

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

EIGHTEENTH CONGRESS  
First Regular Session



**COMMITTEE REPORT NO. 154**

Submitted by the Committee on the Welfare of Children on DEC 18 2019

Re: House Bill No. 137

Recommending its approval with amendment, in consolidation with House Bills Numbered 3020, 3520, 3632, 4028, and 4867

Sponsors: Representatives Yedda Marie K. Romualdez, Geraldine Roman, and Aurelio "Dong" Gonzales Jr.

Mr. Speaker:

The Committee on the Welfare of Children to which were referred House Bill No. 137 introduced by Rep. Geraldine Roman, entitled:

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

House Bill No. 3020 introduced by Rep. Wilter "Sharky" Wee Palma II, entitled:

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

House Bill No. 3520 introduced by Rep. Michael Odylon Romero, Ph.D., entitled:

**AN ACT  
AMENDING REPUBLIC ACT NO. 9231, OTHERWISE KNOWN AS  
"SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE,  
EXPLOITATION AND DISCRIMINATION ACT", TO FOSTER ALL  
EFFORTS TO THE WELFARE OF CHILDREN, TO PROMOTE THE  
BEST INTERESTS OF CHILDREN THAT ARE PARAMOUNT  
CONSIDERATION IN ALL ACTIONS CONCERNING THEM, AND  
FOR OTHER PURPOSES,**

House Bill No. 3632 introduced by Rep. Aurelio "Dong" Gonzales Jr., entitled:

**AN ACT**  
**IMPOSING STIFFER PENALTIES FOR CHILD PROSTITUTION AND OTHER SEXUAL ABUSE, CHILD TRAFFICKING, AND OTHER ACTS OF ABUSE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7610 OTHERWISE KNOWN AS THE SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION AND DISCRIMINATION ACT, AS AMENDED, AND FOR OTHER PURPOSES,**

House Bill No. 4028 introduced by Rep. Doy C. Leachon, entitled:

**AN ACT**  
**INCREASING THE PENALTY FOR LASCIVIOUS CONDUCT WHEN THE VICTIM IS UNDER TWELVE (12) YEARS OF AGE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7610, AS AMENDED, OTHERWISE KNOWN AS THE "SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION ACT",**

and House Bill No. 4867 introduced by Rep. Rufus B. Rodriguez, entitled:

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

has considered the same and recommends approval of House Bill No. 137 in consolidation with House Bills Numbered 3020, 3520, 3632, 4028, and 4867, with an amendment to:

delete paragraph 2 of Section 5,

and with Representatives Roman, Palma II, Romero, Gonzales Jr., Leachon, Rodriguez, Sy-Alvarado, Tambunting, Suansing (E.), Lacson-Noel, Olivarez, Romualdez (Y.M.), De Venecia, Radaza, Villaraza-Suarez, Bainto-Aguinaldo, Salimbangon, and Cabochan III as authors thereof.

Respectfully submitted,



**YEDDA MARIE K. ROMUALDEZ**  
Chairperson  
Committee on the Welfare of Children

THE HONORABLE SPEAKER  
HOUSE OF REPRESENTATIVES  
QUEZON CITY



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



EIGHTEENTH CONGRESS  
First Regular Session

House Bill No. 0137

Introduced by Representative **GERALDINE B. ROMAN**

#### **EXPLANATORY NOTE**

The Constitution enshrines that the youth of the country is the catalyst for nation-building and according to our National Hero Dr. Jose Rizal, they are the hope of our motherland. The proper rearing of our youth is essential in ensuring that we are creating future generations of well-prepared citizens that will assume the task of being good leaders and custodians of the Philippine Republic.

Corollary to this, it is the responsibility of government to provide mechanisms by which the youth of this country are protected against unscrupulous individuals and ungodly practices. To this end, the government enacted Republic Act 7610 – otherwise known as the *Special Protection of Children Against Abuse, Exploitation, and Discrimination Act* – on 17 June 1992. It was designed specifically to allow the State to play a vital role in the safe and wholesome rearing of our children for them to be protected and to become good citizens of our country.

