



REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
First Regular Session

House Bill No. 3632

Introduced by REPRESENTATIVE AURELIO D. GONZALES, JR.

EXPLANATORY NOTE

Although there are many factors that can shape a nation's future, it is without a doubt that one of its key elements rest with how we rear the growth of our children. If one wishes to see the good picture of tomorrow, he/she needs only to look at the current welfare of our children.

Unfortunately, not all little angels are living the good life. Some of them are subjected to immoral acts of sexual abuse, molestation and prostitution. Worse, there are cases where children are exposed to these kind of activities by their own parents and/or relatives. According to UNICEF, an estimated 60,000-100,000¹ minors are trafficked and exploited for sex trade. This an alarming percentage of the larger human trafficking scheme in the Philippines, which spiked to 700,000 cases as of 2018.²

Recently, a two-year old boy in Makati City was abducted and raped by a laborer, who was presumed to be under the influence of alcohol. The child, unfortunately, did not survive.³ A recent ruling by the Supreme Court recommended for the possible statutory amendments on the maximum penalty for lascivious conduct against minors under Republic Act No. 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act. The SC proposed that "a corrective legislation

¹ <https://www.unicef.org/protection/files/ipulocaltrafficking.pdf>

² <https://www.untvweb.com/news/ph-bureau-of-immigration-ramps-up-drive-vs-human-trafficking/>

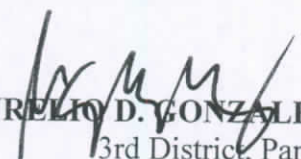
³ <https://news.abs-cbn.com/news/07/17/19/1-anyos-sanggol-na-lalaki-ginahasa-pinatay-sa-makati>

is the proper remedy to address the noted incongruent penalties for acts of lasciviousness committed against a child.”⁴

This bill, if signed into law, will serve as a stern warning to pedophiles, potential molesters and traffickers to steer clear from exploiting and abusing children. It will provide more stringent measures to ensure that the perpetrators of such heinous crimes will serve time behind bars, in perpetuity.

As representatives of our people and as a parent myself, it is our sacred duty to give our children the good life they deserve. It is our responsibility to shield them away from vile human beings who wish to do harm to them by exploiting poverty to their advantage and putting our children, the future of our country, in dire peril.

It is for these reasons that immediate passage of this bill is earnestly sought.


AURELIO D. GONZALES, JR.
3rd District, Pampanga

⁴ <http://sc.judiciary.gov.ph/3747/>



REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
First Regular Session

House Bill No. 3632

Introduced by REPRESENTATIVE AURELIO D. GONZALES, JR.

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

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

SECTION 1. Section 5 of Republic Act No. 7610 otherwise known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act, as amended, is hereby further amended to read as follows:

"Section 5. *Child Prostitution and Other Sexual Abuse.* - Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty of [reclusion temporal in its medium period to] reclusion perpetua shall be imposed upon the following:

(a) x x x

(b) Those who commit the act of sexual intercourse of lascivious conduct with a child exploited in prostitution or subject to other sexual abuse; Provided, That when the victims is under twelve (12) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, the Revised Penal Code, for rape or lascivious conduct, as the case may be: Provided, That the penalty for lascivious conduct when the victim is under twelve (12) years of age shall be reclusion [temporal in its medium period] **PERPETUA.**"

SEC. 2. Section 6 of Republic Act No. 7610, as amended, is hereby further amended to read as follows:

"Section 6. *Attempt To Commit Child Prostitution.* -

x x x

There is also an attempt to commit child prostitution, under paragraph (b) of Section 5 hereof when any person is receiving services from a child in a sauna parlor or bath, massage clinic, health club and other similar establishments. A penalty [lower by two (2) degrees than that prescribed for the consummated felony under Section 5 hereof] **OF RECLUSION TEMPORAL IN ITS MINIMUM PERIOD** shall be imposed upon the principals of the attempt to commit the crime of child prostitution under this Act, or, in the proper case, under the Revised Penal Code.

SEC. 3. Section 7 of Republic Act No. 7610, as amended, is hereby further amended to read as follows:

"Section 7. *Child Trafficking.* - Any person who shall engage in trading and dealing with children including, but not limited to, the act of buying and selling of a child for money, or for any other consideration, or barter, shall suffer the penalty of [reclusion temporal to] reclusion perpetua. The **SAME** penalty shall be imposed [in its maximum period] when the victim is under twelve (12) years of age.

