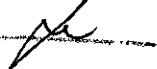


FOURTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

7 SEP 25 11

SENATE
S.B. 1638

RECEIVED BY: 

Introduced by Senator Villar

Explanatory Note

The extent of child pornography in the Philippines is widespread and whilst it is a real problem, it is not hugely recognized. Statistics indicate that from 2004 to 2006, only 31 cases of child pornography in the country have been reported.¹

Child pornography is a form of child abuse. It involves depictions or presentation of children engage in sexual conduct. It includes also all images of children in the raw or undress, unless it can be justified that it is for medical or artistic reason.

This legislation, honouring the tenet enshrined in our supreme law stating, “the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development”² is submitted for enactment and highlighted by the following points:

1. It prohibits child pornography in the form of cyber comics and the establishment of internet shops with pornographic cubicles and cyber sex dens and “lolita pornography” or those that involves underage pubescent girls;
2. That no internet café or internet service provider or person shall knowingly permit the use of its services or facilities that will allow the viewing, reading, copying, presentation and placing of pornographic materials in the internet.
3. It promotes the creation of a clean internet environment, by preventing the use of the internet to distribute materials advocating child pornography.

Our children must be protected. Hence, this policy measure must be enacted immediately.



MANNY VILLAR


¹ Data from the Philippine Legislators' Action Committee for children, and reported in OneinFour.org, August 22, 2007

² Article XV, Section 3 (2), on the Family, 1987 Philippine Constitution

FOURTEENTH CONGRESS OF THE REPUBLIC
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7 SEP 25 11:10

SENATE
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**AN ACT
PROVIDING MECHANISMS THAT WOULD PROHIBIT THE DISTRIBUTION
OF MATERIALS ADVOCATING CHILD PORNOGRAPHY
IN THE INTERNET**

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

Section 1. It is hereby declared the purpose of this Act to prevent the use of the internet to advocate, promote, and utilize materials exposing children to pornography or that advocates or facilitates or depicts the participation of young persons in sexual activities.

Section 2. All internet service providers shall notify the National Bureau of Investigations, the Philippine National Police or other law enforcement agencies upon learning that a website containing child pornography exists in the website

No internet café or internet service provider or person shall knowingly permit the use of its services or facilities that will allow the viewing, reading, copying, presentation and placing of pornographic materials in the internet. It shall be unlawful to place material on the internet that may be communicated to another person or to which another person may gain access, whether such access is open or restricted by the requirement for a payment or by any other means whatsoever, if the material advocates, promotes or incites child pornography.

Child pornography in the form of cyber comics and the establishment of internet shops with pornographic cubicles and cyber sex dens and "lolita pornography" or those that involves underage pubescent girls, are likewise prohibited under this Act.

Section 3. Any person who violates the provisions of this Act shall be penalized by imprisonment of not less than one (6) years nor more than twelve (12) years imprisonment and/or a fine of not less than five hundred thousand pesos (Php 500,000.00) nor more than two million pesos (Php 2,000,000.00), at the discretion of the court. Provided, That if the violator is a corporation, firm, partnership or association, the penalty shall be imposed upon the president or the manager or any officer thereof who knows or ought to have known the commission of the offense. Provided, further, that if the violator operates an internet café, its license or permit shall be automatically

revoked. Provided, finally, That in case the guilty officer is a foreigner, he shall be immediately deported after service of sentence.

Section 4. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of national circulation, whichever comes earlier.

Approved,