

'13 SEP 11 P2:41

SENATE

Senate Bill No. 1641

RECEIVED BY. *ja*

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The State as the champion of children's rights recognizes the uniqueness and individuality of each and every child, especially those who are considered gifted ones. Article 3 of Presidential Decree No. 603, otherwise known as "The Child and Youth Welfare Code", as amended, states that: "The gifted child shall be given opportunity and encouragement to develop his special talents."

Child actors and actresses are one distinct group of gifted children. Beneath the seeming carefree existence that their television, print, radio and film exposure seem to exemplify, these children undergo rigorous physical, mental and emotional pressures. Common to all child actors and actresses are shootings or tapings that frequently last up to the wee hours of the morning. Such irregular working hours force some child stars to skip school. Gifted as they are in the performing arts, their physical growth maybe retarded and their emotional development may be affected as well.

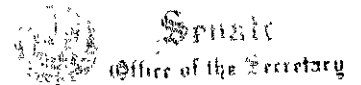
Celebrities as they are, their young lives are not devoid of exploitation. Often, they do not enjoy the fruits of their labor as the people who are supposed to look out for their welfare.

As part of the State's effort to protect children against all forms of exploitation and abuse, there is a need to enact a law that would ensure that the child prodigy has a means of safekeeping his earnings until such time that he can manage his own financial affairs. This proposed legislation seeks to put up a trust fund where one-half of the child actor's talent fee, income, or earnings are kept for safekeeping, while earning legal interest. The producers, promoters and other entities alike employing the services of an unemancipated child is given the responsibility of depositing 50% of the same in a bank. This is to ensure that no other interest is served but that of the child himself.

As pressing is the need to protect the rights of the growing number of child stars being magnetized by the fame and fortune that the performing arts pose, the immediate passage of this bill is therefore urged.


JINGGOY EJERCITO ESTRADA
Senator

SIXTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session



13 SEP 11 P2:41

SENATE

Senate Bill No. 1641

RECEIVED BY *Jia*

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

AN ACT
REQUIRING MOVIE, TELEVISION, AND RADIO PRODUCERS, INCLUDING PROMOTION AND ADVERTISING AGENCIES, AND OTHER LIKE ENTITIES, EMPLOYING UNEMANCIPATED MINORS TO DEPOSIT THEIR TALENT FEES OR INCOME IN A TRUST FUND, IMPOSING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES

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

SECTION 1. - All movie, television, radio producers, including promotions and advertising agencies, talent promoters, and other like entities, who in the course of business hires, procures, or engages the services of an unemancipated minor below eighteen (18) years of age shall be required to deposit in the name of the said minor at least fifty percent (50%) of the minor's income or talent fee at a bank duly licensed by the Bangko Sentral ng Pilipinas in the form of a trust fund.

SEC. 2. - The trust fund established by the immediately preceding section shall be held in safekeeping by that bank, to earn legal interest, until the minor shall have reached the age of majority as defined by the law, in which case the latter shall be free to handle the deposit as he deems equitable under the premises.

SEC. 3. The bank wherein the trust fund is deposited shall see to it that the deposit shall be free from the encroachment, use, misuse, or abuse by other parties. In extreme cases, however, as in the case where the life or health of the said minor beneficiary is in grave danger and the use of said trust fund is unavoidable, the rule provided in this section shall not apply.

SEC. 4. In case of incapacity or death of the minor-beneficiary, the parent, or in their absence, the guardian, or in his absence, the legal heirs of the minor beneficiary shall take control of the trust fund established by authority of this Act, subject to existing banking laws, rules and regulations pertinent thereto, including the laws of inheritance.

SEC. 5. The Bangko Sentral ng Pilipinas shall promulgate pertinent rules and regulations in the implementation of this Act.

SEC. 6. Any person who violates the provisions of this Act shall be punished with imprisonment of not less than one (1) year but not more than five (5) years or a fine of not less than Five thousand pesos (P5,000.00) but not more than Ten thousand pesos (P10,000.00), or both imprisonment and fine at the sound discretion of the Court.

SEC. 7. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,