

SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Third Regular Session* )

Office of the Secretary  
19 JAN 29 P 3:12

S E N A T E  
S. B. No. 2192

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**Introduced by Senator Aquilino “Koko” Pimentel III**

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**AN ACT PROTECTING CHILDREN FROM TRAVELLING SEX  
OFFENDERS AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

A 2016 *Global Study on Sexual Exploitation of Children in Travel and Tourism*<sup>1</sup> revealed that despite 20 years of efforts, the sexual exploitation of children in travel and tourism has expanded across the globe and out-paced every attempt to respond at the international and national level. The same report highlights the fact that the Philippines is one of the most favored destinations of travelling sex offenders because our weak legal frameworks and law enforcement have allowed them to remain virtually immune from prosecution. With about 22 million Filipinos still living below the national poverty line, children have been thrust into this form of exploitation to help augment the income of their struggling families.

Given the mandate under *Article XV, Section 3(2)* of the Constitution for the State to defend the right of the children to special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development, this bill seeks to put a stop to this form of exploitation by barring foreign sex offenders or those whose names are included in any sex offender registry from travelling to our country.

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<sup>1</sup> Angela Hawke and Alison Raphael. *Offenders on the Move : Global Study on Sexual Exploitation of Children in Travel and Tourism*. Ministry of Foreign Affairs of the Netherlands through Defence for Children –ECPAT Netherlands (2016).

To fully protect our vulnerable children from these sexual predators, this bill mandates the creation of a sex offender registration and notification program, allows consular officers to issue the necessary prohibition orders against sex offenders or foreign nationals in conflict with child protection laws based on available and verifiable intelligence reports, and allows summary deportation proceedings to be commenced against those who were able to enter the Philippines despite being among those subject for exclusion.

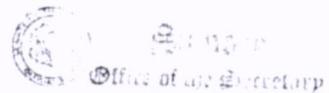
While countries such as the United States and Australia have strengthened their domestic legislation by limiting the mobility of their registered sex offenders, many countries have not done so. It is therefore imperative that we take a proactive stance in protecting the Filipino children, for they are the future of this nation.

In view of the foregoing, approval of this measure is earnestly sought.



AQUILINO "KOKO" PIMENTEL III

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## AN ACT PROTECTING CHILDREN FROM TRAVELLING SEX OFFENDERS AND FOR OTHER PURPOSES

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

1       **SECTION 1.** *Declaration of Policy.* – In line with the policy of  
2 the State to fully protect children from all forms of abuse and  
3 exploitation, sexual offenses against children are hereby declared to be  
4 gravely injurious and seriously prejudicial to the growth and  
5 development of children, thereby justifying the highest intervention of  
6 the State to take all measures necessary to provide special protection to  
7 children against sex offenders.

8  
9       **SEC. 2.** *Definition of Terms.* - As used in this Act:

10  
11       (a) *Child* refers to a person below eighteen (18) years of age or  
12 one who is over eighteen (18) but is unable to fully take care of or  
13 protect himself/herself from abuse, neglect, cruelty, exploitation, or  
14 discrimination because of a physical or mental disability or condition;

15  
16       (b) *Foreign national in conflict with child protection laws* refers  
17 to a foreign national who has a pending case, whether administrative,

1 civil, or criminal in nature, involving any sex-related offense or any  
2 specified offense of a sexual nature or complexion involving children;

3

4 (c) *Sex offender* refers to a foreign national who has been  
5 convicted of any sex-related offense or any specified offense of a sexual  
6 nature or complexion, involving children; and

7

8 (d) *Sex offense* means a criminal, civil, or administrative offense  
9 that has an element involving a sexual act, sexual contact, sexually  
10 related or sexually-oriented act with a child, for which a foreign national  
11 is being investigated or has been convicted, and which may have a  
12 similar or equivalent offense under the Revised Penal Code or under  
13 special laws of the Philippines. It excludes any offense involving  
14 consensual sexual conduct if the victim was an adult unless the victim  
15 was a child at the time of the commission of the offense.

16

17 **SEC. 3. Additional Excluded Classes of Foreign Nationals.** – In  
18 addition to the classes of foreign nationals excluded under existing laws,  
19 the following classes of foreign nationals shall not be allowed entry and  
20 shall be excluded from the Philippines:

21

22 (a) Those who have a pending case in any country, whether  
23 administrative, civil, or criminal in nature, involving any sex offense or  
24 any specified offense of a sexual nature or complexion involving  
25 children;

26

27 (b) Those who have been convicted in any country of any sex  
28 offense or any specified offense of a sexual nature or complexion  
29 involving children; or

30

31 (c) Those whose names are included in any sex offender public  
32 registry or any such similar database of any country.

