

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

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SENATE  
S.B. 1085

RECEIVED BY: JK

Introduced by Senator Loren Legarda

**EXPLANATORY NOTE**

This bill seeks to penalize the act of performing, exhibiting or demonstrating in public any act of obscenity as defined herein to prevent the corruption of our citizenry and uphold human dignity and national morality.

Obscene shows and pornographic entertainment are in an alarming resurgence. Films that feature "penetration" scene and seductive nightclub acts burgeon in the streets and with the advent of piracy, reproducing them in volumes offers no challenge. These scandalous exhibitions sensationalize the decline of national morality and the corruption of the citizens, particularly of the youth.

The government campaign against pornography has been sporadic in the past, often being dependent primarily upon those exercising censorship and their judgment of what they think or feel is moral or not. This is even aggravated by the lack of a comprehensive anti-obscenity and pornography law.

This proposed measure addresses the need for a law that would specifically outlaw obscene acts. Likewise, this bill prohibits the public demonstration of the sexual act, the sale and display of materials containing pornographic presentations and provides penalties for violations. Finally, this proposed measure imposes stiffer penalties for would-be violators to achieve the purpose why such acts were outlawed in the first place.

In view of the foregoing, early passage of this bill is therefore, earnestly sought.

  
**LOREN LEGARDA**  
Senator



exhibition involving any act sexual acts enumerated in the preceding section: *Provided, however,* That the penalty of imprisonment of from six (6) months and one (1) day to one (1) year or a fine ranging from Ten Thousand Pesos (P10,000.00) to Fifty Thousand Pesos (P50,000.00) shall be imposed on the offender in anilingus urolagnia, coprophilia, or masturbation: provided, further, That in case the demonstrator performer, actor, or exhibitor is below eighteen (180 years of age, he or she shall be considered as offended party pursuant to the provisions of Republic Act. No. 7610, otherwise known as the "special Protection of Children Against Child Abuse, Exploitation and Discrimination Act", and shall be placed immediately under protective custody as provided for in section 28 thereof.

**SECTION 4. Provided Acts and Materials.** - Any person who shall portray, depict or present, any of the sexual acts enumerated in Section 2 of this Act, in pictures or in writings, motion pictures, video tapes, tabloids, comics, pamphlets, newspapers, magazines, books, posters, cards, calendars, decals, stickers, paintings, or photographs shown, displayed sold or distributed in public, or in any place of public accommodation, shall be punished as follows:

1. If the offender is the producer, financier, promoter, importer, author, or writer, publisher, editor or printer of any of the materials hereinabove described, he shall be punished by imprisonment of from one (1) year and one (1) day to six (6) years and a fine ranging from Three Hundred Thousand Pesos (P300,000.00) to Five Hundred Thousand Pesos (P500,000.00)
2. The penalty of imprisonment of from six (6) months and one (1) day to four (4) years and a fine ranging from One Hundred Thousand Pesos (P100,000.00) to Three Hundred Thousand Pesos (P300,000.00) shall be imposed on any person who shall knowingly display, sell or distribute any of the materials described in the first paragraph hereof.

The section shall not apply if the portrayal, depiction, representation or description has legitimate judicial, educational, scientific or medical or otherwise official purpose.

**SECTION 5. Owner, Lessee, Maintainer.** - The penalty of imprisonment from one (1) year and one (1) day to six (6) years or a ranging from Three Hundred Thousand Pesos (P300,000.00) to Five Hundred Thousand Pesos (P500,000.00) shall be imposed on the owner, lessee or maintainer of any establishment who shall knowingly allow the commission therein of any unlawful acts enumerated in Sections 2 and 4 of this Act.

**SECTION 6. Common Provision.** - The following provisions shall apply to Sections 3, 4 and 5 of this Act:

1. The penalty shall be imposed in its maximum if the offender is a public officer or employee. He shall also suffer perpetual disqualification from holding public office.
2. The penalty shall likewise be imposed in its maximum if the offender has been previously convicted under this Act.

3. if the offender is a corporation, partnership or association, the officer thereof shall suffer the penalty or imprisonment, and its business license or permit shall be withdrawn, cancelled or forfeited.

**SEC. 7. Disposition of Prohibited Materials.** - Any prohibited materials including tools, instruments and equipment used in the production thereof, shall after lawful seizure and final conviction of the offender or offenders be forfeited in favor of the Government and destroyed in the presence of the representatives of the Department of Social Welfare and Development and of religious, civic and youth organizations, in such place and manner as the court may order: provided, however, That where the accused is acquitted, the materials seized shall nevertheless be forfeited in favor of the Government and destroyed: Provided further, That if the acquittal results a finding that the materials seized are not obscene under this Act, the materials shall be returned to the said accused.

**SEC. 8. Repealing Clause.** - Article 201 of the Revised Penal Code, as amended, is hereby further amended by deleting subparagraphs numbered 2 and 3 thereof. Presidential Decree No. 969 is hereby amended by deleting Section 2 thereof.

**SEC. 9. Effectivity.** - This Act shall take effect after fifteen (15) days following its complete publication in official Gazette or in at least two (2) newspapers of general circulation in the Philippines.

**APPROVED,**