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SENATE

COMMITTEE REPORT NO. 396

Submitted by the Committee on Justice and Human Rights on MAY - 7 2009.

Re: Senate Bill No. 3224

Recommending its approval in substitution of Senate Bill Nos. 413 and 1207

Sponsor: Senator Escudero

MR. PRESIDENT:

The Committee on Justice and Human Rights to which were referred Senate Bill No. 413 introduced by Senator Jinggoy P. Ejercito-Estrada, entitled:

**"AN ACT
TO PROVIDE PROTECTION FROM PERSONAL INTRUSION FOR
COMMERCIAL PURPOSES"**

and Senate Bill No. 1207 introduced by Senator Miriam Defensor Santiago, entitled:

**"AN ACT
PROHIBITING HARASSMENT AND INVASION OF PRIVACY FOR
COMMERCIAL PURPOSES"**

has considered the same and has the honor to report them back to the Senate with the recommendation that the attached Senate Bill No. 3224, prepared by the Committee entitled:

**"AN ACT
PROHIBITING HARASSMENT AND INVASION OF PRIVACY
FOR COMMERCIAL PURPOSES"**

be approved in substitution of Senate Bill Nos. 413 and 1207 with Senators Estrada, Defensor-Santiago and Escudero as authors thereof.

Respectfully Submitted:

Chairman:



FRANCIS G. ESCUDERO

Vice-Chairman:



BENIGNO S. AQUINO III

Members:



GREGORIO B. HONASAN II



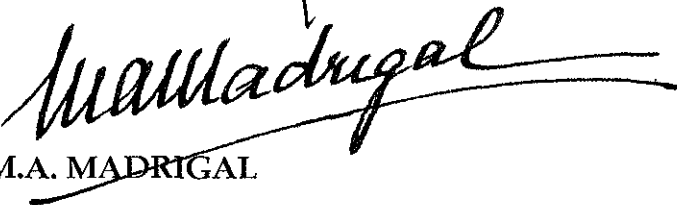
RAMON BONG REVILLA, JR.



MAR ROXAS



RODOLFO G. BIAZON



M.A. MADRIGAL

ALAN PETER "COMPAÑERO"
S. CAYETANO




FRANCIS N. PANGILINAN

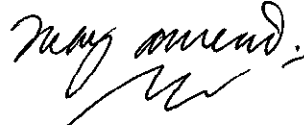
Ex-Officio Members:



JINGGOY EJERCITO ESTRADA
President Pro-Tempore



JUAN MIGUEL F. ZUBIRI
Majority Floor Leader



AQUILINO Q. PIMENTEL JR.
Minority Floor Leader

Hon. JUAN PONCE ENRILE
Senate President
Senate of the Philippines
Pasay City

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SENATE

S. No. 3224

RECEIVED BY 

Prepared by the Committee on Justice and Human Rights with Senators Ejercito-Estrada, Defensor-Santiago and Escudero as authors thereof

AN ACT
PROHIBITING HARASSMENT AND INVASION OF PRIVACY
FOR COMMERCIAL PURPOSES

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

1 SECTION 1. Short Title. - This Act shall be known as the "Personal Privacy
2 Protection Act"

3 SEC. 2. *Declaration of Policy.* - It is a declared policy of the State to protect public
4 and private individuals against unwarranted harassment and invasion of privacy for
5 commercial purposes.

6 SEC. 3. *Definition of Terms.* - For the purpose of this Act, the term:

7 (A) "For commercial purposes" means with the exceptions of sale, financial
8 gain, or other consideration;

9 (B) "Harassment" means the act of persistently and physically following or
10 chasing a person in a manner that causes the person to have a reasonable
11 fear of bodily injury, in order to capture by a visual or auditory recording
12 instrument any type of visual image, sound recording or other physical
13 impression of the person for commercial purposes.

1 SEC. 4. *Harassment for Commercial Purposes.* – Any person who shall commit
2 harassment against another for commercial purposes shall suffer the penalty of:

3 (A) *Reclusion temporal* and a fine of Fifty Thousand Pesos (P50,000.00), if death
4 is proximately caused by such harassment;

5 (B) *Prision mayor* and a fine of Twenty Thousand Pesos (P20,000.00), if
6 seriously bodily injury is proximately caused by such harassment; and

7 (C) *Arresto mayor* and a fine of One Thousand Pesos (P1,000.00), if neither
8 death nor serious bodily injury is proximately caused by such harassment.

9 SEC. 5. *Persons Criminally Liable.* – Only persons physically present at the time of,
10 and engaging in or assisting another in engaging, the commission of the act penalized
11 under Section 4 hereof shall be subject to criminal or civil liability under this Act.

12 A person shall not be subject to such violation by reason of the conduct of an
13 agent, employee, or contractor of that person or because images or recordings captured
14 in violation of this Act were solicited, bought, used, or sold by that person.

15 SEC. 6. *Limitation on Defenses.* – It is not a defense to a prosecution or civil action
16 that:

17 (A) No image or recording was captured; or

18 (B) No image or recording was sold.

19 SEC. 7. *Exception.* – The provisions of this Act shall not apply with respect to
20 official law enforcement activities.

21 SEC. 8. *Separability Clause.* – If any provision, or part hereof, is held invalid or
22 unconstitutional, the remainder of the law or the provision not otherwise affected shall
23 remain valid and subsisting.

24 SEC. 9. *Repealing Clause.* – Any law, presidential decree or issuance, executive
25 order, letter of instruction, administrative order, rule or regulation contrary to or
26 inconsistent with, the provisions of this Act is hereby repealed, modified, or amended
27 accordingly.

1 SEC. 10. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
2 publication in the Official Gazette or at least two (2) newspapers of general circulation.

3 Approved,