33

34 **SEC. 4. No Exemption by Reason of Minority.** – The grounds for  
35 exclusion provided in this Act shall apply to foreign nationals who are

1 minors, 15 years old and above, being investigated for, indicted, or  
2 convicted for any sex offense.

3

4       **SEC. 5. *Sex Offender Registration and Notification Program.*** –  
5 The Department of Justice shall create and maintain a sex offender  
6 registration and notification program. For these purposes, the  
7 Department is authorized to undertake joint activities to enhance  
8 cooperative efforts and mutual assistance among foreign countries and to  
9 formulate a shared governmental and inter-governmental information  
10 system, which include linking with the International Criminal Police  
11 Organization (INTERPOL).

12

13       **SEC. 6. *Information Required from a Sex Offender.*** – A sex  
14 offender shall provide the following information for registration  
15 purposes:

- 16
- 17           (a) The name of the sex offender including all aliases used by the  
18 individual;
- 19
- 20           (b) The date of birth of the sex offender;
- 21
- 22           (c) The Social Security number of the sex offender or an  
23 equivalent reference number;
- 24
- 25           (d) The passport details of the sex offender;
- 26
- 27           (e) The address of each residence at which the sex offender  
28 resides or will reside;
- 29
- 30           (f) The name and address of any place where the sex offender is  
31 an employee or will be an employee;
- 32
- 33           (g) The name and address of any educational institution where  
34 the sex offender is a student or will be a student;
- 35

- (h) The motor vehicle registration information and vehicle description of all motor vehicles that the sex offender owns, operates, or drives, or will own, operate, or drive; and
  - (i) The date and place of the sex offender's indictment and the specific sex offense indicted for.

8           **SEC. 7. Other Registry Information.** - The Department of Justice  
9 shall ensure that the following information are included in their registry  
10 for each sex offender:

- (a) The text of the provision of law defining the criminal offense for which the sex offender is registered;
  - (b) The criminal history of the sex offender, including the date of all arrests and convictions;
  - (c) A set of fingerprints and palm prints of the sex offender;
  - (d) A DNA sample of the sex offender;
  - (e) A current photograph of the sex offender;
  - (f) A physical description of the sex offender, including a statement of distinguishing features of the sex offender;
  - (g) A photocopy of the sex offender's valid driver's license or identification card; and
  - (h) A photocopy of the sex offender's valid passport used to enter the Philippines.

**SEC. 8. Duration of Registration.** – The Department of Justice shall keep the registry current and updated upon receipt of new valid information for the duration of the registration period, which shall be a

1 minimum of 15 years to a maximum of the life of the sex offender. For  
2 this purpose, the Department is authorized to create a tier system, taking  
3 into consideration the gravity of the sex offense, for the purpose of  
4 specifying a registration period.

5

6 **SEC. 9. *Exempt Information.*** - The following information shall  
7 be exempt from public disclosure:

8

- 9 (a) The identity of any victim of a sex offense;
- 10
- 11 (b) Any reference to arrests of the suspected or indicted sex  
12 offender that did not result in conviction;
- 13
- 14 (c) Any information about a conviction that did not arise from a  
15 sex offense, except for offenses against children; and
- 16
- 17 (d) The name of an employer of the sex offender.
- 18

19 **SEC. 10. *Good Faith Conduct Immunity.*** – Any person who,  
20 without malice or any ill-intent, furnishes any information or document  
21 regarding any case falling under this Act shall be immune from liability  
22 for good faith conduct under this Act.

23

24 **SEC. 11. *Blacklist Registry; Publication.*** – The Department of  
25 Foreign Affairs shall maintain a list of foreign nationals who were  
26 denied passport visas pursuant to this Act and the Bureau of Immigration  
27 a list of foreign nationals who were excluded from the Philippines  
28 pursuant to this Act. These lists are to be submitted to the Department of  
29 Justice for consolidation. The consolidated list shall be posted in the  
30 website of the Department of Justice, Department of Foreign Affairs,  
31 and the Bureau of Immigration, and shall be published every quarter for  
32 submission to the Office of the President and for dissemination to  
33 relevant stakeholders. All the information and documentation required  
34 herein shall be included in this Blacklist Registry.

35

1       **SEC. 12.** *No Familial Reintegration.* – No sex offender or foreign  
2 national in conflict with child protection laws may demand entry into the  
3 Philippines by virtue of relationship with a Filipino, such as, being a  
4 parent, stepparent, adoptive parent, or foster parent of a Filipino child, or  
5 being a common law spouse, cohabitant, or sex partner of a Filipino  
6 child’s parent.

