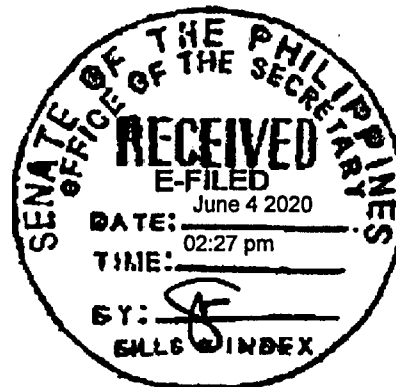


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE

S.B. No. 1589



INTRODUCED BY SENATOR RISA HONTIVEROS

**AN ACT
IMPOSING STIFFER PENALTIES FOR CHILD ABUSE, EXPLOITATION AND
DISCRIMINATION, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7610,
AS AMENDED**

EXPLANATORY NOTE

It is deplorable that Filipino children are coerced by circumstance, poverty, or by their own families into exploitative labor practices and situations that are prone to all manners of abuse. A 2018 report have documented that Filipino children are among those who experience the worst forms of child labor, which includes commercial sexual exploitation, backbreaking labor in agriculture, and dangerous tasks in gold mining, among others.

The same report has shed a damning light to the plight of these children, which are estimated to be at 3.2 million, with approximately 3 million involved in unsafe labor. Perhaps more disturbing is the use of children by syndicates in their distribution network, where they are given tasks in the procuring, distribution, and selling of illegal drugs¹.

Exploitation of children, sometimes even by their own families, have been fueled by the COVID-19 pandemic and made easier with existing technologies. From March to May of this year alone, the country's Department of Justice have received 279,166 cases of online sexual exploitation involving children². It is not hard to imagine that so much more cases are occurring unreported. As such, this bill is proposing stiffer penalties on perpetrators who abuse and exploit children in any and all ways.

It is of paramount importance that children's rights and welfare are secured, especially those who are most vulnerable.

In light of this, the passage of this bill is earnestly sought.

Risa Hontiveros
RISA HONTIVEROS
Senator

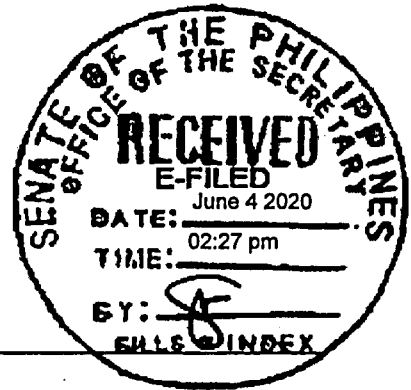
¹ https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2018/Philippines.pdf

² <https://news.mb.com.ph/2020/05/25/doj-online-child-sexual-exploitation-cases-tripled-during-ecq/>

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AN ACT
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DISCRIMINATION, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7610,
AS AMENDED

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

1 Section 1. Section 9 of Republic Act No. 7610, otherwise known as the "Special
2 Protection of Children Against Child Abuse, Exploitation and Discrimination Act", is hereby
3 amended to read as follows:

4 "Sec. 9. Obscene Publications and Indecent Shows. – Any person who shall
5 hire, employ, use, persuade, induce or coerce a child to perform in obscene
6 exhibitions and indecent shows, whether live or in video, pose, or model in
7 obscene publications or pornographic materials or to sell or distribute the
8 said materials shall suffer the penalty [of *prision mayor* in its medium
9 period] **FROM FOURTEEN (14) YEARS, EIGHT (8) MONTHS AND ONE**
10 **(1) DAY TO SEVENTEEN (17) YEARS AND FOUR (4) MONTHS.**

11 "If the child used as a performer, subject or seller/distributor is below
12 twelve (12) years of age, the penalty shall be [imposed in its maximum
13 period] **THIRTY (30) YEARS AND ONE (1) DAY TO FORTY (40) YEARS.**

14 "Any ascendant, guardian, or person entrusted in any capacity with
15 the care of a child who shall cause and/or allow such child to be employed
16 or to participate in an obscene play, scene, act, movie or show or in any
17 other acts covered by this section shall suffer from penalty [of *prision mayor*
18 in its medium period] **FROM SEVENTEEN (17) YEARS, FOUR (4)**
19 **MONTHS AND ONE (1) DAY TO TWENTY (20) YEARS."**

20 "If the child used as a performer, subject or seller/distributor is below
21 twelve (12) years of age, the penalty shall be [imposed in its maximum
22 period] **THIRTY (30) YEARS AND ONE (1) DAY TO FORTY (40)**
23 **YEARS.**

24 "Any ascendant, guardian or person entrusted in any capacity with
25 the care of a child who shall cause and/or allow such child to be employed

1 or to participate in an obscene play, scene, act, movie or show or in any
2 other acts covered by this section shall suffer the penalty [of prison mayor
3 in its medium period] **FROM SEVENTEEN (17) YEARS, FOUR (4)**
4 **MONTHS AND ONE (1) DAY TO TWENTY (20) YEARS."**

