



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

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3673



Introduced By Representative Jorge Antonio P. Bustos

EXPLANATORY NOTE

Sex offenders are threats to public safety, most especially to women and children who, by reason of dire socioeconomic reasons, are prone to sexual exploitation and abuse. Coupling this condition in a time when the current administration is spearheading the War against Illegal Drugs, rape exposes the vulnerable individuals to sexual predators and drug addicts. Last September 9, 2017, a two-year old boy was raped then stabbed to death in Muntinlupa by his own uncle, who was under the influence of illegal drugs.¹ Four (4) men, who were later found out to be users of illegal drugs, were positively identified by a witness to have abducted and kill a sixteen-year old girl in Pasig last September 3.² A South African national was charged with four counts of rape of a fifteen-year old girl, who, through medical examination, was found out to have been forced to have sex with him.³

Many sex offenders have the tendency to commit rape and other sexual violence crimes multiple times. Often, this tendency is borne out of carnal desires – momentary needs that have serious impact on the mental health and personal relations of the victims, regardless of gender. With the current measures in place designed to penalize rape and other related crimes through the

¹<http://www.interaksyon.com/watch-2-year-old-in-muntinlupa-raped-killed-by-his-uncle/>

²<http://newsinfo.inquirer.net/928804/4-drug-users-nabbed-in-pasig-teens-rape-slay>

³<http://news.abs-cbn.com/news/09/06/17/south-african-man-faces-rape-charges-in-cebu-city>

Revised Penal Code and Republic Act 8353, or the Anti-Rape Law of 1997, there is a guaranteed mechanism ensuring that the offenders will be brought to justice.

The intention of this Bill is to complement the law enforcement and the public information of the presence of sexual offenders around us. Through the modern technology, basic profile of sexual offenders can be known online, providing a tool for individuals meeting up with other people to know if the one they are talking to are after sexual favors or have a history of sexual assault, violating not only the abovementioned laws, but also a string of laws protecting the rights of women and children.

Apart from being a public database, the National Sex Offender Registry (NSOR) will also aid local and international law enforcement agencies in nabbing transnational sexual offenders visiting the country. Its establishment can be seen as a national opportunity to boost its capability to monitor the activities of local and foreign pedophiles, and at the same time, warn communities that a sexual offender/predator may be within their midst.

It is not the aim of this Bill to humiliate convicted sex offenders for their wrongdoings. We aim to address the high risk of recidivism in sex offenders, because it is hoped that through this Bill, the sex offenders will think twice before committing another crime by risking that their conviction history is a public record.

In the light of the foregoing, the immediate passage of this Bill is earnestly sought.



CONG. JORGE ANTONIO P. BUSTOS



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AN ACT
ESTABLISHING A NATIONAL SEX OFFENDER REGISTRY
AND PROVIDING FUNDS THEREFORE

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

SECTION 1. *Short Title.* This Act shall be known as the “*Sex Offender Registry Act*”.

Sec. 2. *Declaration of Policy.* In accordance with Section 11, Article II of the 1987 Philippine Constitution, which provides that “the State values the dignity of every human person and guarantees full respect for human rights,” it is hereby declared the policy of the State to protect the physical, moral, spiritual, and social well-being of its citizens. Towards this end, it shall adopt measures to ensure their safety from any form of sexual abuse and exploitation by making our community and law enforcement agencies aware of the presence of sexual offenders, who are possible threats to the personal safety and well-being of all

Filipino citizens, especially women and children, in every inch of the territory of the Philippines.

Sec. 3. *Definition of Terms.* For the purposes of this Act, the following shall be defined as follows:

- a. "National Sex Offender Registry" or "NSOR" refers to a national database which shall contain the names and other pertinent details to sex offenders who resides and sojourns in the country; and
- b. "Sex offender" refers to any person convicted by the final judgment of:
 - i. Rape under Article 266 of the Revised Penal Code;
 - ii. Crimes committed against chastity as defined under Book 2 Title XI of the Revised Penal Code; and
 - iii. Violations of Section 5 (g) of Republic Act 9262, as amended, as well as other forms of sexual violence defined therein.

This term shall include persons convicted of final judgment before foreign courts for the crimes of rape, sexual assault, acts of lasciviousness, or other similar crimes involving sexual violence of activity.

Sec. 4. *Establishment of the National Sex Offender Registry.* The National Sex Offender Registry, which shall allow immediate information-sharing between local and foreign jurisdictions, including law enforcement agencies, shall include the following information for each sex offender, in addition to any other information that will be deemed necessary for the proper registration and identification of sex offenders:

- a. Full name and aliases;

- b. Permanent and present residential addresses;
- c. Employment history;
- d. Fingerprints and DNA samples;
- e. Complete criminal history;
- f. Educational information, if applicable; and,
- g. Recent photograph.

Convicted sex offenders, prior to being released from imprisonment, shall register in each province, city, or municipality where they are residing, are employed, or are studying. Sex offenders shall be required to regularly update the registration as provided under Section 6 of this Act. Moreover, a sex offender who changes residence, employment, or school shall update registration within ten (10) days from the said change.

Sec. 5. *Duration of Inclusion in the Registry.* Sex offenders convicted in local and foreign courts shall remain on the registry for life and shall be required to appear at least once a year. Moreover, sex offenders must verify their information in person. Furthermore, the severity of their sexual offenses that was determined solely by the court which convicted them, or lack thereof, shall not affect the duration of their inclusion in the Registry.

Sec. 6. *Accessibility of the Registry.* The general public shall not have access to the detailed information of the registered sex offender; however, a website shall be made available to the public which will only include relevant information about the sex offenders, such as name, recent photograph, and the crime committed.

In addition to the National Sex Offender Registry, provincial local governments shall also be required to maintain its own online registry which shall also be accessible to the general public.

Sec. 7. *Public Information and Education.* There shall be information and education campaigns spearheaded by the Department of Justice to raise public awareness on the existence of the Registry and to instruct how to use it. The campaign shall ensure that the procedures on how to use the Registry and the contents of the website will be easily understood by the public.

Sec. 8. *Penalties.* Pursuant to this Act, sex offenders who shall knowingly and willfully fail to register or update their information as provided herein shall suffer the penalty of one (1) to five (5) years imprisonment and a fine of ten thousand pesos (Php 10,000.00).

In the event that sex offenders who are unregistered or have outdated Registry information commits another crime, regardless of nature, the penalty of five (5) to ten (10) years imprisonment and a fine of fifty thousand pesos (Php 50,000.00) shall be imposed, in addition to the penalty imposed by reason of the crime committed.

Sec. 9. *Implementing Agency.* The Department of Justice shall be mandated to create and maintain the necessary database, computer system, and software that will establish the National Sex Offender Registry. The database, computer system, and software shall be shared and distributed with the provincial government units for the operation of a uniform registry and Internet websites.

Sec. 10. *Appropriations.* The funding necessary for the implementation of this Act shall be included in the yearly budget allocation for the Department of Justice under the General Appropriations Act.

Sec. 11. *Implementing Rules and Regulations.* Within ninety (90) days from the effectivity of this Act, the Department of Justice, in cooperation with the Department of Interior and Local Government, Philippine National Police, and Department of Information and Communications Technology, shall promulgate the rules and regulations necessary for the implementation of this Act.

Sec. 12. *Separability Clause.* If any provision of this Act is declared unconstitutional or invalid, the other provisions not affected by such declaration shall remain in full force and effect.

Sec. 13. *Repealing Clause.* Any law, decree, ordinance or administrative circular not consistent with any provision of this Act is hereby amended, repealed or modified accordingly.

Sec. 14. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved.