



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

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SENATE

S. No. 199

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Introduced by Senator Luisa "Loi" P. Ejercito Estrada

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**AN ACT**  
**TO PUNISH TRANSMISSION OF INDECENT MATERIAL BY COMPUTER TO MINORS**

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

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

**SEC. 2. Declaration of Policy.** - It is the policy of the State to provide special protection to every minor from all forms of abuse, neglect, cruelty, exploitation and discrimination and other conditions prejudicial to their development.

Toward this end, the State shall enact measures to prevent the exposure of minors to indecent materials.

**SEC. 3. Definitions.** - As used in this Act -

- (a) the term "remote computer facility" means a facility that -
- (i) provides to the public computer storage or processing services by means of an electronic communications system; and
  - (ii) permits a computer user to transfer electronic or digital material from the facility to another computer;

- (b) the term “electronic communications service” means any wire, radio electromagnetic, photo optical, or photo-electronic system for the transmission of electronic communications, and any computer facility or related electronic equipment for the electronic storage of such communications, that permits a computer user to transfer electronic or digital material from the service to another computer; and
- (c) the term “electronic bulletin board service” means a computer system, regardless of whether operated for commercial purposes, that exists primarily to provide remote or on-site users with digital images, or that exists primarily to permit remote or on-site users to participate in or create on-line discussion groups or conferences.

**SEC. 4. Punishable Acts. –**

- (a) Transmission by remote computer facility operator, electronic communications service provider, or electronic bulletin board service provider. – A remote computer facility operator, electronic communications service provider, electronic bulletin board service provider who, will with knowledge of the character of the material, knowingly –
  - (1) transmit or offers or attempt to transmit from the remote computer facility, electronic communications service, or electronic bulletin board service provider a communication that contains indecent material to a person under eighteen (18) years of age; or
  - (2) causes or allows to be transmitted from the remote computer facility, electronic communications service or electronic bulletin board a communication that contains indecent material to a person under eighteen (18) years of age or offers or attempts to do so.

- (b) Permitting access to transmit indecent material to a minor. – Any remote computer facility operator, electronic communications service provider, or electronic bulletin board service provider who willfully permits a person to use a remote computing service, electronic communications service, or electronic bulletin board service that is under the control of that remote computer facility operator, electronic communications service provider, or electronic bulletin board service provider, to knowingly or recklessly transmit indecent material from another remote computing service, electronic communications service, or electronic bulletin board service, to a person under 18 years of age.

**SEC.5. Penalty.** - Any person who violates the provisions of this Act shall be punished with imprisonment for not more than six (6) years, or a fine of not less than one hundred thousand pesos (P100,000.00) or both at the discretion of the court.

**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 amended or repealed, modified or amended accordingly.

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

*Approved,*