

**NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**
First Regular Session



Senate
Office of the Secretary

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'22 JUL 18 P4:54

SENATE

RECEIVED BY: _____

S. B. NO. 734

Introduced by **SENATOR JOEL VILLANUEVA**

**AN ACT DETERRING THE CONTINUED PROLIFERATION OF
IMMORAL DOCTRINES, OBSCENE PUBLICATIONS AND
EXHIBITIONS AND INDECENT SHOWS BY INCREASING THE
PENALTIES THEREFOR, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The rise of the world wide web has the unintended consequence of the rise of online pornography and the proliferation of users that prey on and victimize minors and children. According to a 2017 report by the United Nations Children Emergency Fund (UNICEF), 80% of Filipino children that have access to the Internet are in danger of being victimized by purveyors of child pornography.¹

Under Philippine law, immoral doctrines, obscene publications and exhibitions and indecent shows are penalized under Article 201 of the Revised Penal Code (RPC). Offenders shall be imprisoned for a maximum of six years and/or fined Php6,000.00 to Php12,000.00. In 2017, Republic Act No. 10951 increased the fine to a range of Php20,000.00 to Php200,000.00.

In addition to the felonies punishable under the RPC, Republic Act No. 7610 or the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act, penalizes any person who shall hire, employ, use, persuade, induce or coerce a child to perform in obscene exhibitions and indecent shows, or model in obscene publications or pornographic materials or to sell or distribute the said materials.

¹ Rappler, Philippines top global source of child pornography – Unicef, December 13, 2017, accessible at <https://www.rappler.com/nation/191219-philippines-top-global-source-child-pornography-unicef> (last accessed July 13, 2022).

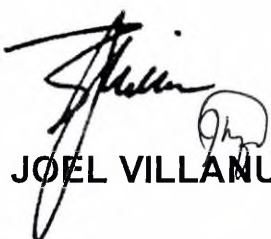
Despite these laws, however, Filipino children continue to be vulnerable to online child predators and pornographers. Pre-pandemic, or in February 2019, it was reported that online sexual exploitations remain widespread in the Philippines, 80% of the victims of which are minors, most of whom are 12 years old or younger.² In most instances, these minors are compelled to undress in front of an international audience of sexual predators online.³

When the pandemic started, the Anti-Money Laundering Council (AMLC) reported a surge in suspicious transactions linked to online sexual exploitation of children to more than 20,448 by June 2020. This represents a 192% increase from the 10,633 suspicious transactions reported in 2019. From January to July 2020, AMLC also investigated seven (7) money laundering cases predicated on child exploitation involving about Php17 million worth of illegal funds.⁴

The continued prevalence of these incidents in the Philippines may be attributed to the fact that despite the deplorable nature of the offense, the prescribed penalties for these offenses are not commensurate to their gravity. The fine is negligible when compared to the profit that the pornography business generates.

This bill seeks to give greater protection to minors, increase the penalties for obscene, pornographic and immoral activities, and update our penal laws to adapt to the advanced technology now employed by those in the business of defiling the dignity of persons through lust and greed.

The immediate passage of this bill is earnestly sought.


SENATOR JOEL VILLANUEVA

² ABS-CBN, Cybersex ops still prevalent in PH; 80 pct of victims are minors, February 22, 2019, *accessible at* <https://news.abs-cbn.com/spotlight/02/22/19/cybersex-ops-still-prevalent-in-ph-80-pct-of-victims-are-minors> (*last accessed* July 13, 2022).

³ CNN Philippines, Gov't to boost crackdown on child pornography, February 14, 2018, *accessible at* <https://cnnphilippines.com/news/2018/02/14/crackdown-on-child-pornography.html> (*last accessed* July 13, 2022).

⁴ AMLC, Online Sexual Exploitation of Children: A crime with a global impact and an evolving transnational threat, August 2020, *accessible at* <http://www.amlc.gov.ph/images/PDFs/2020%20AUG%20AMLC%20OSEC%20AN%20EMERGING%20RISK%20AMID%20THE%20COVID19%20PANDEMIC.pdf> (*last accessed* July 13, 2022).

