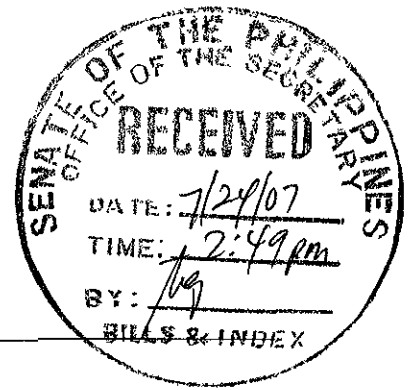


FOURTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

SENATE  
S. B. No. 1315



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Introduced by Senator Miriam Defensor Santiago

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#### EXPLANATORY NOTE

The State subscribes to the view that discrimination against women is incompatible with human dignity and constitutes disrespect for human rights. In fact, the Constitution, Article II, Section 14 provides:

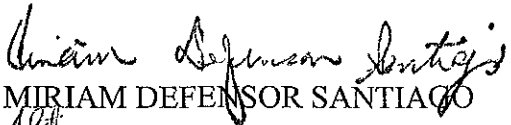
“The State recognizes the role of women in nation building and shall ensure the fundamental equality before the law of women and men.”

Towards this end, there is a need to review and consequently amend existing laws which are contrary to this fundamental principle to remove unjustified gender discrimination in our legal system.

The Penal Code, Article 202, which penalizes vagrancy and prostitution, is one of these. While men also engage in prostitution, it is unfortunate that only women are penalized in this article.

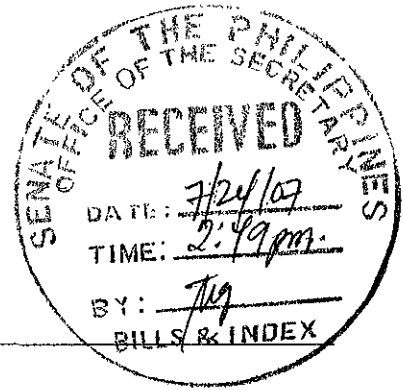
The proposed measure seeks to address this by engendering the offense so as to allow the prosecution of male prostitutes.

This bill is a consolidation of related bills submitted during the Tenth Congress before the committee on constitutional Amendments, Revision of Codes and Laws, of which the undersigned chaired.\*

  
MIRIAM DEFENSOR SANTIAGO

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\* This bill was originally filed during the Thirteenth Congress, First Regular Session.



Introduced by Senator Miriam Defensor Santiago

1 AN ACT  
2 AMENDING ARTICLE 202, PARAGRAPH 5 OF THE PENAL CODE,  
3 DEGENDERIZING PROSTITUTION AND PROVIDING PENALTIES  
4 FOR PERSONS WHO ENGAGE THEIR SERVICES

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

7 SECTION 1. This Act shall be known as the “Anti-Solicitation Act of 2007.”

8 SECTION 2. Paragraph 5, Article 202 of the Penal code is hereby amended to read as  
9 follows:

10 “5. Prostitutes [.] AND THEIR CLIENTS.

11 “For the purposes of this article, PERSONS [women] who, for money or  
12 profit, habitually indulge in sexual intercourse or lascivious conduct are deemed  
13 to be prostitutes.

14 “PERSONS WHO ACTUALLY SOLICIT, ENGAGE OR EMPLOY THE  
15 SERVICES OF PROSTITUTES, DIRECTLY OR INDIRECTLY, ARE  
16 DEEMED CLIENTS OF PROSTITUTES.

17 “Any person found guilty of any of the offenses covered by this article  
18 shall be punished by *arresto menor* or a fine not exceeding Two Hundred Pesos  
19 (P200.00), and in case of recidivism, by *arresto mayor* in its medium period to  
20 *prision correccional* in its minimum period or a fine ranging from Two Hundred  
21 to Two Thousand Pesos (P2,000.00) or both, AT [in] the discretion of the court  
22 [.]: PROVIDED, THAT IN THE CASE OF A CLIENT AS DEFINED IN THIS  
23 ARTICLE, HE OR SHE SHALL BE PUNISHED BY *ARRESTO MAYOR* OR A  
24 FINE NOT EXCEEDING FIVE HUNDRED PESOS (P500.00) AND IN THE

1 CASE OF RECIDIVISM, BY *PRISION CORRECCIONAL* IN ITS MEDIUM  
2 PERIOD TO *PRISION CORRECCIONAL* IN ITS MAXIMUM PERIOD OR A  
3 FINE NOT EXCEEDING FIVE THOUSAND PESOS (P5,000.00), OR BOTH,  
4 AT THE DISCRETION OF THE COURT.

5 SECTION 3. *Separability Clause.* – If any provision or part hereof is held invalid or  
6 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
7 valid and subsisting.

8 SECTION 4. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
9 order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent  
10 with, the provision of this Act is hereby repealed, modified or amended accordingly.

11 SECTION 5. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
12 publication in at least two (2) newspapers of general circulation.

13 Approved,