

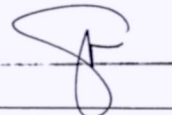
**EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**
First Regular Session



SENATE

S. B. NO. 618

'19 JUL 18 P1:43

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Introduced by **SENATOR JOEL VILLANUEVA**

**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 rise of the world wide web has the unintended consequence of the rise of online pornography, and the proliferation of users that prey on and victimize minors and children. According to a 2017 report by the United Nations Children Emergency Fund (UNICEF), 80% of Filipino children that have access to the Internet are in danger of being victimized by purveyors of child pornography.¹

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.

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

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 24, 2019).

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.

The immediate passage of this bill is earnestly sought.


SENATOR JOEL VILLANUEVA

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

- 1 **SECTION 1. Short Title.** – This Act shall be known as the "Immorality,
2 Pornography and Obscenity Deterrence Act."
- 3 **SEC. 2.** Article 201 of Act No. 3815, as amended by Republic Act No. 10951,
4 otherwise known as the Revised Penal Code, is hereby amended to read as
5 follows:
- 6 "Article 201. Immoral doctrines, obscene publications and exhibitions,
7 and indecent shows. - The penalty of both [prision mayor] RECLUSION
8 PERPETUA [or] AND a fine ranging from [Twenty thousand pesos
9 (P20,000)] FIVE HUNDRED THOUSAND (P500,000.00) TO [Two
10 hundred thousand pesos (P200,000)] ONE MILLION PESOS
11 (P1,000,000.00) [, or both such imprisonment and fine,] shall be
12 imposed upon:
- 13 (1) Those who shall publicly, in whatever form, medium or technology,
14 expound or proclaim doctrines openly contrary to public morals;
- 15 (2) (a) The authors of obscene literature, published with their knowledge
16 in any form; the editors publishing such literature; and the
17 owners/operators and employees of the establishment selling the same;
- 18 (b) Those who, in theaters, fairs, cinematographs or any other place
19 accessible or made accessible to the public even if privately-owned, or

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

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

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

27 IF THE OFFENDER IS A PUBLIC OFFICER OR EMPLOYEE, THE
28 MAXIMUM PENALTY SHALL BE IMPOSED, INCLUDING THE
29 ACCESSORY PENALTY OF PERPETUAL ABSOLUTE
30 DISQUALIFICATION.

31 ANY PUBLIC OFFICER OR EMPLOYEE WHO SHALL KNOWINGLY
32 ASSIST, IN WHATEVER FORM, WHETHER FOR CONSIDERATION
33 OR OTHERWISE, ANY PERSON IN COMMITTING ANY OF THE
34 OFFENSES MENTIONED IN THE PRECEDING PARAGRAPHS
35 SHALL BE PENALIZED WITH RECLUSION PERPETUA AND A FINE
36 OF ONE MILLION PESOS (P1,000,000.00) INCLUDING PERMANENT
37 DISQUALIFICATION FROM HOLDING PUBLIC OFFICE.

38 **SEC. 3.** A new Article 201-A of Act No. 3815, as amended, otherwise known
39 as the Revised Penal Code, is hereby amended to read as follows:

40 ARTICLE 201-A. SALE, DISTRIBUTION OR TRANSFER OF IMMORAL,
41 OBSCENE AND/OR PORNOGRAPHIC MATERIALS TO MINORS - ANY
42 PERSON FOUND GUILTY OF SELLING, DISTRIBUTING OR
43 TRANSFERRING TO A MINOR, FOR CONSIDERATION OR
44 OTHERWISE, ANY IMMORAL, OBSCENE AND/OR PORNOGRAPHIC

1 MATERIAL IN WHATEVER FORM, MEDIUM OR TECHNOLOGY,
2 SHALL SUFFER THE PENALTY OF RECLUSION PERPETUA AND A
3 FINE RANGING FROM FIVE HUNDRED THOUSAND (P500,000.00) TO
4 ONE MILLION PESOS (P1,000,000.00).

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

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

16 **SEC. 4.** Section 9 of Republic Act No. 7610, otherwise known as the Special
17 Protection of Children Against Child Abuse, Exploitation and Discrimination
18 Act is hereby amended to read as follows:

19 Section 9. Obscene Publications and Indecent Shows. - Any person who
20 shall hire, employ, use, persuade, induce or coerce a child to perform in
21 obscene exhibitions and indecent shows, whether live or in video, or
22 model in obscene publications or pornographic materials or to sell or
23 distribute the said materials shall suffer the penalty of [prision mayor in its
24 medium period] RECLUSION PERPETUA AND A FINE RANGING
25 FROM FIVE HUNDRED THOUSAND PESOS (P500,000.00) TO ONE
26 MILLION PESOS (P1,000,000.00).

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

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

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

41 Any ascendant, guardian, or person entrusted in any capacity with the
42 care of a child who shall cause and/or allow such child to be employed or

1 to participate in an obscene play, scene, act, movie or show or in any
2 other acts covered by this section shall suffer the penalty of [prision
3 mayor] RECLUSION PERPETUA [in its medium period].

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

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

16 **SEC. 5. Separability Clause.** – If any provision of this Act is declared
17 unconstitutional, the other provisions not affected thereby shall continue to
18 be in full force and effect.

19 **SEC. 6. Repealing Clause.** – All laws, decrees, rules and regulations, or
20 parts thereof inconsistent with this Act are hereby repealed or amended
21 accordingly.

22 **SEC. 7. Effectivity.** – This Act shall take effect fifteen (15) days following its
23 complete publication in the Official Gazette or in at least two (2) newspapers
24 of general circulation.

25 **Approved,**

26