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the "*Immorality,*
2 *Pornography and Obscenity Deterrence Act.*"
3

4 **SEC. 2.** Article 201 of Act No. 3815, as amended by Republic Act No. 10951,
5 otherwise known as the Revised Penal Code, is hereby amended to read as follows:
6

7 Article 201. Immoral doctrines, obscene publications and exhibitions, and
8 indecent shows. - The penalty of BOTH [prison mayor] RECLUSION
9 PERPETUA [or] AND a fine ranging from [Twenty thousand pesos
10 (P20,000)] FIVE HUNDRED THOUSAND (P500,000.00) TO [Two hundred
11 thousand pesos (P200,000)] FIVE MILLION PESOS (P5,000,000.00) [, or
12 both such imprisonment and fine,] shall be imposed upon:
13

14 (1) Those who shall publicly, in whatever form, medium or technology,
15 expound or proclaim doctrines openly contrary to public morals;
16

17 (2) (a) The authors of obscene literature, published with their knowledge in
18 any form; the editors publishing such literature; and the owners/operators
19 and employees of the establishment selling the same;

1 (b) Those who, in theaters, fairs, cinematographs or any other place
2 accessible or made accessible to the public even if privately-owned, or
3 through the internet or some other virtual location where information can be
4 posted, stored or transferred, willingly exhibit, for free, profit or any
5 consideration, indecent or immoral plays, scenes, acts or shows, or clips,
6 whether visually or through the use of the other senses, whether live or [in
7 film,] recorded. [which are proscribed by virtue hereof,] These shall include
8 those which (1) glorify criminals or condone crimes; (2) serve no other
9 purpose but to satisfy the market for violence, lust or pornography; (3)
10 intentionally offend or discriminate any race, or religion; (4) tend to abet
11 traffic and use of prohibited drugs and the abuse of regulated drugs; and (5)
12 are contrary to law, public order, morals, good customs, established
13 policies, lawful orders, decrees and edicts;
14

15 (3) Those who shall sell, give away, DISTRIBUTE, LEASE, CIRCULATE or
16 exhibit films, prints, engravings, sculpture, PICTURES, [or] literature,
17 SOUND RECORDINGS, OR ANY MATERIAL, IN WHATEVER FORM,
18 which are offensive to morals, ESPECIALLY THOSE REFERRED TO IN
19 SUBSECTION (2)(B)(1) TO (5) ABOVE.
20

21 FOR PURPOSES OF THIS ARTICLE, ANY MATERIAL WHICH, TO A
22 REASONABLE PERSON USING THE MORAL AND ETHICAL
23 STANDARDS OF THE CITY OR MUNICIPALITY WHERE THE MATERIAL
24 WAS SOLD, DISTRIBUTED, EXHIBITED AND/OR CIRCULATED,
25 UNNECESSARILY EMPLOY THE USE OF SEX AND/OR VIOLENCE, OR
26 UNNECESSARILY ADVERTISE AND/OR PROMOTE DRUG ABUSE,
27 CRIME OR OTHER UNLAWFUL OR IMMORAL ACTS SHALL BE
28 DEEMED TO BE IMMORAL, OBSCENE AND/OR PORNOGRAPHIC.
29

30 IF THE OFFENDER IS A PUBLIC OFFICER OR EMPLOYEE, THE
31 MAXIMUM PENALTY SHALL BE IMPOSED, INCLUDING THE
32 ACCESSORY PENALTY OF PERPETUAL ABSOLUTE
33 DISQUALIFICATION.
34

35 ANY PUBLIC OFFICER OR EMPLOYEE WHO SHALL KNOWINGLY
36 ASSIST, IN WHATEVER FORM, WHETHER FOR CONSIDERATION OR
37 OTHERWISE, ANY PERSON IN COMMITTING ANY OF THE OFFENSES
38 MENTIONED IN THE PRECEDING PARAGRAPHS SHALL BE
39 PENALIZED WITH RECLUSION PERPETUA AND A FINE OF FIVE
40 MILLION PESOS (P5,000,000.00) INCLUDING PERMANENT
41 DISQUALIFICATION FROM HOLDING PUBLIC OFFICE.
42

43 **SEC. 3.** A new Article 201-A of Act No. 3815, as amended, otherwise known as
44 the Revised Penal Code, is hereby amended to read as follows:
45

46 ARTICLE 201-A. SALE, DISTRIBUTION OR TRANSFER OF IMMORAL,
47 OBSCENE AND/OR PORNOGRAPHIC MATERIALS TO MINORS - ANY
48 PERSON FOUND GUILTY OF SELLING, DISTRIBUTING OR
49 TRANSFERRING TO A MINOR, FOR CONSIDERATION OR
50 OTHERWISE, ANY IMMORAL, OBSCENE AND/OR PORNOGRAPHIC

1 MATERIAL IN WHATEVER FORM, MEDIUM OR TECHNOLOGY, SHALL
2 SUFFER THE PENALTY OF RECLUSION PERPETUA AND A FINE
3 RANGING FROM FIVE HUNDRED THOUSAND (P500,000.00) TO FIVE
4 MILLION PESOS (P5,000,000.00).

