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SENATE

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COMMITTEE REPORT NO. 65

Submitted by the Committee on Justice and Human Rights on JUN 02 2008

Re: Senate Bill No. 2357.

Recommending its approval in substitution of Senate Bill No. 1100.

Sponsors: Senators Escudero and Santiago.

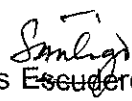
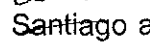
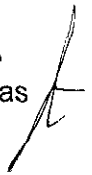
**MR. PRESIDENT:**

The Committee on Justice and Human Rights to which was referred Senate Bill No. 1100, introduced by Senator Santiago, entitled:

**"AN ACT  
PENALIZING PHOTO AND VIDEO VOYEURISM"**

has considered the same and has the honor to report it back to the Senate with the recommendation that the attached bill, Senate Bill No. 2357, prepared by the Committee, entitled:

**"AN ACT  
PENALIZING PHOTO AND VIDEO VOYEURISM."**

be approved in substitution of Senate Bill No. 1100 with Senators  Escudero and  Santiago as authors thereof. 

Respectfully submitted:

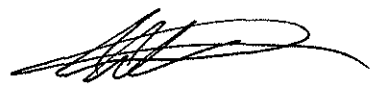


**FRANCIS "CHIZ" G. ESCUDERO**  
Chairman

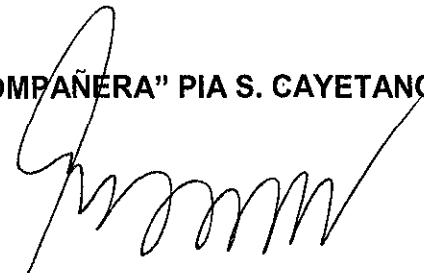


**BENIGNO SIMEON "NOYNOY" S. AQUINO III**  
Vice-Chairman

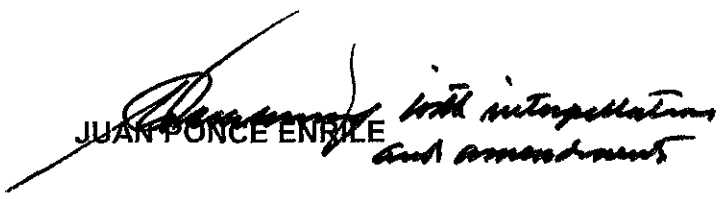
Members:



**ALAN PETER "COMPAÑERO" S. CAYETANO**



**"COMPAÑERA" PIA S. CAYETANO**

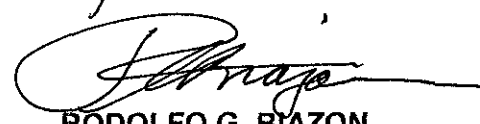


**JUAN PONCE ENRILE**

**GREGORIO B. HONASAN II**



**RAMON BONG REVILLA JR.**



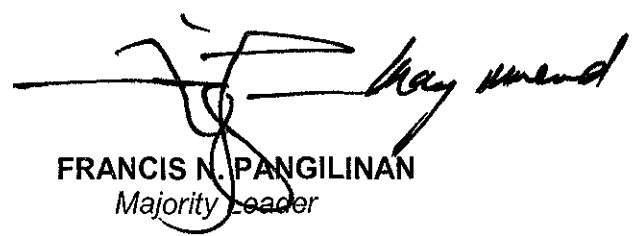
**RODOLFO G. BIAZON**

**M. A. MADRIGAL**

Ex-Officio Members:

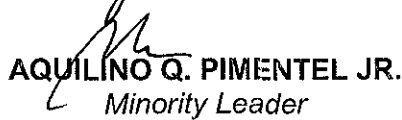


**JINGGOY EJERCITO ESTRADA**  
President Pro-Tempore



**FRANCIS N. PANGILINAN**  
Majority Leader

*May amend:*




**AQUILINO Q. PIMENTEL JR.**  
Minority Leader

**Hon. MANNY VILLAR**  
Senate President  
Senate of the Philippines  
Pasay City

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



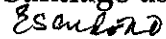
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SENATE

S. No. 2357

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Prepared by the Committee on Justice and Human Rights with Senators   
and ~~Santiago~~  as authors thereof  


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AN ACT  
PENALIZING PHOTO AND VIDEO VOYEURISM

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

1 SECTION 1. *Short Title.* - This Act shall be known as the "Anti-Image Voyeurism  
2 Act of 2008."

3 SECTION 2. *Declaration of Policy.* - It is hereby declared the policy of the State to  
4 protect the privacy and dignity of every person. This Act aims to apply said policy by  
5 criminalizing photo and video voyeurism.

6 SECTION 3. *Definition of Terms.* - For purposes of this Act, the following terms  
7 shall mean:

8 (a) "capture", with respect to an image, means to videotape, photograph, film,  
9 record by any means, or broadcast;

10 (b) "broadcast" means to *make public, by any means*, a visual image with the intent  
11 that it be viewed by a person or persons;

1 (c) "a private area of the individual" means the naked or undergarment clad  
2 genitals, pubic area, buttocks, or female breast of that individual;

3 (d) "female breast" means any portion of the female breast below the top of the  
4 areola; and

5 (e) "under circumstances in which that individual has a reasonable expectation  
6 of privacy" means-- circumstances in which a reasonable person would believe that he  
7 or she could disrobe in privacy, without being concerned that an image of a private area  
8 of the individual was being captured; or circumstances in which a reasonable person  
9 would believe that a private area of the individual would not be visible to the public,  
10 regardless of whether that person is in a public or private place.

11 SECTION 4. *Photo or Video Voyeurism Offense.* - The penalty of imprisonment of  
12 not less than one (1) year nor more than five (5) years or a fine of not less than Ten  
13 Thousand Pesos (P10,000.00) nor more than Fifty Thousand Pesos (P50,000.00) or both  
14 at the discretion of the court shall be imposed against a person who shall: a) capture an  
15 image of a private area of an individual without his/her consent and knowingly does so  
16 under circumstances in which the individual has a reasonable expectation of privacy; or  
17 b) capture an image of a private area of an individual with his/her consent but  
18 broadcasts the said image without the written permission or consent of said individual.

19 SECTION 5. *Exemption.* - This Act does not prohibit any lawful or valid law  
20 enforcement, correctional, or intelligence activity.

21 SECTION 6. *Separability Clause.* - If any provision or part hereof is held invalid or  
22 unconstitutional, the remaining provisions not affected thereby shall remain valid and  
23 subsisting.

1           SECTION 7. *Repealing Clause.* - Any law, presidential decree or issuance,  
2 executive order, letter of instruction, administrative order, rule or regulation contrary  
3 to, or inconsistent with, the provisions of this Act is hereby repealed, modified or  
4 amended accordingly.

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

7           Approved.