5 Sec. 2. Section 10 of the same Act as amended, is hereby amended to read as
6 follows:

7 "Sec. 10. Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other
8 Conditions Prejudicial to the Child's development. –

9 "(a) Any person who shall commit any other acts of child abuse,
10 cruelty or exploitation or be responsible for other conditions prejudicial to
11 the child's development including those covered by Article 59 of Presidential
12 Decree No. 603, as amended, shall suffer the penalty [of prison mayor in
13 its medium period] **FROM TWELVE (12) YEARS, AND ONE (1) DAY TO**
14 **FOURTEEN (14) YEARS AND EIGHT (8) MONTHS.**

15 "(b) Any person who shall keep or have in his company a minor,
16 twelve (12) years or under ten (10) years or more his junior in any public
17 or private place, hotel, motel, beer joint, discotheque, cabaret, pension
18 house, sauna or massage parlor, beach and/or tourist resort or similar places
19 shall suffer the penalty [of prison mayor in its maximum period] **FROM**
20 **FOURTEEN (14) YEARS, EIGHT (8) MONTHS AND ONE (1) DAY TO**
21 **SEVENTEEN (17) YEARS AND FOUR (4) MONTHS** and a fine of not
22 less than [Fifty thousand pesos (P50,000)] **FIVE HUNDRED THOUSAND**
23 **PESOS (P500,000.00):** Provided, That this provision shall not apply to
24 any person who is related within the fourth degree of consanguinity or
25 affinity or any bond recognized by law, local custom and tradition, or acts
26 in the performance of a social, moral or legal duty.

27 "(c) Any person who shall induce, deliver or offer a minor to any one
28 prohibited by this Act to keep or have in his company a minor as provided
29 in the preceding paragraph shall suffer the penalty [of prison mayor in its
30 medium standard] **FROM TEN (10) YEARS AND ONE (1) DAY TO**
31 **TWELVE (12) YEARS** and a fine of not less than [Forty thousand pesos
32 (P40,000)] **FOUR HUNDRED THOUSAND PESOS (P400,000.00):**
33 Provided, however, That should the perpetrator be an ascendant, stepparent
34 or guardian of the minor, the penalty to be imposed shall be [prison mayor
35 in its maximum period] **FROM FOURTEEN (14) YEARS, EIGHT (8)**
36 **MONTHS AND ONE (1) DAY TO SEVENTEEN (17) YEARS AND FOUR**
37 **(4) MONTHS,** a fine of not less than [Fifty thousand pesos (P50,000)]
38 **FIVE HUNDRED THOUSAND PESOS (P500,000.00),** and the loss of
39 parental authority over the minor.

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"THE OFFENDER SHALL LIKEWISE UNDERGO A REDUCATION AND REORIENTATION PROGRAM ON CHILD PROTECTION TO BE CONDUCTED BY THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT."

"(d) Any person, owner, manager or one entrusted with the operation of any public or private place of accommodation, whether for occupancy, food, drink or otherwise, including residential places, who allows any person to take along with him to such place or places any minor herein described as shall be imposed a penalty [of prison mayor in in its medium period] **FROM TEN (10) YEARS AND ONE (1) DAY TO TWELVE (12) YEARS** and a fine of not less than [Fifty thousand pesos (P50,000)] **FIVE HUNDRED THOUSAND PESOS (P500,000.00)**, and the loss of the license to operate such a place or establishment.

"(e) Any person who shall use, coerce, force or intimidate a streetchild or any other child to:

- "(1) Beg or use begging AS a means of living;
- "(2) Act as conduit or middlemen in drug trafficking or pushing; or
- "(3) Conduct any illegal activities, shall suffer the penalty [or prison correctional in its medium period to reclusion perpetua] **FROM TWELVE (12) YEARS AND ONE (1) DAY TO THIRTY (30) YEARS.**

"x x x"

Sec. 3. Section 16 of the same Act, as amended, is hereby further amended to read as follows:

"Sec. 16. Penal Provisions. –

"a) Any employer who violates Section 12, 12-A, and Section of this Act, as amended, shall be penalized by imprisonment of [six months] **ONE (1) YEAR** and one (1) day to six (6) years or a fine of not less than [Fifty thousand pesos (P50,000.00)] **ONE HUNDRED THOUSAND PESOS (P100,000.00)** but not more than [Three hundred thousand pesos (P300,000.00)] **FOUR HUNDRED THOUSAND PESOS (P400,000.00)** or both at the discretion of the court.

"b) Any person who violates the provision of Section 12-D of this Act or the employer of the subcontractor who employs, or the one who facilitates the employment of a child in hazardous work, shall suffer the penalty of a fine of not less than [One hundred thousand pesos (P100,000.00)] **TWO HUNDRED THOUSAND PESOS (P200,000.00)** but not more than One million pesos

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(P1,000,000.00) or imprisonment of not less than twelve (12) years and one (1) day to twenty (20) years, or both such fine and imprisonment at the discretion of court.

