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SENATE  
S.B. No. 1581

RECEIVED BY: \_\_\_\_\_ *a*

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Introduced by Senator Miriam Defensor Santiago

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AN ACT  
DECLARING UNLAWFUL THE COMMERCIAL USE OF TELEPHONES FOR MAKING  
INDECENT OR OBSCENE COMMUNICATIONS AND PROVIDING  
PENALTIES THEREFOR

*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 "Anti Dial-a-Porn Act".

SECTION 2. *Declaration of Policy*. - It is hereby declared a State policy to discourage the commercial use of telephone or other telecommunication facilities for the circulation, distribution, conveyance or transmission of lewd, lascivious, filthy, or indecent messages that tend to corrupt the moral of the public and would suggest to the mind of either sex thoughts of an impure or libidinous character, regardless of the actual effect thereof on the recipients' mind.

SECTION 3. *Definition of Terms*. - As used in this Act:

- (1) A "lewd" message is one that describes dissolute or unchaste acts, scenes, or incidents, or one whose utterance is calculated to excite lustful and sensual desires and the like.
- (2) The word "lascivious" comprehends any message that is impure, unclean, indecent, foul, filthy or disgusting.
- (3) The term "indecent" mean immodest or impure.
- (4) The term "filthy" means nasty, vulgar, indecent, and offensive to the moral sense
- (5) "Phone-sex" business means offering sexually intimate, suggestive, or explicit conversations to callers on a pay-per-call basis.

(6) The term "pay-per-call" services means any service for which the caller pays a per-call or per-time-interval charge that is greater than, or in addition to, the charge for the transmission of the call.

SECTION 4. *Prohibited Acts.* – Pursuant to the policy laid down in Section 2 above, it is hereby declared unlawful:

(1) For a person, natural or juridical, association, club or any other entity to:

(a) Establish, provide, or carry on a "phone-sex" business or similar activity that has for its purpose the transmission, conveyance, or distribution for profit of lewd, indecent, or lascivious messages through the telephone or other telecommunication facilities.

(b) To advertise, publish, print, or distribute or cause the advertisement, publication, printing or distribution of any brochure, flyer, or any propaganda material calculated to promote the prohibited acts in the preceding sub-paragraph.

(c) To solicit, enlist or in any manner attract or induce any man or woman to become a member in any club or association whose objective is to promote, provide, or carry on the prohibited acts in subparagraph (a) of this section.

(2) For the manager or office-in charge of advertising manager of any newspaper, magazine, television or radio station, or other media or mass communication like telephone or telegraph companies, or of an advertising agency, printing company or similar entities, to knowingly allow or consent to the acts mentioned in sub-paragraph (2) of this Section.

SECTION 5. *Penalties.* – Any person found guilty of any of the offense covered by this Act shall be punished by imprisonment of not less than six (6) years and one (1) day but not more than eight (8) years, or a fine ranging from ten to twenty thousand pesos (P 20,000.00), or both such imprisonment and fine, in the discretion of the court: Provided, that if the offender is a foreigner, he shall be immediately deported and barred forever from entering the country after serving his sentence and paying the fine.

SECTION 6. *Separability Clause.* – If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or provision not otherwise affected shall remain valid and subsisting.

SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provision of this Act is hereby repealed, modified or amended accordingly.

SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.

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