1992 was a quarter of a century ago and now there are still numerous instances where minors are exploited by both foreign predators and domestic abusers. The law needs updating now, and the penalties imposed therein do not seem to be attuned to the 21st Century. It is the duty of this modern legislature, the Seventeenth Congress

of the Philippines, to ensure that the laws of the country keep up with the times in order to secure relevance and protection for our citizens.

For these reasons, passage of this bill is earnestly sought.

*Geraldine Roman*  
**GERALDINE B. ROMAN**



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

EIGHTEENTH CONGRESS  
First Regular Session

House Bill No. 0137

Introduced by Representative GERALDINE B. ROMAN

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 the 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."

1 SEC. 2. Section 10 of the same Act as amended, is hereby amended to read as follows:

2 "SEC. 10. *Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other*  
3 *Conditions Prejudicial to the Child's Development.*"

4 "(a) Any person who shall commit any other acts of child abuse, cruelty or  
5 exploitation or be responsible for other conditions prejudicial to the child's  
6 development including those covered by Article 59 of Presidential Decree No.  
7 603, as amended, but not covered by the Revised Penal Code, as amended, shall  
8 suffer the penalty of [prision mayor] **RECLUSION TEMPORAL** in its  
9 minimum period.

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

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

31 **"THE OFFENDER SHALL LIKEWISE UNDERGO A**  
32 **REEDUCATION AND REORIENTATION PROGRAM ON CHILD**  
33 **PROTECTION TO BE CONDUCTED BY**  
34 **THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT.**

35 "(d) Any person, owner, manager or one entrusted with the operation of  
36 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 *reclusión 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**

1                   **ANTI-TRAFFICKING IN PERSONS ACT OF 2012':** *Provided*, That such  
2                   penalty shall be imposed in its maximum period.

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

7                   “(e) If a corporation commits any of the violations aforesited, the board of  
8                   directors/trustees and officers, which include the president, treasurer and  
9                   secretary of the said corporation who participated in or knowingly allowed the  
10                  violation, shall be penalized accordingly as provided for under this Section.

11                  “(f) Parents, biological or by legal fiction, and legal guardians found to be  
12                  violating Sections 12, 12-A, 12-B and 12-C of this Act shall pay a fine of not  
13                  less than [Ten thousand pesos (P10,000.00)] **ONE HUNDRED THOUSAND**  
14                  **PESOS (P100,000.00)** but not more than [One hundred thousand pesos  
15                  (P100,000.00)] **THREE HUNDRED THOUSAND PESOS (P300,000.00)**, or  
16                  be required to render community service for not less than [thirty (30) days]  
17                  **THREE (3) MONTHS** but not more than one (1) year, or both such fine and  
18                  community service at the discretion of the court: *Provided*, That the maximum  
19                  length of community service shall be imposed on parents, [or] legal guardians  
20                  **OR ADULT CAREGIVERS WHO HAVE CUSTODY OF THE CHILD**  
21                  **AND** who have violated the provisions of this Act three (3) times: *Provided,*  
22                  *further*, That in addition to the community service, the penalty of imprisonment  
23                  of [thirty (30) days] **THREE (3) MONTHS** but not more than one (1) year or  
24                  both at the discretion of the court, shall be imposed on the parents or legal  
25                  guardians who have violated the provisions of this Act more than three (3) times.

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

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

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

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

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

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

7                 “Any person who discriminates against children of indigenous cultural  
8 communities shall suffer a penalty of [arresto mayor] **PRISION**  
9 **CORRECCIONAL** in its [maximum] **MEDIUM** period and a fine of not less  
10 than

11 [Five thousand pesos (P5,000)] **FIFTY THOUSAND PESOS (P50,000.00)** nor  
12 more than [Ten thousand pesos (P10,000)] **ONE HUNDRED THOUSAND**  
13 **PESOS (P100,000.00).**

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

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

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

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

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

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

Approved,

## FACT SHEET

### House Bill No. 137

(in consolidation with House Bills Numbered, 3020, 3520, 3632, 4028, and 4867)

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

Introduced by: REPRESENTATIVES ROMAN, PALMA II, ROMERO, GONZALES JR., LEACHON, RODRIGUEZ, SY-ALVARADO, TAMBUNTING, SUANSING (E.), LACSON-NOEL, OLIVAREZ, ROMUALDEZ (Y.M.), DE VENECIA, RADAZA, VILLARAZA-SUAREZ, BAINTO-AGUINALDO, SALIMBANGON, AND CABOCHAN III

Committee Referral: COMMITTEE ON THE WELFARE OF CHILDREN

Committee Chairperson: HON. YEDDA MARIE K. ROMUALDEZ

#### OBJECTIVES:

- To deter the exploitation of child abuse by providing stiffer penalties; and
- To further promote the best interest of the child by strengthening child development and protection programs.

