

exchange of five hundred to one thousand pesos (P500-P1,000). The suspect is charged only of violation of the Special Protection of Children Against Child Abuse Act and the Revised Penal Code.

There is no law that seriously punishes those persons who are responsible for the spread of cybersex dens all over the country. This bill seeks to punish those persons who operate and maintain cybersex dens, and their protectors/coddlers.

Miriam Defensor Santiago
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THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

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SENATE
S.B. No. **1945**

RECEIVED BY: _____

Introduced by Senator Miriam Defensor Santiago

AN ACT
CLASSIFYING CYBERSEX OPERATIONS AS A FORM OF PROSTITUTION AND
IMPOSING PENALTIES ON CYBERSEX DEN OPERATORS, PERSONNEL, AND
PROTECTORS/CODDLERS

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

SECTION 1. *Short Title.* — This Act shall be known as “The Anti-Cybersex Act of 2005.”

SECTION 2. *Declaration of Policy.* — It is hereby declared the policy of the State to value the dignity of every human person and guarantees full respect for human rights.

SECTION 3. *Definition of Terms.* — As used in this Act, the term:

- (1) “Cybersex” – refers to a special form of prostitution that is conducted via the internet and the use of web cameras, by inviting people either here or in other countries to watch women, child, or men perform sexual acts in exchange for a fee paid via credit cards or other means.
- (2) “Cybersex den” – refers to any place where this special form of prostitution is conducted.
- (3) “Cybersex den operator” – refers to any person who pays for, raises or supplies money for, or underwrites for the operation and maintenance of a cybersex den.
- (4) “Cybersex den personnel” – refers to the caretaker, helper, watchman, lookout, and other persons working in the den employed by the maintainer, owner, and/or operator of a cybersex den.
- (5) “Protector/Coddler” – refers to any person who knowingly and willfully consents to the operation and maintenance of a cybersex den under this Act, and uses his/her influence,

power, or position in shielding, harboring, screening, or facilitating the escape of any person he/she knows, or has reasonable grounds to believe on or suspects, has violated the provisions of this Act in order to prevent the arrest, prosecution and conviction of the offender.

(6) "Instrument" — refers to any thing that is used in or intended to be used in any manner in the commission of cybersex.

(7) "DSWD" – refers to the Department of Social Welfare and Development.

SECTION 4. *Offenders and their Punishments.* —

1. CYBERSEX DEN OPERATOR. — The penalty of fifteen (15) years of imprisonment and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One Million Pesos (P1,000,000.00) shall be imposed upon the cybersex den operator.

2. CYBERSEX DEN PERSONNEL. — The penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon the cybersex den personnel.

3. PROTECTOR/CODDLER. —The penalty of *reclusion temporal* and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a protector/coddler of the perpetrator under this Act.

If the protector/coddler is a law enforcer, public officer or employee, the maximum penalties provided for in this Act shall be imposed, in addition to absolute perpetual disqualification from any public office.

SECTION 5. *Offender is a foreigner.* — When the offender is a foreigner, he/she shall be deported immediately after service of sentence and permanently barred from entry into the country.

SECTION 6. *Forfeiture of the Instruments, Proceeds, Assets, and Properties.* — After conviction in the Regional Trial Court in the appropriate criminal case filed, the Court shall immediately schedule a hearing for the confiscation and forfeiture of all the instruments, all the proceeds of the offense, and all the assets and properties of the accused either owned or held by him or in the name of some other persons if the same shall be found to be manifestly out of proportion to his/her lawful income: *Provided, however,* That if the forfeited property is a vehicle, the same shall be auctioned off not later than five (5) days upon order of confiscation or forfeiture.

SECTION 7. *Offender under exceptional circumstances.* — When the offender is a person who is also exploited in cybersex or had been exploited in cybersex, he/she shall be penalized as follows:

1. FIRST OFFENSE. — the offender shall undergo three (3) months of mandatory counseling and rehabilitation program with the Department of Social Welfare and Development;

2. SECOND OFFENSE. — imprisonment of one (1) month and mandatory counseling and rehabilitation program with the DSWD;

3. THIRD OFFENSE. — imprisonment of one (1) month and mandatory counseling and rehabilitation program with the DSWD for six (6) months;

4. FOURTH AND SUBSEQUENT OFFENSE. — imprisonment of one (1) year and mandatory counseling and rehabilitation program with the DSWD from six (6) months to one (1) year.

Notwithstanding the criminal liability imposed upon the offender under this provision, such liability shall not operate to divest him/her of the rights, benefits and protection accorded to persons exploited in cybersex under this Act.

SECTION 8. *Person Exploited in Cybersex as Victims.* — Any woman, man, or child used or employed for cybersex and for the monetary gain or profit of others shall be treated as victims of cybersex. As such, they shall not incur any criminal liability under this Act, except to the extent referred to under Section 6 hereof.

In addition, the consent of the person exploited in cybersex to the commission of the offense shall not in any way exempt the offender from, or mitigate his/her criminal liability.

SECTION 9. *Civil Liability for Cybersex.* — Persons exploited in cybersex by other person may file independent civil cases for damages against the persons, natural or juridical, responsible for their exploitation.

SECTION 10. *Suppletory Application.* — The provisions of Republic Act No. 9280 or the Anti-Trafficking in Persons Act shall have suppletory application to this Act.

SECTION 11. *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 12. *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 13. *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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