"c) Any person who violates Sections 12-D(1) and 12-D(2) shall be prosecuted and penalized in accordance with the penalty provided for by [RA. 9208 otherwise known as the Anti-Trafficking in Persons Act of 2012] **SECTION 12 OF REPUBLIC ACT NO. 10364 OR THE "EXPANDED ANTI-TRAFFICKING IN PERSONS ACT OF 2012"**: Provided, That such penalty shall be imposed in its maximum period.

"d) Any person who violates Section 12-D(3) shall be prosecuted and penalized in accordance with R.A. 9165 , otherwise known as the 'Comprehensive Dangerous Drugs Act of 2002': Provided, That such penalty shall be imposed in its maximum period.

"e) If a corporation commits any of the violations aforesaid, the board of directors/trustees and officers, which include the president, treasurer and secretary of the said corporation who participated in knowingly allowed the violation, shall be penalized accordingly as provided for under this section.

"f) Parents, biological or by legal fiction, and legal guardians found to be violating Sections 12, 12-A, 12-B, 12-C of this Act shall pay a fine of not less than [Ten thousand pesos (P10,000.00)] **ONE HUNDRED THOUSAND PESOS (P100,000.00)** but not more than [One hundred thousand pesos (P100,000.00)] **THREE HUNDRED THOUSAND PESOS (P300,000.00)**, or be required to render community service for not less than [thirty (30) days] **THREE (3) MONTHS** but not more than one (1) year, or both such fine and community service at the discretion of the court: Provided, That the maximum length of community service shall be imposed on parents, [or] legal guardians **OR ADULT CAREGIVERS WHO HAVE CUSTODY OF THE CHILD AND** who have violated the provisions of this Act three (3) times: Provided, further, That in addition to the community service, the penalty of imprisonment of [thirty (30) days] **THREE (3) MONTHS** but not more than one (1) year or both at the discretion of the court, shall be imposed on the parents or legal guardians who have violated the provisions of this Act more than three (3) times.

"g) The Secretary of Labor and Employment or his/her duly authorized representative may, after due notice and hearing, order the closure of any business firm or establishment found to have

1 violated any of the provisions of this Act more than three (3) times.
2 He/she shall likewise order the immediate closure of such firm or
3 establishment if:

4 "(1) The violation of any provision of this Act has resulted in
5 the death, insanity or serious physical injury of a child employed in
6 such establishment; or

7 "(2) Such firm or establishment is engaged or employed in
8 prostitution or in obscene or lewd shows.

9 "(3) In case of such closure, the employer shall be required to
10 pay the employee(s) the separation pay and other monetary benefits
11 provided for by law."

12 Sec. 4. Section 20 of the same Act is hereby amended to read as follows:

13 "Sec. 20. Discrimination. – Children of indigenous cultural communities shall
14 not be subjected to any and all forms of discrimination.

15 "Any person who discriminates against children of indigenous cultural
16 communities shall suffer a penalty [of arresto mayor in its maximum period]
17 **FROM TWO (2) YEARS, FOUR (4) MONTHS AND ONE (1) DAY TO**
18 **FOUR (4) YEARS AND TWO (2) MONTHS** and a fine of not less than
19 [Five thousand pesos (P5,000)] **FIFTY THOUSAND PESOS**
20 **(P50,000.00)** nor more than [Ten thousand pesos (P10,000.00)] **ONE**
21 **HUNDRED THOUSAND PESOS (P100,000.00).**

22 **"THE OFFENDER SHALL LIKEWISE UNDERGO A**
23 **REEDUCATION AND REORIENTATION PROGRAM ON THE**
24 **INDIGENOUS PEOPLES CULTURE OF THE PHILIPPINES, TO BE**
25 **CONDUCTED BY THE NATIONAL COMMISSION N INDIGENOUS**
26 **PEOPLES OR THE PHILIPPINE TASK FORCE FOR INDIGENEOUS**
27 **PEOPLES RIGHTS."**

28 Sec. 5. Within one hundred eighty (180) days from the effectivity of this Act, the
29 Secretary of Labor and Employment in coordination with the Secretary of Social Welfare
30 and Development, concerned agencies in the public sector and other stakeholders in the
31 private sector, shall issue the necessary rules and regulations to effectively implement the
32 provisions of this Act.

33 Sec. 6. If any provision of this Act held invalid or unconstitutional, other provisions
34 not affected thereby shall remain to be in full force and effect.

35 Sec. 7. All laws, decrees, orders, rules and regulations, inconsistent with any of the
36 provisions of this Act are hereby repealed, amended or modified accordingly.

37 Sec. 8. This Act shall take effect fifteen (15) days after its publication in the Official
38 Gazette or in a newspaper of general circulation.

Approved,