

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

SENATE

S. No. 752

SENATE
OFFICE OF THE SECRETARY

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RECEIVED BY: 

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

EXPLANATORY NOTE

The Internet makes access to the vast information highway possible. It plays a significant role in supplementing the traditional educational tools used in the previous decades.

However, like Pandora's box, the Internet also propagates offensive materials such as pornography. What used to be a tool in learning has become a playground for pedophiles, child traffickers and perverts.

With more and more children having access to the Internet, the situation has become alarming.

Thus, consistent with the policy of the State to protect the people from being exploited, abused, improperly influenced, and offended by immoral doctrines, obscene publications and exhibitions and indecent shows transmitted through remote, computer facilities, electronic communications service, or electronic bulletin board service, this measure proposes to amend Article 301 of the revised Penal Code.

By imposing the penalty of *Prision Mayor* and a fine ranging P6,000-P12,000 on anyone who shall violate this Act, it is hoped that Internet users shall be protected.

In view of the foregoing, immediate approval of this bill is earnestly sought.


MANUEL B. VILLAR, JR.

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**AN ACT
PROVIDING FOR THE PROTECTION OF FILIPINOS FROM OBSCENE AND
INDECENT MATERIALS TRANSMITTED THROUGH COMPUTERS AMENDING FOR
THE PURPOSE ART. 201 OF ACT NO. 3815 OTHERWISE KNOWN AS THE
REVISED PENAL CODE AND FOR OTHER PURPOSES**

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

SECTION 1. *Short Title.*- This Act shall be known as the "Protection from Computer Pornography Act of 2004."

SECTION 2. *Declaration of Policy.*- It is hereby declared the policy of the state to protect the people from being exploited, abused, improperly influenced, and offended by immoral doctrines, obscene publications and exhibitions and indecent shows transmitted through remote, computer facilities, electronic communications service, or electronic bulletin board service.

SECTION 3. *Definition.* - For the purposes of this Act, and unless otherwise indicated, the following shall be defined as follows:

- a. Remote Computer Facilities - 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. Electronic Communications Service or System - any wire, radio, electromagnetic, photo optical, or photo electronic system for the electronic storage of such communications, that permits a computer user to transfer electronic or digital material from the service to another computer;
- c. Electronic Bulletin Board Service or System - a computer system, regardless of whether operated for commercial purposes or not, 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 group or conferences.

SECTION 4. Art. 201 of Act. No. 3815 is hereby amended to read as follows:

"Art. 201. *Immoral doctrines, obscene publications crud exhibitions, and indecent shows.* - The penalty of *prision mayor* or a fine ranging from six to twelve thousand pesos, or both such imprisonment and fine, shall be imposed:

1. Those shall publicly expound or proclaim doctrines openly Ocontrary to public morals EITHER ORAL OR WRITTEN, OR THROUGH REMOTE COMPUTER FACILITIES, ELECTRONIC COMMUNICATIONS SERVICE, OR ELECTRONIC BULLETIN BOARD SERVICE;
2. a. The authors of obscene literature, published with their knowledge in any form; the editors, publishing such literature; and tile owners/operators of the establishment selling the same; AND THE OPERATORS, OWNERS, OR OFFICERS OF THE PROVIDERS OF REMOTE COMPUTER FACILITIES, ELEC'TRONIC COMMUNICATIONS SERVICE, OR ELECTRONIC BULLETIN BOARD SERVICE;
 - b. Those who, in theaters, fairs, cinematographs, or any other place, exhibit indecent or immoral plays, scenes, acts or shows, it being understood that the obscene literature or indecent or immoral plays, scenes acts, or shows, whether live or in film, THROUGH REMOTE COMPUTER FACILITIES, ELECTRONIC COMMUNICATIONS SERVICE, OR ELECTRONIC BULLETIN BOARD SERVICE OR OTHERWISE, which are prescribed by virtue hereof, shall include those which: 1) glorify criminals or condone crimes; 2) serve no other purpose but to satisfy the market for violence, lust or pornography; 3) offend any race or religion; 4) tend to abet traffic in and use of prohibited drugs; and 5) are contrary to law, public order, morals, good customs, established policies, lawful orders, decrees, and edict;.
3. Those who shall sell, give, away, exhibit films, engravings, sculpture, or literature which are offensive to morals EITHER THROUGH REMOTE COMPUTER FACILITIES, ELECTRONIC COMMUNICATIONS SERVICE, OR ELECTRONIC BULLETIN BOARD SERVICE OR OTHERWISE;
4. THOSE WHO ADVERTISE, SELL, OFFER FOR SUBSCRIPTION, PORNOGRAPHIC MATERIALS THROUGH REMOTE COMPUTER FACILITIES, ELECTRONIC COMMUNICATIONS SERVICE OR OTHERWISE;
5. THOSE WHO ACCESS, SUBSCRIBE, DOWNLOAD, UPLOAD, AND MAKE-USE OF, AND THOSE WHO BY THE USE OF REMOTE COMPUTER FACILITIES, ELECTRONIC COMMUNICATIONS SERVICE, OR ELECTRONIC BULLETIN BOARD SERVICE, DISTRIBUTE, WHETHER FOR FREE OR WITH REMUNERATION THE ABOVE PROHIBITED OBSCENE LITERATURE OR INDECENT OR IMMORAL PLAYS, SCENES, ACTS PHOTOGRAPHS, SHOWS, OR DOCTRINES, AND ADVERTISEMENTS;

SECTION 5. *Disposition of Prohibited Articles.* - The disposition of literature, films, engravings, sculptures, paintings, or other materials involved in violation of this Act sent, transmitted, downloaded, or uploaded through remote computer facilities, electronic communications service, or electronic bulletin board service shall be governed by the following rules:

- a. Upon conviction of the offender, the prohibited materials transmitted through remote computer facilities, electronic communications service, or electronic bulletin board system or service, shall be forfeited in favor of the government to be destroyed, or deleted permanently from the said computer system or computer facility used for such transmission;
- b. Where the criminal case against any violator of this law results in an acquittal, other than for failure to prove that the materials are obscene/immoral, the obscene/immoral literature, films, prints, engravings, sculptures, painting or other materials and articles involved in the violation of this Act shall nevertheless be forfeited in favor of the government to be destroyed, after the decision shall have become final.

SECTION 6. *Additional Penalty Clause.* -- The operators, owners, or officers of the providers of remote computer facilities, electronic communications service, or electronic bulletin board service shall be subject to the following additional penalties for subsequent convictions:

- a. For the second offense, an additional fine of not exceeding Ten thousand pesos (10,000.00);
- b. For the third offense, an additional fine of not exceeding Twenty thousand pesos (20,000.00) and the prohibition to operate as providers of remote computer facilities, electronic communications service, or electronic bulletin board.

SECTION 7. *Repealing Clause.* - All other laws, decrees, and proclamations inconsistent with this Act are hereby considered repealed, amended, or modified accordingly.

SECTION 8. *Effectivity.* - This Act shall take effect after fifteen (15) days following its publication in two newspapers of general circulation.

Approved,