

FIFTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )

10 195 - F 149

SENATE  
S.B. No. 2348

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Introduced by Senator Loren Legarda

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**EXPLANATORY NOTE**

Article XV, Section 3 of the Constitution recognizes the State duty to defend the right of children to assistance and protection from all forms of neglect, abuse, neglect, cruelty, exploitation, and other conditions prejudicial to their development. On the other hand, Article XIV, Section 10 highlights the importance of science and technology for national development.

With advancements in the Internet and other technological media allowing communication to cross geographic and national borders in a matter of seconds, everything has now become reachable with the click of a button. Most of these technological advancements have been utilized by unscrupulous individuals for illegal activities such as Internet scams and pornography. Even as schools have included computer classes in their curriculum, rendering children computer-savvy, they remain vulnerable to predators that lurk within the World Wide Web.

This bill seeks to protect minors from indecent and immoral material transmitted through electronic mail and other electronic media. Acts such as transmitting or offering to transmit information that contains indecent materials to a minor and providing access to transmission of said materials to a minor shall be deemed punishable. Violators shall be imposed the penalty of imprisonment of up to six years or a fine.

As this measure provides safeguards through which the welfare of our children can be protected, its immediate passage is earnestly sought.

  
**LOREN LEGARDA**  
Senator

APR 24 1949

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AN ACT  
TO PUNISH THE ELECTRONIC TRANSMISSION OF INDECENT OR  
PORNOGRAPHIC MATERIAL TO MINORS

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

1           **SECTION 1. *Short Title.*** - This Act shall be known as the "Anti- Computer  
2 Pornography Act of 2010."  
3

4           **SEC. 2. *Declaration of Policy.*** - It is the policy of the State to provide special  
5 protection to every minor from all forms of abuse, neglect, cruelty, exploitation,  
6 discrimination, and other conditions prejudicial to their development. Towards this  
7 end, the State shall enact measures to prevent the exposure of minors to indecent  
8 material.  
9

10           **SEC. 3. *Definition of Terms.*** - As used in this Act:

11  
12           1. "Computer facility" means a facility that:

13                   a) Provides to the public computer storage or processing services by  
14 means of an electronic communications system; and

15                   b) Permits a computer user to transfer electronic or digital material  
16 from the facility to another computer;  
17

18           2. "Electronic communications service" means any wire, radio,  
19 electromagnetic, photo, optical, or photo electronic system used for the  
20 transmission of electronic communications, and any computer facility or

1 related electronic equipment for the electronic storage of such  
2 communications, that permits a computer user to transfer electronic or digital  
3 material to another computer;

4  
5 3. "Electronic bulletin board service" means a computer system that exists  
6 primarily to provide on-site or remote users with digital images or to  
7 participate in, or create, on-line discussion groups or conferences; and

8  
9 4. "Indecent material" means obscene written literature or immoral plays,  
10 scenes, acts or shows, whether live or in film which:

11 a) glorify criminals or condone crimes;

12 b) serve no other purpose but to satisfy the market of violence, lust or  
13 pornography;

14 c) offend any race or religion;

15 d) tend to abet traffic in and use of prohibited drugs; and

16 e) are contrary to law, public order, morals, or good customs.

17  
18 **SEC. 4. Penal Provisions.** - Any remote computer facility operator, electronic  
19 communications service provider, or electronic bulletin board service provider who,  
20 with knowledge of the character of the material, knowingly transmits, attempts to  
21 transmit, or offers to transmit, any communication that contains indecent material,  
22 or who willfully permits a person to use a service that is under his control to  
23 knowingly or recklessly transmit indecent material from another remote service, to a  
24 person under 18 years of age, shall be punished with the penalty of imprisonment of  
25 one (1) month to not more than one (1) year, or a fine of twenty thousand pesos  
26 (P20,000) up to five hundred thousand pesos (P500,000), or both, at the discretion of  
27 the court.

28  
29 **SEC. 5. Repealing Clause.** - Any law, presidential decree or issuance,  
30 executive order, letter of instruction administrative order, rule or regulation contrary  
31 to, or inconsistent with, the provisions of this Act is hereby repealed, modified or  
32 amended accordingly.

1           **SEC. 6. *Separability Clause.*** - If any provision or part hereof, is held invalid  
2 or unconstitutional, the remainder of the law of the provision not otherwise affected  
3 shall remain valid and subsisting.

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5           **SEC. 7. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after  
6 its publication in at least two (2) newspapers of general circulation.

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8           Approved,