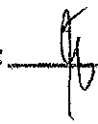


FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

7 JUL -4 11:54

SENATE
S.B. No. 937

RECEIVED BY: 

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks to amend Article 341 (White Slave Trade) of the Commonwealth Act No. 3815 also known as the "Revised Penal Code" to increase the penalty of imprisonment and fine to dissuade the promotion of prostitution all over the country.

Over a decade ago, the International Labor Organization logged nearly half a million prostitutes in the country. In 1997, Asiaweek reported that there were 300,000 Filipino women in the sex trade while 75,000 children were prostituted. Experts have claimed that the Asian Financial Crisis have pushed more women to join the oldest profession known to man. Over the years, the Philippines has become known for its sex trade and has become a sex tourist destination. The increasing numbers of women and children prostitutes, along with the alarming number of victims of human trafficking, reflect the great need to increase the penalties in order to strongly discourage persons from promoting and soliciting the services of a sex worker and individuals from entering the trade.

This measure amends the conditions and penalties stated in Article 341 of the Revised Penal Code. Some of the circumstances stated that can lead to the imprisonment of the involved individuals include: soliciting a prostitute in behalf of another; advertising the services of a prostitute and recruiting a woman under the false pretenses of lawful employment to be later turned into a sex worker.

In an age wherein the rights of women and children are advocated and respected, women and children should be given extra protection. Through the increased penalties and detailed circumstances, they can be assured of additional security of their well being.

In the light of escalating demands and conditions of the sex trade, the passage of this bill is earnestly sought.


LOREN LEGARDA
Senator

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

7 JUL -4 1954

SENATE
S.B. No. 937

RECEIVED BY: [Signature]

Introduced by Senator Loren Legarda

AN ACT
AMENDING ARTICLE 341 (WHITE SLAVE TRADE) OF THE REVISED PENAL
CODE TO PROVIDE A DETERRENT TO THE PROMOTION OF PROSTITUTION
AND INCREASING THE PENALTY OF IMPRISONMENT AND FINE AND FOR
OTHER PURPOSES

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

SECTION 1. Article 341 of Commonwealth Act No. 3815, as amended, otherwise known as the Revised penal Code, is hereby amended to read as follows:

"Art. 341. White Slave Trade a. The penalty of RECLUSION TEMPORAL (Prision mayor) in its medium and maximum periods shall be imposed upon any person who, in any manner, or under any pretext shall engage in the business or shall profit by (prostitution or shall enlist the services of any other for the purpose of prostitution)

- (1) ACTING AS A PROCURER TO SOLICIT A PERSON TO BECOME THE CLIENT OF A PROSTITUTE; IF THE CLIENT CONSENTS TO BE PROCURED FOR THE PROSTITUTE, THE LATTER SHALL LIKEWISE BE PUNISHED UNDER THIS ARTICLE;
- (2) INDUCING A PERSON TO BE A CLIENT OF A PROSTITUTE BY MEANS OF ADVERTISEMENT OR OTHER SIMILAR MEANS;
- (3) CONFRONTING ANY PERSON IN ANY STREET OR PUBLIC PLACE WITH THE INTENT TO SOLICIT SUCH PERSON TO BE THE CLIENT OF A PROSTITUTE;
- (4) RECRUITING A WOMAN UNDER THE PRETEXT OF LAWFUL EMPLOYMENT BUT ACTUALLY FOR THE PURPOSE OF TURNING OVER SUCH WOMAN TO ANOTHER OR OTHERS TO WORK AS A PROSTITUTE OR OTHER ACTS OF ABUSE OR EXPLOITATION. IF THE PERSON WHO RECRUITS THE WOMAN IS ALSO THE PERPETRATOR OF THE OFFENSE COMMITTED AGAINST THE WOMAN, SUCH PERSON SHALL BE PROSECUTED BOTH FOR THE ILLEGAL RECRUITMENT AND FOR THE OFFENSE COMMITTED AGAINST THE WOMAN;

