

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

SENATE
S.B. No. 1424

RECEIVED JUN 13 1994

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Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks to amend Article 341 (White Slave Trade) of Commonwealth Act No. 3815, otherwise known as the "Revised Penal Code", by increasing the penalty of imprisonment and fine to dissuade the promotion of prostitution all over the country.

Over a decade ago, the International Labor Organization logged nearly half a million prostitutes in the country. In 1997, Asiaweek reported that there were 300,000 Filipino women in the sex trade while 75,000 children were prostituted. Experts have claimed that the Asian Financial Crisis has pushed more women to join the oldest profession known to man. Over the years, the Philippines has become known for its sex trade and as a sex tourist destination. The increasing number of women and children prostitutes, along with the alarming number of victims of human trafficking, validate the pressing need to increase the penalties in order to strongly discourage persons from promoting and soliciting the services of a sex worker and an individual from entering the trade.

This measure amends the conditions and penalties provided in Article 341 of the Revised Penal Code by adding the circumstances that warrant imprisonment, namely: soliciting a prostitute in behalf of another; advertising the services of a prostitute and recruiting a woman under false pretenses of lawful employment to be later turned into a sex worker.

In an age where the rights of women and children are advocated and respected, women and children should be given added protection. Through the increased penalties and detailed circumstances, the security of their well-being is assured.

In light of the escalating demands and conditions of the sex trade, the passage of this bill is earnestly sought to deter such illicit and immoral trade.


LOREN LEGARDA
Senator

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AN ACT
AMENDING ARTICLE 341 OF REPUBLIC ACT NO. 3815, AS AMENDED,
OTHERWISE KNOWN AS THE REVISED PENAL CODE

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

1 **SECTION 1.** Article 341 of Republic Act No. 3815, as amended, otherwise
2 known as the Revised Penal Code, is hereby further amended to read as follows:

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 "Art. 341. *White slave trade.* - The penalty of **RECLUSION TEMPORAL** [Prision mayor] in its medium and maximum periods shall be imposed upon any person who, in any manner, or under any pretext, shall engage in the business or shall profit by prostitution or shall [enlist the services of any other for the purpose of prostitution]:

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(A) **ENGAGE IN OR PROMOTE, FACILITATE OR INDUCE PROSTITUTION WHICH INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:**

1. **ACTING AS A PROCURER OF A PROSTITUTE;**
2. **INDUCING A PERSON TO BE A CLIENT OF A PROSTITUTE BY MEANS OF WRITTEN OR ORAL ADVERTISEMENTS OR OTHER SIMILAR MEANS;**
3. **TAKING ADVANTAGE OF ANY ASCENDANCY, INFLUENCE OR RELATIONSHIP TO PROCURE A PERSON AS A PROSTITUTE;**
4. **THREATENING OR USING VIOLENCE TOWARDS A PERSON TO ENGAGE HIM/HER AS A PROSTITUTE; OR**

1 5. GIVING MONETARY CONSIDERATION, GOODS
2 OR OTHER PECUNIARY BENEFIT TO A PERSON WITH THE
3 INTENT TO ENGAGE SUCH PERSON IN PROSTITUTION; OR

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5 (B) DERIVE PROFIT OR ADVANTAGE FROM
6 PROSTITUTION, WHETHER AS MANAGER OR OWNER OF THE
7 ESTABLISHMENT WHERE THE PROSTITUTION TAKES PLACE,
8 OR OF THE SAUNA, DISCO, BAR, RESORT, PLACE OF LEISURE
9 AND/OR ENTERTAINMENT OR ESTABLISHMENT SERVING AS
10 A COVER OR WHICH ENGAGES IN PROSTITUTION IN
11 ADDITION TO THE ACTIVITY FOR WHICH THE LICENSE HAS
12 BEEN ISSUED TO SAID ESTABLISHMENT.

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14 FOR PURPOSES OF THIS ACT, THE TERM PROSTITUTE
15 SHALL MEAN ANY PERSON WHO, FOR MONEY, PROFIT OR
16 ANY FORM OF MATERIAL CONSIDERATION OR ADVANTAGE
17 SHALL HABITUALLY OR WITH INTENT TO HABITUALLY
18 ENGAGE OR INDULGE IN SEXUAL INTERCOURSE OR
19 LASCIVIOUS CONDUCT.”

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21 **SEC. 2. Common Penal Provisions.** - The penalty provided under this Act
22 shall be imposed in its *maximum* period if the offender:

23 (a) has been previously convicted under this Act or under Article
24 341 of the Revised Penal Code, as amended, in its form prior to its
25 amendment by this Act;

26 (b) is, in reference to the prostitute, an ascendant, parent, guardian,
27 stepparent or collateral relative within the second degree of consanguinity or
28 affinity;

29 (c) is a manager or owner of an establishment which has no license
30 to operate or its license has expired or has been revoked;

31 (d) is a foreigner, who shall likewise be deported immediately after
32 service of sentence and forever barred from entry to the Philippines; and

33 (e) is a public officer or employee, who shall likewise suffer the
34 penalty of perpetual or temporary absolute disqualification.

1 In addition to the penalty of imprisonment, a fine to be determined by the
2 court, which shall not be less than One Hundred Thousand Pesos (Php100,000.00),
3 shall be imposed. Said fine shall be administered as a cash fund by the Department
4 of Social Welfare and Development (DSWD) and disbursed, for the rehabilitation of
5 each prostitute victim and any immediate member of his/her family if the latter is
6 the perpetrator of the offense, in this order.

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8 When the offender is a corporation, partnership or association, the officer,
9 director, employee or agent thereof who is responsible for the violation of this Act
10 shall suffer the corresponding penalty imposed.

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12 **SEC. 3. Rules and Regulations.** - Unless otherwise provided in this Act, the
13 Department of Justice (DOJ), in coordination with the DSWD, shall promulgate rules
14 and regulations for the effective implementation of this Act.

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16 **SEC. 4. Repealing Clause.** - All laws, presidential decrees, executive orders,
17 rules and regulations which are contrary to the provision of this Act are hereby
18 repealed, amended and modified accordingly.

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20 **SEC. 5. Separability Clause.** - If any part of this Act shall be held to be
21 unconstitutional or invalid, other parts or provisions hereof which are not affected
22 thereby shall continue to be in full force and effect.

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24 **SEC. 6. Effectivity.** - This Act shall take effect fifteen (15) days after its
25 publication in two (2) newspapers of general circulation.

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27 Approved,