

SENATE  
S. No. **1078**

10 JUL -8 24:41

Introduced by Senator Manny Villar

### EXPLANATORY NOTE

Obscene and/or destructive pictures, whether motion or still, are regarded by law as nuisance per se to the community. All the more if these pictures were displayed in major thoroughfares as billboards where huge number of pedestrians and vehicles pass by everyday. Nowadays, many of these picture-billboards, colossal in size and several in number can be seen in our major thoroughfares advertising products movies and services. Instances of such thoroughfares are Epifanio de los Santos Avenue, Aurora Boulevard, and North Luzon Expressway.

The presence of obscene pictures in our thoroughfares raises two (2) significant issues, which render the images as public nuisance. First, such pictures are hazardous to road safety. More often than not, these distracting images capture the attention of vehicle drivers that may cause road accidents. Some vehicle drivers would instantly stop or reduce their speed to give a glance, for instance, at the naughty posing and bikini-laden body of picture-billboard models.

Another issue being raised by obscene pictures is their influence upon how people, especially children, perceive obscenity. The fact that these obscene images are displayed in thoroughfares insensitively and openly seen by the community trivializes obscenity into a normal and unproblematic phenomenon. Without proper guidance, children may view models on skimpy clothing and naughty positions as "cool" role models. In the case of adults, obscene images may trigger sexually impure ideas and acts that give room to sex related offenses.

Being a public nuisance, the State, through the National Government or any instrumentality or subdivision thereof has the right to prohibit the public exhibition of obscene pictures, whether motion or still. Entwined with that right is the constitutionally enshrined duty of the State to be concerned about the general welfare of the populace that includes, among others, maintaining road safety and the strengthening of moral fiber.

This bill seeks to put into action the aforementioned right and duty of the State. This bill wishes to arrest the seemingly unrestrained influx of obscene pictures along the country's major thoroughfares. And by doing this, the general welfare of the populace is indeed protected and enriched.

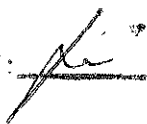
In view thereof, early passage of this bill is strongly urged.

  
MANNY VILLAR

10 JUL -8 PM 1:41

SENATE

S.No. 1078

RECEIVED BY: 

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**AN ACT PROHIBITING THE PUBLIC EXHIBITION OR DISPLAY OF  
OBSCENE AND/OR DISTRACTIVE MOTION OR STILL PICTURES ALONG  
MAJOR THOROUGHFARES**

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

SECTION 1. Declaration of Policy. Realizing the need to promote road safety, in view of the hazardous effects of obscene and/or distractive motion or still pictures along major thoroughfares upon vehicle drivers, and recognizing the need to protect the morals of the community, in view of the damaging effects caused by such pictures on the values of children and the general public, it is hereby declared the policy of the state to disallow the public exhibition or display of obscene pictures, whether for purposes of advertisement or otherwise, along major thoroughfares.

Section 2. Obscene and/or Distractive Pictures. For purposes of this Act, obscene and/or distractive pictures mean pictures or images, still or moving, that: 1) go substantially beyond customary limit of candor and offend community standards of decency; and 2) lack serious literary, artistic, political, or scientific value.

Section 3. Penalties. The party or parties responsible for the public exhibition or display of obscene and/or distractive picture shall, for the first offense, be liable for a fine of not less than Fifty Thousand Pesos (P50,000.00) nor more than Seventy Thousand Pesos (P70,000.00) plus, for advertisers, suspension of advertising permit or license for thirty-(30) days; for the second offense, to a fine of not less than Seventy Thousand Pesos (P70,000.00) nor more than Eighty Thousand Pesos (P80,000.00) plus, for advertisers, suspension of advertising permit or license for sixty (60) days; and for the third and final offense, imprisonment of not less than six months nor more than six (6) years or a fine of not less than Eighty Thousand Pesos (P80,000.00) nor more than One Hundred Thousand Pesos (P1 00,000.00) or both imprisonment and fine at the discretion of the court plus, for advertisers, cancellation of advertising permit or license.

If the offender is a firm, corporation, partnership or association, the penalty shall be imposed upon the owner, manager, president or any responsible officer of the aforementioned organizations.

Section 4. Monitoring. The Department of Public Works and Highway shall: 1) identify the major thoroughfares in the country, in view of its pre-established standards; and 2) monitor compliance with the provisions of this Act.

Section 5. Rule-Making Powers. The Department of Public Works and Highway and the Department of Justice shall promulgate a procedure for the prosecution of violators and other necessary rules and regulations for the effective implementation of this Act.

Section 6. Separability Clause. If for any reason, any portion or portions of this Act is found unconstitutional or invalid by a court of competent jurisdiction, such portions which are not affected by the declaration shall remain valid and ineffective.

Section 7. Effectivity Clause. This Act shall take effect upon its approval.

Approved,