7

8       **SEC. 13.** *Authority to Require Submission of Further  
9 Documentation or Clearance.* – A consular officer, when informed or  
10 apprised of any sex offense involving a foreign national applicant  
11 wishing to enter or reside in the Philippines, may require the submission  
12 of a clearance certificate or any other legal or judicial document before  
13 issuing an immigration visa.

14

15       **SEC. 14.** *Authority to Issue Prohibition Orders for the Entry of  
16 Sex Offenders and Foreign Nationals in Conflict with Child Protection  
17 Laws.* – A consular officer, based on available and verifiable civilian,  
18 immigration, or military intelligence reports, is authorized to issue the  
19 necessary prohibition order for the entry into the Philippines of a sex  
20 offender or a foreign national in conflict with child protection laws so as  
21 to guarantee the safety of children under the coverage of this Act.

22

23       **SEC. 15.** *Summary Deportation.* – Summary deportation  
24 proceedings shall apply when a foreign national, who should have been  
25 excluded pursuant to Section 3 of this Act has been able to enter the  
26 Philippines. The foreign national shall be ordered to leave immediately  
27 and the foreign national’s passport visa or travel documents shall be  
28 cancelled.

29

30       **SEC. 16.** *Nature of the Summary Deportation Order.* – A  
31 Summary Deportation Order shall be final and immediately executory  
32 upon its signing or approval.

33

1       **SEC. 17. Effect of the Summary Deportation Order.** – Summary  
2 deportation shall bar the foreign national concerned from re-entry into  
3 the Philippines and the name of the foreign national summarily deported  
4 shall be included in the Bureau of Immigration Blacklist Registry.  
5

6       **SEC. 18. Administrative and Criminal Liability.** – The following  
7 acts are punishable administratively with the pertinent penalty for Grave  
8 Misconduct under Civil Service Laws and criminally with imprisonment  
9 of one to two years, or a fine of Five hundred thousand Pesos  
10 (Php500,000.00), at the discretion of the court:  
11

- 12             (a) Knowingly, or under circumstances amounting to gross  
13 negligence, issues a passport visa or any other travel  
14 document that enables a foreign national, who should be  
15 excluded, to enter Philippine jurisdiction; or  
16
- 17             (b) Knowingly, or under circumstances amounting to gross  
18 negligence, allows the entry of a foreign national, who should  
19 be excluded.  
20

21       **SEC. 19. General Penal Clause.** - A sex offender who fails to  
22 comply with the registration requirements or provides false information  
23 shall suffer the penalty of *prisión correccional* in its maximum period.  
24

25             An informant who has not acted in good faith and provides false  
26 information shall suffer the penalty of *arresto mayor* in its medium  
27 period.  
28

29       **SEC. 20. Transitory Provision.** - Foreign nationals who were able  
30 to enter the country prior to the enactment of this Act but who belong to  
31 any one of the classes of foreign nationals not allowed entry and should  
32 be excluded from the Philippines pursuant to this Act shall have a non-  
33 extendible period of five days from the effectivity of this Act to leave

1 the country, failing which, summary deportation proceedings shall be  
2 commenced against them.

3

4       **SEC. 21.** *Appropriations Clause.* – The amount necessary to carry  
5 out the provisions of this Act shall be included in the General  
6 Appropriations Act.

7

8       **SEC. 22.** *Implementing Rules and Regulations.* - The Department  
9 of Foreign Affairs, Department of Justice, and the Bureau of  
10 Immigration, within sixty (60) days from the passage of this Act, shall  
11 issue the rules and regulations for the enforcement of this Act.

12

13       They may create committees and may invite the officers of the  
14 various Cabinet departments, and government offices and agencies,  
15 including non-government organizations, for the drafting of the IRR.

16

17       **SEC. 23.** *Separability Clause.* - If any part or section of this Act  
18 shall be declared unconstitutional, such declarations shall not invalidate  
19 the other provisions hereof.

20

21       **SEC. 24.** *Repealing Clause.* - All laws, parts of laws, decrees,  
22 presidential issuances, proclamations, orders, ordinances, and  
23 administrative regulations in conflict with the provisions of this Act are  
24 hereby amended, modified, or repealed accordingly.

25

26       **SEC. 25.** *Effectivity.* - This Act shall take effect fifteen (15) days  
27 after its complete publication in at least two (2) newspapers of general  
28 circulation.

*Approved,*