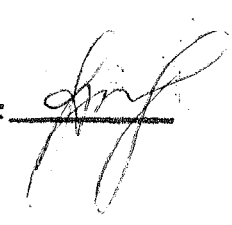


THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

JUL 30 P1:03

RECEIVED BY: 

SENATE

S.B. NO. 103

Introduced by Senator **LUISA "LOI" P. EJERCITO ESTRADA**

EXPLANATORY NOTE

The commercial use of telephones for providing phone-sex services has become a reality with the introduction of so-called party phones. In the United States, phone-sex services are euphemistically referred to as "dial-a-porn" service-providers. And in the U.S. such service-providers constitute a highly accessible but expensive medium of transmitting (or "accessing" for callers) lewd, lascivious, filthy or indecent messages.

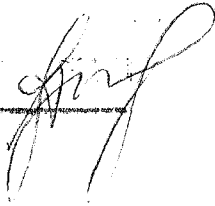
There is no law in our country that punishes those who offer phone-sex services. We need this law to prevent the proliferation of phone-sex services which not only corrupt public morals, but also place an inordinate economic burden on the consumer because of their "pay per call" arrangements.

Considering the foregoing reasons, the immediate passage of this bill is earnestly sought.


LUISA "LOI" P. EJERCITO ESTRADA
Senator

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

2013 JUN 30 P1:03

RECEIVED BY: 

SENATE

S.B. NO. 103

Introduced by Senator **LUISA "LOI" P. EJERCITO ESTRADA**

AN ACT
DECLARING UNLAWFUL THE COMMERCIAL USE OF TELEPHONES FOR
MAKING INDECENT OR OBSCENE COMMUNICATIONS AND PROVIDING
PENALTIES THEREFOR

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

SECTION 1. Short Title. - This shall be known as the "Anti Dial-a-Porn Act."

SEC. 2. Declaration of State Policy. - It is hereby declared a state policy to discourage the commercial use of telephones or other telecommunication facilities for the circulation, distribution, conveyance or transmission of lewd, lascivious, filthy or indecent messages that tend to corrupt the morals of the public and would suggest to the minds of either sex thoughts of an impure or libidinous character, regardless of the actual effect thereof on the recipients' minds.

SEC. 3. Definition of Terms. As used in this Act.

- (a) A "lewd" message is one that describes dissolute or unchaste acts, scenes or incidents or one whose utterance is calculated to excite lustful and sensual desires and the like;
- (b) The word "lascivious" comprehends any message that is impure, unclean, indecent, foul, filthy or disgusting;
- (c) The term "indecent" means immodest or impure;

- (d) The term "filthy" means nasty, vulgar, indecent, offensive to the moral sense;
- (e) "Phone-sex business" means offering sexually intimate, suggestive or explicit conversations to callers on a pay-per-call basis.
- (f) The term "pay-per-call services" means any service for which the caller pays a per-call or per-time-interval charge that is greater than or in addition to the charge for transmission of the call.

SEC. 4. Prohibited Acts.- Pursuant to the policy laid down in Sec. 2 above, it is hereby declared unlawful:

- (a) for a person, natural or juridical, association, club or any other entity to:
 - (i) establish, provide or carry on a "phone-sex" business or similar activity that has for its purpose the transmission, conveyance or distribution for profit of lewd, indecent or lascivious messages through the telephone or other telecommunication facilities;
 - (ii) to advertise, publish, print or distribute or cause the advertisement, publication, printing or distribution of any brochure, flyer or any propaganda material calculated to promote the prohibited acts in the preceding sub-paragraph;
 - (iii) to solicit, enlist or in any manner attract or induce any man or woman to become a member in any club or association whose objective is to promote, provide or carry on the prohibited acts in sub-paragraph (i) of this Section.
- (b) for the manager or officer-in-charge or advertising manager of any newspaper, magazine, television or radio station or other media of mass communication like telephone or telegraph companies or of an advertising agency, printing company or similar entities, to knowingly allow or consent to the acts mentioned in sub-paragraph (ii) of this Section.

SEC 5 Penalties. - Any person found guilty of any of the offenses covered by this Act shall be punished by imprisonment of not less than six (6) years and one (1) day but not more than eight (8) years, or a fine ranging from ten (10) to twenty thousand pesos (P20,000.00), or both, upon the discretion of the court: *Provided*, That if the offended is a foreigner, he shall be immediately deported and barred forever from entering the country after serving his sentence and paying the fine.

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

SEC. 7. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed modified or amended accordingly.

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

Approved,