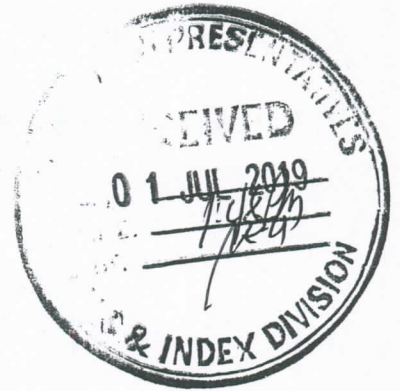


Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
FIRST REGULAR SESSION



House Bill No. 576

Introduced by CIBAC Party-List Representatives
Eduardo 'Bro. Eddie' C. Villanueva and Domingo C. Rivera

**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**

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.

¹ 2017, December 13. Philippines top global source of child pornography – UNICEF. Retrieved from: <https://www.rappler.com/nation/191219-philippines-top-global-source-child-pornography-unicef> (date last accessed: June 30, 2019).

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 child predators and pornographers. In February 2019, it was reported that online sexual exploitations remain widespread in the Philippines, 80% of the victims of which 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 sought.



HON. EDUARDO "BRO. EDDIE" C. VILLANUEVA



HON. DOMINGO C. RIVERA

² 2019, February 22. 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> (date last accessed: June 24, 2019).

³ 2018, February 14. Gov't to boost crackdown on child pornography. Retrieved from: <https://cnnphilippines.com/news/2018/02/14/crackdown-on-child-pornography.html> (date last accessed: June 24, 2019).

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HOUSE OF THE REPRESENTATIVES
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EIGHTEENTH CONGRESS
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1 **AN ACT DETERRING THE CONTINUED PROLIFERATION OF**
2 **IMMORAL DOCTRINES, OBSCENE PUBLICATIONS AND**
3 **EXHIBITIONS AND INDECENT SHOWS BY INCREASING THE**
4 **PENALTIES THEREFOR, AND FOR OTHER PURPOSES**
5
6

7 *Be it enacted by the Senate and House of Representatives of the Philippines*
8 *in Congress assembled:*
9

10
11 **SECTION 1.** This Act shall be known as the *"Immorality, Pornography and Obscenity*
12 *Deterrence Act."*
13

14 **SECTION 2.** Article 201 of Act No. 3815, as amended by Republic Act No. 10951,
15 otherwise known as the Revised Penal Code, is hereby amended to read as follows:
16

17 **"Article 201. Immoral doctrines, obscene publications and exhibitions, and**
18 **indecent shows.** - The penalty of both [prison mayor] RECLUSION PERPETUA [or]
19 AND a fine ranging from [Twenty thousand pesos (P20,000)] FIVE HUNDRED
20 THOUSAND (P500,000.00) TO [Two hundred thousand pesos (P200,000)] ONE
21 MILLION PESOS (P1,000,000.00) [; or both such imprisonment and fine,] shall be
22 imposed upon:
23

- 24 (1) Those who shall publicly, in whatever form, medium or technology,
25 expound or proclaim doctrines openly contrary to public morals;
26

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

4
5 (b) Those who, in theaters, fairs, cinematographs or any other place
6 accessible or made accessible to the public even if privately-owned, or
7 through the internet or some other virtual location where information can
8 be posted, stored or transferred, willingly exhibit, for free, profit or any
9 consideration, indecent or immoral plays, scenes, acts or shows, or clips,
10 whether visually or through the use of the other senses, whether live or [in
11 film,] recorded. [which are proscribed by virtue hereof,] These shall include
12 those which (1) glorify criminals or condone crimes; (2) serve no other
13 purpose but to satisfy the market for violence, lust or pornography; (3)
14 intentionally offend or discriminate any race, [or] religion or gender; (4)
15 tend to abet traffic and use of prohibited drugs and the abuse of regulated
16 drugs; and (5) are contrary to law, public order, morals, good customs,
17 established policies, lawful orders, decrees and edicts;

18
19 (3) Those who shall sell, give away, DISTRIBUTE, LEASE, CIRCULATE or
20 exhibit films, prints, engravings, sculpture, PICTURES, [or] literature,
21 SOUND RECORDINGS, OR ANY MATERIAL, IN WHATEVER FORM,
22 which are offensive to morals, ESPECIALLY THOSE REFERRED TO IN
23 SUBSECTION (2)(B)(1) TO (5) ABOVE.

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

33
34 IF THE OFFENDER IS A PUBLIC OFFICER OR EMPLOYEE, THE
35 MAXIMUM PENALTY SHALL BE IMPOSED, INCLUDING THE ACCESSORY
36 PENALTY OF PERPETUAL ABSOLUTE DISQUALIFICATION.

37
38 ANY PUBLIC OFFICER OR EMPLOYEE WHO SHALL KNOWINGLY
39 ASSIST, IN WHATEVER FORM, WHETHER FOR CONSIDERATION OR
40 OTHERWISE, ANY PERSON IN COMMITTING ANY OF THE OFFENSES
41 MENTIONED IN THE PRECEDING PARAGRAPHS SHALL BE PENALIZED WITH
42 RECLUSION PERPETUA AND A FINE OF ONE MILLION PESOS (P1,000,000.00)
43 INCLUDING PERMANENT DISQUALIFICATION FROM HOLDING PUBLIC
44 OFFICE.

45
46 **SECTION 3.** A new Article 201-A of Act No. 3815, as amended, otherwise known as
47 the Revised Penal Code, is hereby amended to read as follows:

48
49 **ARTICLE 201-A. SALE, DISTRIBUTION OR TRANSFER OF IMMORAL,**
50 **OBSCENE AND/OR PORNOGRAPHIC MATERIALS TO MINORS - ANY PERSON**

1 FOUND GUILTY OF SELLING, DISTRIBUTING OR TRANSFERRING TO A
2 MINOR, FOR CONSIDERATION OR OTHERWISE, ANY IMMORAL, OBSCENE
3 AND/OR PORNOGRAPHIC MATERIAL IN WHATEVER FORM, MEDIUM OR
4 TECHNOLOGY, SHALL SUFFER THE PENALTY OF RECLUSION PERPETUA
5 AND A FINE RANGING FROM FIVE HUNDRED THOUSAND (P500,000.00) TO
6 ONE MILLION PESOS (P1,000,000.00).

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

11
12 ANY PUBLIC OFFICER OR EMPLOYEE WHO SHALL KNOWINGLY
13 ASSIST, IN WHATEVER FORM, WHETHER FOR CONSIDERATION OR
14 OTHERWISE, ANY PERSON IN COMMITTING ANY OF THE OFFENSES
15 MENTIONED IN THE PRECEDING PARAGRAPHS SHALL BE PENALIZED WITH
16 RECLUSION PERPETUA AND A FINE OF ONE MILLION PESOS (P1,000,000.00)
17 INCLUDING PERMANENT DISQUALIFICATION FROM HOLDING PUBLIC
18 OFFICE.

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

23
24 **SECTION 5. Obscene Publications and Indecent Shows.** - Any person who shall
25 hire, employ, use, persuade, induce or coerce a child to perform in obscene
26 exhibitions and indecent shows, whether live or in video, or model in obscene
27 publications or pornographic materials or to sell or distribute the said materials shall
28 suffer the penalty of [prision mayor in its medium period] RECLUSION PERPETUA
29 AND A FINE RANGING FROM FIVE HUNDRED THOUSAND PESOS
30 (P500,000.00) TO ONE MILLION PESOS (P1,000,000.00).

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

36
37 ANY PERSON WHO SHALL SELL, GIVE AWAY, DISTRIBUTE, LEASE,
38 CIRCULATE, PRODUCE, SPONSOR OR EXHIBIT ANY MATERIAL
39 ENCOURAGING OR PROMOTING SEXUAL INTERCOURSE OR ANY SEXUAL
40 OR PROFANE ACTIVITY WITH A MINOR OR MINORS SHALL LIKEWISE SUFFER
41 THE PENALTY PROVIDED UNDER THE FIRST PARAGRAPH OF THIS SECTION.

42
43 If the child used as a performer, subject or seller/distributor is below twelve
44 (12) years of age, the penalty shall be imposed in its maximum period AND THE
45 MAXIMUM AMOUNT OF FINE.

46
47 Any ascendant, guardian, or person entrusted in any capacity with the care of
48 a child who shall cause and/or allow such child to be employed or to participate in an
49 obscene play, scene, act, movie or show or in any other acts covered by this section

1 shall suffer the penalty of [prision mayor] RECLUSION PERPETUA [in its medium
2 period].
3

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

8 ANY PUBLIC OFFICER OR EMPLOYEE WHO SHALL KNOWINGLY
9 ASSIST, IN WHATEVER FORM, WHETHER FOR CONSIDERATION OR
10 OTHERWISE, ANY PERSON IN COMMITTING ANY OF THE OFFENSES
11 MENTIONED IN THE PRECEDING PARAGRAPHS SHALL BE PENALIZED WITH
12 RECLUSION PERPETUA AND A FINE OF ONE MILLION PESOS (P1,000,000.00)
13 INCLUDING PERMANENT DISQUALIFICATION FROM HOLDING PUBLIC
14 OFFICE.
15

16 **SECTION 6. Separability Clause.** - If any provision of this Act is declared
17 unconstitutional, the other provisions not affected thereby shall continue to be in full
18 force and effect.
19

20 **SECTION 7. Repealing Clause.** - All laws, decrees, rules and regulations, or parts
21 thereof inconsistent with this Act are hereby repealed or amended accordingly.
22

23 **SECTION 8. Effectivity.** - This Act shall take effect fifteen (15) days following its
24 complete publication in the Official Gazette or in at least two (2) newspapers of
25 general circulation.
26

27
28 Adopted.