

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

SENATE
S. No. **1561**

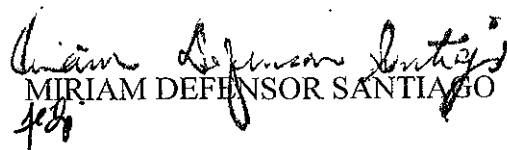
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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Proclamation No. 13 promotes the well-being of Filipino youth by protecting them from exploitation, abuse, improper influence, hazard, and other conditions prejudicial to their physical, emotional, social, and moral development. The Penal Code, Article 200(b), punishes those who exhibit indecent or immoral plays, scenes, acts or shows in theaters, fairs, cinematographs or any other place. These laws do not mention pornographic materials which can be assessed through computers.

This bill seeks to regulate the transmission of indecent materials through computer access by minors and penalizes those responsible for the transmission on and access to computers.¹


MIRIAM DEFENSOR SANTIAGO

¹ This bill was re-filed during the Thirteenth Congress, First Regular Session.

Introduced by Senator Miriam Defensor Santiago

AN ACT
TO PUNISH TRANSMISSION OF INDECENT MATERIAL BY COMPUTER TO MINORS

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

SECTION 1. *Short Title.* - This Act shall be known as the “Anti-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. *Definition of Terms.* -As used in this Act, the term:

(A) “Remote computer facility” means a facility that -

(1) Provides to the public computer storage or processing services by means of an electronic communications system; and

(2) Permits a computer user *to* transfer electronic or digital material from the facility to another computer;

(B) "Electronic communications service" means any wire, radio, electromagnetic, photo optical, or photoelectronic 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 the service to another computer; and

(C) "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.

SECTION 4. *Punishable Acts.* -

(A) *Transmission of Indecent Material to a Minor.* - Transmission by remote computer facility operator, electronic communications service provider, or electronic bulletin board service provider who, with knowledge of the character of the material, knowingly -

(1) 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 eighteen (18) years of age or offers or attempts to do so;

(2) Causes 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 eighteen (18) years of age or offers or attempts to do so;

(B) *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

1 remote computer facility operator, electronic communications service provider, or electronic
2 bulletin board service provider, to knowingly or recklessly transmit indecent material from
3 another remote computing service, electronic communications service, or electronic bulletin
4 board service, to a person under eighteen (18) years of age.

5 SECTION 5. *Penalties.* - Any person who violates the provisions of this Act shall be
6 imprisoned not more than six (6) years, or fine, or both at the discretion of this court.

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

10 SECTION 7. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
11 publication in at least two (2) newspapers of general circulation.

12 Approved.