SEC. 4. Section 8 of Republic Act No. 7610, as amended, is hereby further amended to read as follows:

"Section 8. *Attempt to Commit Child Trafficking.* - There is an attempt to commit child trafficking under Section 7 of this Act:

x x x

A penalty [lower two (2) degrees than that prescribed for the consummated felony under Section 7 hereof] **OF RECLUSION TEMPORAL IN ITS MINIMUM PERIOD** shall be imposed upon the principal of the attempt to commit child trafficking under this Act.

SEC. 5. Section 9 of Republic Act No. 7610, as amended, is hereby further amended to read as follows:

"Section 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, or model in obscene publications or pornographic materials or to sell or distribute the said materials shall suffer the penalty of [prision mayor in its medium period] **RECLUSION TEMPORAL IN MAXIMUM 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.**

shall Any ascendant, guardian, or person entrusted in any capacity with the care of a child who 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 [prision mayor in its medium period] **RECLUSION PERPETUA."**

SEC. 6. Section 10 of Republic Act No. 7610, as amended, is hereby further amended to read as follows:

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

- (a) Any person who shall commit any other acts of child abuse, cruelty or exploitation or to be responsible for other conditions prejudicial to the child's development including those covered by Article 59 of Presidential Decree No. 603, as amended, but not covered by the Revised Penal Code, as amended, shall suffer the penalty of prision mayor in its [minimum] **MAXIMUM** period.
- (b) Any person who shall keep or have in his company a minor, twelve (12) years or under or who in ten (10) years or more his junior in any public or private place, hotel, motel, beer joint, discotheque, cabaret, pension house, sauna or massage parlor, beach and/or other tourist resort or similar places shall suffer the penalty of prision mayor in its maximum period and a fine of not less than [Fifty thousand pesos (P50,000)] **FIVE HUNDRED THOUSAND PESOS (P 500,000.00)**: Provided, That this provision shall not apply to any person who is related within the fourth degree of consanguinity or affinity or any bond recognized by law, local custom and tradition or acts in the performance of a social, moral or legal duty.
- (c) Any person who shall induce, deliver or offer a minor to any one prohibited by this Act to keep or have in his company a minor as provided in the preceding paragraph shall suffer the penalty of prision mayor in its [medium] **MAXIMUM** period and a fine of not less than [Forty thousand pesos (P40,000)] **FIVE HUNDRED THOUSAND PESOS (P 500,000.00)**; Provided, however, That should the perpetrator be an ascendant, stepparent or guardian of the minor, the penalty to be imposed shall be [prision mayor in its maximum period] **RECLUSION PERPETUA**, a fine of not less than [Fifty thousand pesos (P50,000)] **FIVE HUNDRED THOUSAND PESOS (P 500,000.00)**, and the loss of parental authority over the minor.
- (d) Any 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 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 (P 500,000.00)**, and the loss of the license to operate such a place or establishment.
- (e) Any person who shall use, coerce, force or intimidate a street child 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 to reclusion perpetua] **PRISION MAYOR IN ITS MAXIMUM PERIOD**.

For purposes of this Act, the penalty for the commission of acts punishable under Articles 248, 249, 262, paragraph 2, and 263, paragraph 1 of Act No. 3815, as amended, the Revised Penal Code, for the crimes of murder, homicide, other intentional mutilation, and serious physical injuries, respectively, shall be reclusion perpetua when the victim is under twelve (12) years of age. The penalty for the commission of acts punishable under Article 337, 339, 340 and 341 of Act No. 3815, as amended, the Revised Penal Code, for the crimes of qualified seduction, acts of lasciviousness with the consent of the offended party, corruption of minors, and white slave trade, respectively, shall be [one (1) degree higher than that imposed by law] **RECLUSION PERPETUA** when the victim is under twelve (12) years age.

The victim of the acts committed under this section shall be entrusted to the care of the Department of Social Welfare and Development.

SEC. 7. Within one hundred eighty (180) days from the effectivity of this Act, the Secretary of the Department of Social Welfare and Development, in coordination with concerned agencies in the public sector and other stakeholders in the private sector, shall issue the necessary rules and regulations to effectively implement the provisions of this Act.

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

SEC. 8. If any provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall remain to be in full force and effect.

SEC. 9. All laws, decrees, orders, rules and regulations, inconsistent with any of the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 10. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspaper of general circulation.

Approved.