

SENATE  
S. B. No. 1234

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Introduced by Senator Miriam Defensor Santiago

### EXPLANATORY NOTE

The Constitution, Article 2, Section 11 provides that "the State shall value the dignity of every human person."

Further, the Civil Code, Article 26 provides that "every person shall respect the dignity, personality, privacy and peace of mind of his neighbors and other persons."

The right to privacy is not an absolute right. A limited intrusion into a person's privacy is permissible where that person is a public figure and the information sought to be elicited from him or to be published about him constitute matters of a public character. This does not include cases where intrusion into the private lives of individuals and their families already endanger their lives or cause them injury. Neither does it allow harassment that threatens even private persons and their families.

The right to privacy of individuals and their families is could be violated by photographers, cameramen and persons with audio recorders attempting to capture images or other reproductions of their private lives for commercial purposes. Journalists could persistently follow or chase them in a manner that puts them in reasonable fear of bodily injury, and in danger of serious bodily injury or even death.

This bill seeks to protect individuals and their families by prohibiting unwarranted harassment or invasion of privacy for commercial purposes.

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

SENATE  
S. B. No. 1234

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**AN ACT  
PROHIBITING HARASSMENT AND INVASION OF PRIVACY  
FOR COMMERCIAL 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 "Personal Privacy Protection Act."

SECTION 2. *Declaration of Policy.*- It is a declared policy of the State to protect public and private individuals against unwarranted harassment and invasion of privacy for commercial purposes.

SECTION 3. *Definition of Terms.*- For the purposes of this Act, the term:

(A) "For commercial purposes" means with the expectation of sale, financial gain, or other consideration;

(B) "Harassment" means the act of persistently and physically following or chasing a person in a manner that causes the person to have a reasonable fear of bodily injury, in order to capture by a visual or auditory recording instrument any type of visual image, sound recording, or other physical impression of the person for commercial purposes.

SECTION 4. *Harassment for Commercial Purposes.*- Any person who shall harass another for commercial purposes, shall be guilty of this crime and shall be imposed:

1. The penalty of reclusion temporal, and a fine of fifty thousand pesos, if death is proximately caused by such harassment;

2. The penalty of prision mayor, and a fine of twenty thousand pesos, if serious bodily injury is proximately caused by such harassment; and

3. The penalty of arresto mayor, and a fine of one thousand pesos, if neither death nor serious bodily injury is proximately caused by such harassment.

SECTION 5. *Persons Criminally Liable.* - Only a person physically present at the time of, and engaging or assisting another in engaging in, a violation of this Act is subject to criminal charges or civil liability under this section.

A person shall not be subject to such charge or liability by reason of the conduct of an agent, employee, or contractor of that person or because images or recordings captured in violation of this Act were solicited, bought, used, or sold by that person.

SECTION 6. *Limitation on Defenses.*- It is not a defense to a prosecution or civil action that:

(A) no image or recording was captured; or

(B) no image or recording was sold.

SECTION 7. *Exception.*- The provisions of this Act shall not apply with respect to official law enforcement activities.

SECTION 8. *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.

SECTION 9. *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 repealed, modified or amended accordingly.

SECTION 10. *Effectivity Clause.*- This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.

DT  
9 October 1998