provided,*
44 *however,* That should the perpetrator to be an ascendant, stepparent or
45 guardian of the minor, the penalty to be imposed shall be [*prision mayor*]
46 **RECLUSION TEMPORAL in its** [maximum] **MEDIUM** period, a fine of not less
47 than [Fifty thousand pesos (P50,000)] **FIVE HUNDRED THOUSAND PESOS**
48 **(P500,000)**, and the loss of parental authority over the minor.

49 **"THE OFFENDER SHALL LIKEWISE UNDERGO A REEDUCATION AND**
50 **REORIENTATION PROGRAM ON CHILD PROTECTION TO BE CONDUCTED**
51 **BY THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT.**

52 "(d) Any person, owner, manager or one entrusted with the
53 operation of any public or private place of accommodation, whether for
54 occupancy, food, drink or otherwise, including residential places, who
55 allows any person to take along with him to such place or places any minor
56 herein described shall be imposed a penalty of *prision mayor* in its
57 [medium] **MAXIMUM** period and a fine of not less than [Fifty thousand
58 pesos (P50,000)] **FIVE HUNDRED THOUSAND PESOS (P500,000)**, and the
59 loss of the license to operate such a place or establishment.

60 "(e) Any person who shall use, coerce, force or intimidate a
61 streetchild or any other child to:

62 "(1) Beg or use begging AS a means of living;

63 "(2) Act as conduit or middlemen in drug trafficking or pushing; or

64 "(3) Conduct any illegal activities, shall suffer the penalty of [*prision*
65 *correccional* in its medium period] **RECLUSION TEMPORAL** to *reclusion*
66 *perpetua*."

67
68 **SECTION 3.** Section 16 of the same Act, as amended is hereby further
69 amended to read as follows:

70 "SEC. 16. *Penal Provisions.* –

71 “(a) Any employer who violates Sections 12, 12-A, and Section 14 of
72 this Act, as amended, shall be penalized by imprisonment of [six (6)
73 months] **ONE (1) YEAR** and one (1) day to six (6) years or a fine of not less
74 than [Fifty thousand pesos (P50,000)] **ONE HUNDRED THOUSAND PESOS**
75 **(P100,000)** but not more than [Three hundred thousand pesos (P300,000)]
76 **FOUR HUNDRED THOUSAND PESOS (P400,000)** or both at the discretion of
77 the court.

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

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

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

96 “(e) If a corporation commits any of the violations aforecited, the
97 board of directors/trustees and officers which include the president,
98 treasurer and secretary of the said corporation who participated in or
99 knowingly allowed the violation, shall be penalized accordingly as provided
100 under this Section.

101 “(f) Parents, biological or legal fiction, and legal guardians found to
102 be violating Sections 12, 12-A, 12-B and 12-C of this Act shall pay a fine of
103 not less than [Ten thousand pesos (P10,000)] **ONE HUNDRED THOUSAND**
104 **PESOS (P100,000)** but not more than [One hundred thousand pesos
105 (P100,000)] **THREE HUNDRED THOUSAND PESOS (P300,000)**, or be
106 required to render community service for not less than [thirty (30) days]
107 **THREE (3) MONTHS** but not more than one (1) year, or both such fine and
108 community service at the discretion of the court: *Provided*, That the
109 maximum length of community service shall be imposed on parents, [or]
110 legal guardians or **ADULT CAREGIVERS WHO HAVE CUSTODY OF THE CHILD**
111 **AND** who have violated the provisions of this Act three (3) times: *Provided*,
112 *further*, That in addition to the community service, the penalty of
113 imprisonment of [thirty (30) days] **THREE (3) MONTHS** but not more than
114 one (1) year or both at the discretion of the court, shall be imposed on the
115 parents or legal guardians who have violated the provisions of this Act
116 more than three (3) times.

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

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

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

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

131 **SECTION 4.** Section 20 of the same Act is hereby amended to read as
132 follows:

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

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

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

146
147 **SECTION 5.** Within one hundred eighty (180) days from the effectivity of
148 this Act, the Secretary of Labor and Employment in coordination with the
149 Secretary of Social Welfare and Development, concerned agencies in the public
150 sector and other stakeholders in the private sector, shall issue the necessary rules
151 and regulations to effectively implement the provisions of this Act.

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

154
155 **SECTION 6.** If any provision of this Act is held invalid or unconstitutional,
156 other provisions not affected thereby shall remain to be in full force and effect.

157

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

161
162 **SECTION 8.** This Act shall take effect fifteen (15) days after its publication in
163 the *Official Gazette* or in a newspaper of general circulation.

164
165 *Approved,*
166
167