- (5) DECEITFULLY TAKING ADVANTAGE OF OR THROUGH INFLUENCE DUE TO HIS RELATIONSHIP SHALL PROCURE A WOMAN AS PROSTITUTE;
- (6) THREATENING OR USING VIOLENCE TOWARDS A WOMAN TO ENGAGE HER AS PROSTITUTE.
- (7) TAKING ADVANTAGE OF HIS RELATIONSHIP IN ORDER TO DEMAND FROM THE WOMAN WHO HAS PROSTITUTED HERSELF THE WHOLE OR A PART OF THE COMPENSATION DERIVED FROM PROSTITUTION;
- (8) GIVING MONETARY CONSIDERTION, GOODS OR OTHER PECUNIARY BENEFIT TO A WOMAN BY MEANS OF AN ADVANCE OR OTHER MEANS WITH THE INTENT TO MAKE SUCH WOMAN AS A PROSTITUTE;
- (9) FURNISHING A PLACE FOR PROSTITUTION OR ENGAGING IN THE BUSINESS OF FURNISHING THE PLACE FOR PROSTITUTION, MAKING IT HIS BUSINESS TO ALLOW WOMEN PROSTITUTES TO LIVE AT THE ESTABLISHMENT WHICH HE POSSESSES AND MANAGES OR AT THE PLACE WHICH HE DESIGNATES; AND FURNISHING THE FUNDS, LAND, OR BUILDING NECESSARY FOR THE BUSINESS;
- (10) HIRING A WOMAN TO WORK AS HOSTESS, BAR MAID AND WAITRESS WITHOUT COMPENSATION;
- (11) IMPOSING "BAR FINES" TO ANY PERSON IN AN ESTABLISHMENT BY ALLOWING SUCH WOMAN TO GO OUT WITH THEIR CUSTOMER.
 - a. SANCTIONS FOR ESTABLISHMENTS OR ENTERPRISES, WHICH PROMOTE, FACILITATE OR CONDUCT ACTIVITIES CONSTITUTING PROSTITUTION. - ALL ESTABLISHMENTS AND ENTERPRISIS WHICH PROMOTE OR FACILITATE PROSTITUTION SHALL BE CLOSED AND THEIR AUTHORITY OR LICENSE TO OPERATE SHALL BE CANCELLED WITHOUT PREJUDICE TO THE OWNER OR MANAGER THEREOF BEING PROSECUTED UNDER THIS ARTICLE AND/OR THE REVISED PENAL CODE, AS AMENDED, OR BY SPECIAL LAWS. SUCH ESTABLISHMENTS AND ENTERPRISIS SHALL REMAIN CLOSED UNTIL THE COURT DETERMINES OTHERWISE, TAKING INTO CONSIDERATION THE INTEREST AND WELFARE OF THE PEOPLE AND THE IMMORTALITY OF THE ACT.

AN ESTABLISHMENT SHALL BE PRESUMED PRIMA FACIE ENGAGED IN THE PROMOTION OR FACILITATION OF PROSTITUTION IF THE ACTS CONSTITUTING PROSTITUTION OCCUR IN THE PREMISIS.

SEC. 2. REPEALING CLAUSE. - ALL LAWS, PRESIDENTIAL DECREES, EXECUTIVE ORDERS, RULES AND REGULATIONS WHICH ARE CONTRARY TO THE PROVISION OF THIS ACT ARE HEREBY REPEALED, AMENDED AND MODIFIED ACCORDINGLY.

SEC. 3. SEPARABILITY CLAUSE. - IF ANY PART OF THIS ACT SHALL BE HELD TO BE UNCONSTITUTIONAL OR INVALID, OTHER PARTS OR PROVISIONS HEREOF WHICH ARE NOT AFFECTED THEREBY SHALL CONTINUE TO BE IN FULL FORCE AND EFFECT.

SEC. 4. EFFECTIVITY. - THIS ACT SHALL TAKE EFFECT FIFTEEN (15) DAYS AFTER ITS PUBLICATION IN ENGLISH OR FILIPINO IN THE OFFICIAL GAZETTE OR IN AT LEAST TWO (2) NEWSPAPERS OF GENERAL CIRCULATION, WHICHEVER COMES FIRST.

APPROVED,