

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

OFFICE OF THE SECRETARY

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SENATE
S. No. 1652

RECEIVED BY:

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

"The photos on the Web sites portray no nudity and no sex, yet men by the thousands pay to google them - shots of preteen girls posing in bikinis and halter tops.

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At Florida-based Webe Web Corp., which runs one of the largest networks of child-modeling sites, co-founder Marc Greenberg says he can't vouch for the motives of his customers. But he insists that no child featured on his sites has suffered any physical harm.

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Greenberg said the girls featured on Webe Web sites wear outfits that could be bought at a typical mall and seen at a public beach or backyard picnic. Critics counter the pictures and videos of girls in swimsuits, leotards and sleepwear are intended to be erotic even while complying with anti-pornography laws.

Webe Web subscribers, who pay about \$20 monthly, are not able to chat online with the models or e-mail them directly, Greenberg said. Foley contends some sites do provide direct contacts between customers and children, and worries that models are at risk of abduction, abuse, or even murder."¹

To prevent such commercial interests from preying on Filipino children, this bill seeks to prevent exploitive child modeling and employment by penalizing the display of a child's image through any medium, or employs a child in exploitive child modeling, with the intent

¹ Source: <http://www.cbsnews.com/stories/2002/09/16/politics/main522124.sh>

to make a financial gain thereby, without a direct or indirect purpose of marketing a product or service.²

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

² This bill was originally filed during the Fourteenth Congress, First Regular session.

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1 AN ACT
2 DEFINING THE CRIME OF EXPLOITIVE CHILD MODELING AND PROVIDING
3 PENALTIES THEREFOR
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*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

5 SECTION 1. *Short Title.* - This Act shall be known as the "Anti-Exploitive Child
6 Modeling Act."

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8 SECTION 2. *Declaration of Policy.* - It is a policy of the State to protect the
9 physical, moral and social well-being of children. Towards this end, the State shall exert
10 efforts to prevent exploitive child modeling or employment in keeping with the fundamental
11 freedoms guaranteed under the Constitution and the Provisions of the Convention on the
12 Rights of the Child and other international human rights instruments of which the
13 Philippines is a party.

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15 SECTION 3. *Definition of Terms.* - For the purposes of this Act, the term:

16 (A) "Exploitive child modeling" means the display of a minor through any medium
17 including, but not limited to, a website without a direct or indirect purpose of marketing a
18 product or service other than the minor.

1 (B) "Child" means any person below eighteen (18) years of age, or those eighteen
2 (18) years old or older but are incapable of taking care of themselves, as defined under
3 Republic Act No. 7610.

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5 SECTION 4. *Promoting Exploitive Child Modeling or Employment; Penalties.* -A
6 person is guilty of promoting exploitive child modeling or employment when he or she
7 displays the image of a child through any medium, or employs a child in exploitive child
8 modeling, with the intent to make a financial gain thereby, without a direct or indirect
9 purpose of marketing a product or service other than the image of a child model or
10 employing an exploitive child model.

11 Such act shall be punished by a penalty of *prision correctional*, or a fine ranging
12 from Ten Thousand Pesos (10,000.00) to Fifty Thousand Pesos (P50,000.00), or both, at the
13 discretion of the court, taking into consideration the circumstances of the case.

14 If the offender is a family or household member of the victim, the next higher
15 penalty shall be imposed.

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17 SECTION 5. *Separability Clause.* - If any part hereof, is held invalid or
18 unconstitutional, the remainder of the provision not otherwise affected shall remain valid
19 and subsisting.

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

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SECTION 7. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its

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publication in at least two (2) newspapers of general circulation.

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Approved.

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