5
6 IF THE OFFENDER IS A PUBLIC OFFICER OR EMPLOYEE, THE
7 MAXIMUM PENALTY SHALL BE IMPOSED, INCLUDING THE
8 ACCESSORY PENALTY OF PERPETUAL ABSOLUTE
9 DISQUALIFICATION.

10
11 ANY PUBLIC OFFICER OR EMPLOYEE WHO SHALL KNOWINGLY
12 ASSIST, IN WHATEVER FORM, WHETHER FOR CONSIDERATION OR
13 OTHERWISE, ANY PERSON IN COMMITTING ANY OF THE OFFENSES
14 MENTIONED IN THE PRECEDING PARAGRAPHS SHALL BE
15 PENALIZED WITH RECLUSION PERPETUA AND A FINE OF FIVE
16 MILLION PESOS (P5,000,000.00), INCLUDING PERMANENT
17 DISQUALIFICATION FROM HOLDING PUBLIC OFFICE.

18
19 **SEC. 4.** Section 9 of Republic Act No. 7610, otherwise known as the Special
20 Protection of Children Against Child Abuse, Exploitation and Discrimination Act is
21 hereby amended to read as follows:

22
23 Section 9. Obscene Publications and Indecent Shows. - Any person who
24 shall hire, employ, use, persuade, induce or coerce a child to perform in
25 obscene exhibitions and indecent shows, whether live or in video, or model
26 in obscene publications or pornographic materials or to sell or distribute the
27 said materials shall suffer the penalty of [prision mayor in its medium period]
28 RECLUSION PERPETUA AND A FINE RANGING FROM FIVE HUNDRED
29 THOUSAND PESOS (P500,000.00) TO FIVE MILLION PESOS
30 (P5,000,000.00).

31
32 THE SAME PENALTY SHALL BE IMPOSED ON ANY PERSON WHO
33 SHALL USE VIRTUAL OR DIGITAL IMAGES OF A CHILD OR
34 INDIVIDUALS MADE TO APPEAR LIKE MINORS IN ANY OBSCENE
35 PUBLICATION OR PORNOGRAPHIC MATERIAL IN WHATEVER FORM
36 OR MEDIUM.

37
38 ANY PERSON WHO SHALL SELL, GIVE AWAY, DISTRIBUTE, LEASE,
39 CIRCULATE, PRODUCE, SPONSOR OR EXHIBIT ANY MATERIAL
40 ENCOURAGING OR PROMOTING SEXUAL INTERCOURSE OR ANY
41 SEXUAL OR PROFANE ACTIVITY WITH A MINOR OR MINORS SHALL
42 LIKEWISE SUFFER THE PENALTY PROVIDED UNDER THE FIRST
43 PARAGRAPH OF THIS SECTION.

44
45 If the child used as a performer, subject or seller/distributor is below twelve
46 (12) years of age, the penalty shall be imposed in its maximum period AND
47 THE MAXIMUM AMOUNT OF FINE.

48
49 Any ascendant, guardian, or person entrusted in any capacity with the care
50 of a child who shall cause and/or allow such child to be employed or to

1 participate in an obscene play, scene, act, movie or show or in any other
2 acts covered by this section shall suffer the penalty of [prision mayor]
3 RECLUSION PERPETUA [in its medium period].
4

5 IF THE OFFENDER IS A PUBLIC OFFICER OR EMPLOYEE, THE
6 MAXIMUM PENALTY SHALL BE IMPOSED, INCLUDING THE
7 ACCESSORY PENALTY OF PERPETUAL ABSOLUTE
8 DISQUALIFICATION.
9

10 ANY PUBLIC OFFICER OR EMPLOYEE WHO SHALL KNOWINGLY
11 ASSIST, IN WHATEVER FORM, WHETHER FOR CONSIDERATION OR
12 OTHERWISE, ANY PERSON IN COMMITTING ANY OF THE OFFENSES
13 MENTIONED IN THE PRECEDING PARAGRAPHS SHALL BE
14 PENALIZED WITH RECLUSION PERPETUA AND A FINE OF FIVE
15 MILLION PESOS (P5,000,000.00) INCLUDING PERMANENT
16 DISQUALIFICATION FROM HOLDING PUBLIC OFFICE.
17

18 **SEC. 5. Separability Clause.** – If any provision of this Act is declared
19 unconstitutional, the other provisions not affected thereby shall continue to be in full
20 force and effect.
21

22 **SEC. 6. Repealing Clause.** – All laws, decrees, rules and regulations, or parts
23 thereof inconsistent with this Act are hereby repealed or amended accordingly.
24

25 **SEC. 7. Effectivity.** – This Act shall take effect fifteen (15) days following its
26 complete publication in the Official Gazette or in at least two (2) newspapers of general
27 circulation.
28

29 **Approved,**