


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

7 JUL 26 1999

SENATE

RECEIVED BY: 

S.B. No. 1375

Introduced by Senator LOREN LEGARDA

EXPLANATORY NOTE

This bill seeks to protect minors from indecent and immoral materials transmitted through electronic mail and other means of computer technology by penalizing violators of such acts.

Article 14, Section 10 of the 1987 Philippine Constitution recognizes the importance of Science and Technology for national development. In the age of Globalization, in order for a country and its citizens to compete in the global arena, technological advancements are vital and necessary. The internet, world wide web and other technological advancements have allowed business transactions and communication to cross geographic and national borders in a matter of seconds. Everything and everyone are within reach with a click of a mouse button.

Because of the quick changes in technology, it has become a challenge to keep up with the innovations. Most of these advancements have been utilized by others for fraudulent and illegal activities such as internet scams and distribution of pornography.

Schools have included computer classes in their curriculum thus making the children of today computer and internet savvy. Unfortunately, children are not aware of the predators that lurk within the world wide web. Just as they are protected from the physical dangers, children should also be protected from virtual menaces.

This measure seeks to safeguard the welfare of children through regulating the transmission of indecent and immoral materials such as pornography and penalizing the violators of the provisions of the Act.

Actions such as transmitting, offering and attempting to transmit communication that contains indecent materials to a minor and providing access to transmission of said materials to a minor shall be punishable by law. Violators shall be imposed the penalty of imprisonment of not more than six years

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




LOREN LEGARDA  
Senator

FOURTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
FIRST REGULAR SESSION )

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S.B. No. 1375

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Introduced by Senator Loren Legarda

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**AN ACT  
TO PUNISH TRANSMISSION OF INDECENT MATERIALS  
BY COMPUTER TO MINORS**

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

**SECTION 1. Short Title.** This Act shall be known as the "Computer Pornography Act."

**SECTION 2. Declaration of Policy.** It is the policy of the State to provide special protection to every minor from all forms of abuse, neglect, cruelty, exploitation, and discrimination, and other conditions prejudicial to their development.

Toward this end, the State shall enact measures to prevent the exposure of minors to indecent materials.

**SECTION 3. Definitions.** - As used in this Act

1. The term remote computer facility means a facility that
  - a. Provides to the public computer storage or processing services by means of an electronic communications system; and
  - b. Permits a computer user to transfer electronic or digital material from the facility to another computer;
2. The term electronic communications service means any wire, radio, electromagnetic, photo, optical, or photo electronic system for the transmission of electronic communications and any computer facility or related electronic equipment for the electronic storage of such communications, that permits a computer user to transfer electronic or digital material from service to another computer; and
3. The term electronic bulletin board service means a computer system, regardless of whether operated for commercial purposes, that exists primarily to provide remote or on-site users with digital images, or that exists primarily to permit remote or on-site users to participate in or create on-line discussion groups or conferences.

4. Indecent materials means obscene literature or indecent or immoral plays, scenes, acts, or shows, whether live or in film which:
  - a. glorify criminals or condone crimes;
  - b. serve no other purpose but to satisfy the market of violence, lust or pornography;
  - c. offend any race or religion;
  - d. tend to abet traffic in and use of prohibited drugs; AND
  - e. are contrary to law, public order, morals, good customs, established policies, lawful order, decrees and edicts.

#### **SECTION 4. Punishable Acts.**

1. Transmission by remote computer facility operator, electronic communications service provider, or electronic bulletin board service provider. A remote computer facility operator, electronic communications service provider, electronic bulletin board service provider who, with knowledge of the character of the material, knowingly -
  - a. transmits or offers or attempts to transmit from the remote computer facility, electronic communications service, or electronic bulletin board service provider a communication that contains indecent material to a person under 18 years of age; or
  - b. cause or allows to be transmitted from the remote computer facility, electronic communications service, or electronic bulletin board a communication that contains indecent material to a person under 18 years of age or offers or attempts to do so;
2. Permitting access to transmit indecent material to a minor. - any remote computer facility operator electronic communications service provider, or electronic bulletin board service provider who willfully permits a person to use a remote computing service. Electronic communications service or electronic bulletin board service that is under the control of that remote computer facility operator, electronic communications service provider, or electronic bulletin board service provider, or electronic bulletin service provider, to knowingly or recklessly transmit indecent material from another remote computing service, electronic communications service, or electronic bulletin board service to a person under 18 years of age.

**SECTION 5. Penalty.** Any person who violates the provisions of this Act shall be imposed the penalty of imprisonment of not more than 6 years, or fine not exceeding five hundred thousand pesos (P500,000.00), or both at the discretion of the court.

**SECTION 6. Repealing Clause.** Any law, presidential decree or issuance, executive order, letter of instruction administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

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

**SECTION 8. Effectivity Clause.** This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,