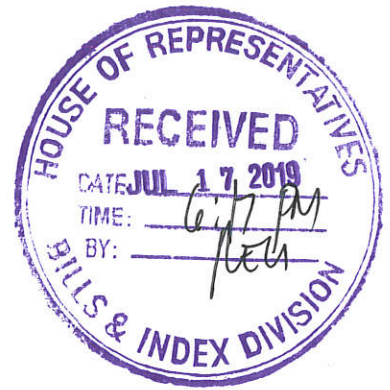


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

18th CONGRESS
First Regular Session

HOUSE BILL NO. 2328



Introduced by **REP. EVELINA G. ESCUDERO**

EXPLANATORY NOTE

This bill allows the parents, or the legal guardian of a minor, to sue any person who knowingly sells or distributes a material deemed harmful to minors. This will provide them the means to protect minors from harmful material and to deter any unscrupulous person from engaging in a business of selling or distributing products containing harmful material to minors from selling the same to minors.

Hence, the approval of this bill is earnestly sought.


EVELINA G. ESCUDERO

Republic of the Philippines
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18th CONGRESS
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HOUSE BILL NO. 2328

Introduced by **REP. EVELINA G. ESCUDERO**

AN ACT
TO PROVIDE A CIVIL ACTION FOR A MINOR INJURED BY EXPOSURE TO AN ENTERTAINMENT PRODUCT CONTAINING MATERIAL THAT IS HARMFUL TO MINORS

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

SECTION 1. *Title.* - This Act shall be known and cited as the "Parents' Empowerment Act".

SEC. 2. *Civil Action For A Minor Injured By Exposure To An Entertainment Product Containing Material That Is Harmful To Minors.* - A minor, through a person duly authorized to act on behalf of the minor may, in a civil action obtain relief against any person, natural or juridical, who knowingly sells, shows or distributes an entertainment product containing material that is harmful to minors, if:

(1) a reasonable person would expect a substantial number of minors to be exposed to the material; and

(2) the minor as a result of exposure to that material is likely to suffer personal or emotional injury or injury to mental or moral welfare.

SEC. 3. *Relief.* - If the minor is the prevailing party:

(1) the minor shall recover compensatory damages of not less than P10,000 for each instance of any such material in any such product to which such minor was so exposed;

(2) the minor may recover exemplary damages;

(3) the court, in its discretion, may allow the minor a reasonable attorney's fee (including expert fees) as part of the costs; and

(4) the court may order any other appropriate relief.

SEC. 4. *Affirmative Defense.* - It is an affirmative defense to an action under this section that a parent or guardian of the minor owned or possessed the entertainment product containing the material to which the minor was exposed, and an act of that parent or guardian was the proximate cause of the minor's exposure to that material.

SEC. 5. *Definition of terms.* -

1. "Entertainment Product" means a picture, photograph, image, graphic image file, drawing, video game, motion picture film, or similar visual representation or image, book, pamphlet, magazine, printed matter, or sound recording.

2. "Material that is harmful to minors" means any pornographic communication, picture, image, graphic image file, article, recording, writing, or other pornographic matter of any kind that is obscene or that, taken as a whole, lacks serious literary, artistic, political, and scientific value for minors sufficient to overcome the pernicious effect of that material.

3. "Minor" means an individual under the age of 18.

SEC. 6. *Separability Clause.* - In the event that any provision or part of this Act shall be declared unconstitutional by the courts, the remaining provisions shall remain valid and in full force and effect.

SEC. 7. *Repealing Clause.* - All laws, orders, rules and regulations or part thereof inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 8. *Date of Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier

Approved,