#### KEY PROVISIONS:

- Increases penalties for any person committing the following unlawful acts:
  1. Participation in production of obscene publications and indecent shows:
    - *Reclusion temporal* in its medium period instead of *prision mayor* 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 now be *reclusion perpetua*;
    - *Reclusion temporal* in its maximum period, instead of *prision mayor* in its medium period for any ascendant, guardian, or person entrusted in any capacity with the care of the 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.
  2. Other acts of abuse, cruelty or exploitation and other conditions prejudicial to the child's development:
    - *Reclusion temporal* instead of *prision mayor* in its minimum period for any person who commits the above mentioned violations;

- Fine of not less than Fifty thousand pesos (P50,000.00) is increased to Five hundred thousand pesos (P500,000.00) and *reclusion perpetua* for any person who commits the above mentioned violations;
- *Prision mayor* in its maximum, instead of medium period and a fine of not less than Four hundred thousand pesos (P400,000.00) instead of Forty thousand pesos (P40,000.00) for inducing, delivering or offering a minor to anyone to keep or have in his company a minor;
- *Reclusion temporal* in its medium period, instead of *prision mayor* in its maximum for a perpetrator who is an ascendant, stepparent or guardian of the minor;
- A fine of not less than Five hundred thousand pesos (P500,000.00) instead of Fifty thousand pesos (P50,000.00), and the loss of parental authority over the minor was also imposed;
- *Prision mayor* in its maximum instead of medium period and a fine of not less than Five hundred thousand pesos (P500,000.00) instead of Fifty thousand pesos (P50,000.00), and the loss of the license to operate such a place or establishment for a 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;
- *Reclusion temporal*, instead of *prision correctional* in its medium period, to *reclusion perpetua* for a person who shall use, coerce, force, or intimidate a street child or any other child to beg or use begging as a means of living; act as conduit or middlemen in drug trafficking or pushing; or conduct any illegal activities.
- A re-education and re-orientation program on child protection to be conducted by the Department of Social Welfare and Development (DSWD);

### 3. Child Labor practices:

- Imprisonment of six (6) months shall now be a minimum of one (1) year and one (1) day to six (6) years or a fine of not less than One hundred thousand pesos (P100,000.00) to Three hundred thousand pesos (P300,000.00) instead for Fifty thousand pesos (P50,000.00) but not more than Four hundred thousand pesos (P400,000.00) or both at the discretion of the court;
- A fine of not less than Two hundred thousand pesos (P200,000.00) up to One hundred thousand pesos (P100,000.00), 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 for employer of the subcontractor who employs, or the one who facilitates the employment of a child in hazardous work;

4. Child trafficking

- Section 12 of Republic Act No. 10364 or the “Expanded Anti-Trafficking in Persons Act of 2012” shall now be imposed on employment of trafficked of children;

5. Discrimination of children of indigenous cultural communities:

- *Prision correctional* in its medium period instead of *arresto mayor* in its maximum period and a fine of not less than Fifty thousand pesos (P50,000.00) to no more than One hundred thousand pesos (P100,000.00) instead of Five thousand pesos (P5,000.00) to Ten thousand pesos (P10,000.00);
- A re-education and re-orientation program on the Indigenous Peoples Culture of the Philippines.
- Mandates the Department of Labor and Employment in coordination with the DSWD to issue the necessary implementing rules and regulations to effectively implement the provisions of this Act.

**RELATED LAWS:**

- R.A. 7610 as amended by R.A. 9231 – *Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act*
- Act No. 3815 - *Revised Penal Code of the Philippines*
- R.A. 9208 - *Anti Trafficking In Persons Act*
- R.A. 10364 - *Expanded Anti Trafficking In Persons Act*