

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



Senate  
Office of the Secretary

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SENATE  
P. S. R. No. 479

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Introduced by Senator Miriam Defensor Santiago

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RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON STRENGTHENING THE COUNTRY'S LAWS IN LIGHT OF THE REPORTS THAT THE PHILIPPINES IS AMONG THE TOP 10 COUNTRIES WHERE CYBERPORNOGRAPHY IS RAMPANT

WHEREAS, the Constitution, Article 2, Section 13 provides: "The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civil affairs";

WHEREAS, various news agencies have reported last 18 January 2014 that the Philippine National Police (PNP) declared cyberpornography as the number 1 crime in the Philippines, and that the Philippines is among the top 10 countries where cyberpornography is rampant;

WHEREAS, PNP officials said that the agency has yet to determine how much the cyberpornography syndicates profit from their operations annually;

WHEREAS, this development came after reports that the international antichild pornography operation of Britain's National Crime Agency (NCA) had cracked a pedophile ring in the Philippines running a cyberpornography business;

WHEREAS, it was reported that fifteen thousand images of young children aged between 2 and 13 were among those seized by the National Bureau of Investigation (NBI) from a child pornography operator that the bureau had arrested in Central Mindanao; the children have been reportedly brought under the care of the Department of Social Welfare and Development;

WHEREAS, a police investigation reportedly revealed that Metro Manila, Cebu province, Cagayan de Oro City, and Angeles City in Pampanga are the top four transmittal sites for online pornography;

WHEREAS, it was reported that the police still do not have any data on how many children have been, or are being, exploited by this sordid industry;

WHEREAS, in another widely reported incident, it was said that Cebu's Regional Anti-Human Trafficking Task Force (RATTF) have arrested a couple and rescued their three

daughters aged 11, 12, and 16 in an anti-cyberpornography operation in Barangay Ibabao, Cordova, Cebu last September 2013;

WHEREAS, there are similar news articles reporting that the NBI on 29 January 2014 raided a call center in Quezon City suspected of engaging in a cybersex racket, where "call center agents" are allegedly paid up to P30,000 per week to have sex chats with customers while showing pre-recorded pornographic videos of female Filipinos, mostly aged 15 years old and below;

WHEREAS, according to PNP officials, police investigation into cyberpornography incidents would be so much easier if the temporary restraining order (TRO) on Republic Act No. 10175, or the Cybercrime Prevention Act of 2012, were to be lifted;

WHEREAS, the Supreme Court had suspended the implementation of R.A. No. 10175 since 9 October 2012 until 5 February 2013 over petitions that it violated privacy laws;

WHEREAS, according to PNP officials, the police needs the procedural aspect of the law so that we can run after these pedophiles;

WHEREAS, PNP officials claimed they cannot access data from telecommunication companies, particularly on the WiFi and broadband connections of the computer terminals used to transmit the pornographic images online because of the TRO on R.A. No. 10175;

WHEREAS, these developments underline the need to assess and strengthen our law enforcement measures and investigation policies to combat child cyberpornography;

WHEREAS, there is a pressing need for concerned government agencies to identify, prosecute, and punish the abusers and exploiters of children including the parents who are actually encouraging the trade because they earn from it;

WHEREAS, after the Supreme Court decides on the constitutionality of the R.A. No. 10175, Congress should strengthen laws against cyberpornography either by amending the law or formulating a new one with due respect to laws of privacy;

WHEREFORE, BE IT HEREBY RESOLVED BY THE PHILIPPINE SENATE to direct the proper Senate committee to conduct an inquiry, in aid of legislation, on strengthening the country's laws in light of the reports that the Philippines is among the top 10 countries where cyberpornography is rampant.

Adopted,

  
MIRIAM DEFENSOR SANTIAGO

MDY