

FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

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9 MAY 20 P5:57

SENATE

S.B. No. **3267**

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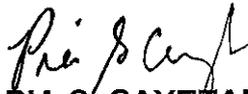
Introduced by Senator PIA S. CAYETANO

EXPLANATORY NOTE

The level of technology we have today has made life easier for us. Recording devices such as mobile phones, digital cameras and video cameras and data storage devices such as CDs, flash disks and memory cards have made recording and transferring of files very easy. However, with the misuse of this technology, there can be invasions of one's private acts.

This bill, therefore, aims to penalize the act of recording or any attempt to record acts which one has a reasonable expectation of privacy, including but not limited to sexual acts, without the consent of all the parties involved. It also aims to penalize the sharing, showing or exhibition to other persons of such recording, if done without the consent of the parties. This is considered the highest form of invasion to the privacy of the offended party. Such violation is condemnable and needs to be penalized in its highest degree.

With the recent proliferation of sex scandals in the internet and mobile phones, many of our women have been doubly victimized – first, when the recording was made without their consent and second, when such recording was viewed again and again. In light of the foregoing, the passage of this measure is earnestly sought.


PIA S. CAYETANO
Senator

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**AN ACT
TO PROHIBIT AND PENALIZE THE RECORDING
OF PRIVATE ACT OR ACTS AND OTHER VIOLATIONS OF THE PRIVACY
OF AN INDIVIDUAL, AND FOR OTHER PURPOSES**

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

SECTION 1. Short Title. – The Act shall be known as the “Anti-Video Voyeurism Act of 2009.”

SECTION 2. Declaration of Policy. – The State values the dignity of every human person and guarantees full respect for human rights.

SECTION 3. Prohibited Acts. –

- (1) It shall be unlawful for any person, without the consent of all the parties to any private act or acts, including but not limited to sexual act, to record or attempt to record the same, in any form and for whatever purpose.
- (2) It shall also be unlawful for any person, be he a participant or not in the act or acts penalized in the preceding sentence, to knowingly possess any video tape, disc record, or any other such record, or copies thereof, of any private act secured either before or after the effectivity of this Act in the manner prohibited herein, with the intent to share, relay or exhibit the contents thereof in any form.
- (3) It shall also be unlawful for any person to replay the same for any other person or persons, or to share, relay or exhibit the contents thereof in any form, without the consent of all the parties to the said private act or acts.

Provided, That use of such record or any copy thereof as evidence in any civil, criminal investigation or trial of offenses mentioned above, shall not be covered by this prohibition.

SECTION 4. Penalties. – Any person who willfully or knowingly does or who shall aid, permit, or cause to be done any of the acts declared to be unlawful in the preceding section or who violates the provisions of the following section or any order issued thereunder, or aids, permits, or causes such violation shall, upon conviction thereof, be punished by imprisonment for not less than six months or more than six years and a fine of P 100,000.00 but not more than P 500,000.00. If the offender is an alien, he shall be subject to deportation proceedings, after complying with the penalty of imprisonment and fine for such violation.

SECTION 5. Nothing contained in this Act, however, shall render it unlawful or punishable for any peace officer, who is authorized by a written order of the Court, to use the record or any copy thereof as evidence in any civil, criminal

investigation or trial of offenses: *Provided*, That such written order shall only be issued or granted upon written application and the examination under oath or affirmation of the applicant and the witnesses he may produce, and upon showing that there are reasonable grounds to believe that any of the crimes enumerated has been committed or is about to be committed and that the evidence to be obtained is essential to the conviction of any person for, or to the solution of, or to the prevention of, any such crimes.

The Court referred to in this section shall be understood to mean the Regional Trial Court within whose territorial jurisdiction the crime is committed.

SECTION 6. Any record or copy obtained or secured by any person in violation of the preceding section shall not be admissible in evidence in any judicial, quasi-judicial, legislative or administrative hearing or investigation.

SECTION 7. *Repealing Clause.* Any laws, decrees, ordinances or rules and regulations which are inconsistent with or contrary to the provision of this Act are hereby amended or repealed.

SECTION 8. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved,