

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

'04 JUN 30 PM 038

SENATE

S.B. No. 877

RECEIVED BY: *[Signature]*

Introduced by Sen. Jinggoy Ejercito Estrada

EXPLANATORY NOTE

Obscene shows and pornographic entertainment in various media including the movies, video-cassette tapes, magazines, comics, and nightclub entertainment are currently enjoying an alarming resurgence. Films that feature "penetration" scenes and seductive nightclub acts in dingy bars and honkytonks, now encounter little, if any, censorship hurdles and are no longer justified by their producers as essential to artistic integrity.

Although it has often been argued that "art imitates life", these scandalous exhibitions sensationalize the decline of national morality and the corruption of the citizens, particularly of the youth. That this corrosion of society's ethical conscience can be aggravated to a great extent by the glamorous context of presentation on TV and other popular media is equally true and must not be forgotten.

The government campaign against pornography has been sporadic in the past, often being dependent primarily upon the personalities exercising censorship functions and their interpretation of their responsibility as guardians of the national morality. Their efforts have been hampered by the lack of a comprehensive anti-obscenity and pornography law.

As responsible parents and citizens, we must be vigilant against the bombardment of our children by obscenity and pornography. This proposed measure, entitled the Anti-Obscenity Act of 2004, prohibits the public demonstration of the sexual act, the sale and display of materials containing pornographic presentations and provides penalties for violations.

Support for the early passage of this bill is, therefore, earnestly sought.

Jinggoy Estrada
JINGGOY EJERCITO ESTRADA
Senator

THIRTEENTH CONGRESS OF THE)
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AN ACT
PROHIBITING THE DEMONSTRATION, PERFORMANCE OR EXHIBITION IN
PUBLIC OF CERTAIN SEXUAL ACTS, AND THE PRODUCTION, IMPORTATION,
SALE OR DISTRIBUTION, OR PUBLIC SHOWING OR DISPLAY OF
PORNOGRAPHIC MATERIALS, PROVIDING PENALTIES THEREFORE, 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 “Anti-Obscenity Act of
2004”.

SECTION 2. **Coverage of the Act.** – It shall be unlawful for any person to
perform, exhibit, or demonstrate in public, before an audience, or in the presence of
another person who is not a participant therein, any of the following sexual acts:

1. coitus
2. sexually deviant acts:
 - a. Buggery
 - [1] Sodomy
 - [2] Bestiality
 - [3] Pederastia
 - b. Algolagnia
 - [1] Sadism or Active Algolagnia
 - [2] Masochism or Passive Algolagnia
 - c. Necrophilism
 - d. Fellatio or Irrumation
 - e. Cunnilingus

- e. Cunnilingus
- f. Anilingus
- g. Urolagnia
- h. Coprophilia
- i. Masturbation

SECTION 3. Penalties. – (1) The penalty of imprisonment of from one (1) year and one (1) day to six (6) years or a fine ranging from Ten thousand pesos (P10,000.00) to sixty thousand pesos (P60,000.00) shall be imposed on the demonstrator, performer, actor, or exhibitor in any demonstration, performance or exhibition involving any act sexual acts enumerated in the preceding section: Provided, however, That the penalty of imprisonment of from six (6) months and one thousand pesos (P1,000.00) to Ten thousand pesos (P10,000.00) shall be imposed on the offender in anilingus, urolagnia, coprophili, or masturbation: Provided, further, That in case the demonstrator, performer, actor, or exhibitor is below eighteen (18) years of age, he or she shall be considered as offended party pursuant to the provisions of Republic Act No. 7610, otherwise known as the “Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act”, and shall be placed immediately under protective custody as provided for in section 28 thereof.

SECTION 4. Provided Acts and Materials. – Any person who shall portray, depict, or present, any of the sexual acts enumerated in Section 2 of this Act, in pictures or in writings, motion pictures, video tapes, tabloids, comics, pamphlets, newspapers, magazines, books, posters, cards, calendars, decals, stickers, paintings, or photographs shown, displayed, sold or distributed in public, or in any place of public accommodation, shall be punished as follows:

1. If the offender is the producer, financier, promoter, importer, author or writer, publisher, editor or printer of any of the materials hereinabove described, he shall be punished by imprisonment of from one (1) year and one (1) day to six (6) years and a fine ranging from one hundred thousand pesos (P100,000.00) Two hundred thousand pesos (P200,000.00).
2. The penalty of imprisonment of from six (6) months and one (1) day to four (4) years and a fine ranging from Ten thousand pesos (P10,000.00) to Sixty thousand pesos (P60,000.00) shall be imposed on any person who shall knowingly display, sell or distribute any of the materials described in the first paragraph hereof.

This section shall not apply if the portrayal, depiction, representation, or description has legitimate judicial, educational, scientific or medical or otherwise official purpose.

SECTION 5. Owner, Lessee, Maintainer. – The penalty of imprisonment from one (1) year and one (1) day to six (6) years or a fine ranging from Ten thousand pesos (P10,000.00) to Sixty thousand pesos (P60,000.00) shall be imposed on the owner, lessee or maintainer of any establishment who shall knowingly allow the commission therein of any unlawful acts enumerated in Sections 2 and 4 of this Act.

SECTION 6. Common Provision. – The following provisions shall apply to Sections 3, 4 and 5 of this Act:

1. The penalty shall be imposed in its maximum if the offender is a public officer or employee. He shall also suffer perpetual disqualification from holding public office.
2. The penalty shall likewise be imposed in its maximum if the offender has been previously convicted under this Act.
3. If the offender is a corporation, partnership or association, the officer thereof shall suffer the penalty of imprisonment, and its business license or permit shall be withdrawn, cancelled or forfeited.

SECTION 7. Disposition of Prohibited Materials. – Any prohibited materials including tools, instruments and equipment used in the production thereof, shall after lawful seizure and final conviction of the offender or offenders be forfeited in favor of the Government and destroyed in the presence of the representatives of the Department of Social welfare and Development and of religious, civic and youth organizations, in such place and manner as the court may order: provided, however, That where the accused is acquitted, the materials seized shall nevertheless be forfeited in favor of the Government and destroyed: provided, further, That if the acquittal results from a finding that the materials seized are not obscene under this Act, the materials shall be returned to the said accused.

SECTION 8. Repealing Clause. – Article 201 of the Revised Penal Code, as amended, is hereby further amended by deleting subparagraphs numbered 2 and 3 thereof. Presidential Decree No. 969 is hereby amended by deleting Section 2 thereof.

SECTION 9. Effectivity. – This Act shall take after fifteen (15) days following its complete publication in Official Gazette or in at least two (2) national newspapers of general circulation in the Philippines.

Approved,