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SENATE  
S. No. **1879**

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Introduced by Senator Miriam Defensor Santiago

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#### EXPLANATORY NOTE

The Constitution, Article 2, Section 11, provides:

The State values the dignity of every human person and guarantees full respect for human rights.

On 2 February 2005, President Gloria Macapagal-Arroyo ordered the Philippine National Police (PNP) to sustain a new campaign against cybersex, which she said "taints the image" of Filipino women before the world.

However, in the absence of specific laws targeting cybersex operations, law enforcers would be using only the statutes against grave scandal and exhibition of offensive or immoral material to prosecute operators of dens offering sexual services via the internet.

The absence of a law that penalizes the operators of these cybersex dens would cause the proliferation of such dens around the country. While some cities might have ordinances against these cybersex operators, a law is still needed for a nationwide crackdown against cybersex dens. A classic example was an incident in the past when the PNP lost its case against Belgian Roland Thys, whose cybersex den in Barangay Malabánias, Angeles City, Pampanga was raided by police last 4 October 2004.

Cybersex dens have sprouted in many computer shops throughout Metro Manila. A recent case confirmed this when Junart Reyes of San Francisco del Monte, Quezon City, was arrested last 28 January 2005 because of the complaints of three (3) male high school students that they were used by the suspect to pose nude in front of a video camera connected to an internet chat room in exchange of five hundred to one thousand pesos (P500-P1,000). The suspect is charged only of violation of the Special Protection of Children Against Child Abuse Act and the Revised Penal Code.

There is no law that seriously punishes those persons who are responsible for the spread of cybersex dens all over the country. This bill seeks to punish those persons who operate and maintain cybersex dens, and their protectors/coddlers.\*

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
*Act*

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\* This bill was originally filed during the Thirteenth Congress, First Regular Session.

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SENATE  
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1 AN ACT  
2 CLASSIFYING CYBERSEX OPERATIONS AS A FORM OF PROSTITUTION AND  
3 IMPOSING PENALTIES ON CYBERSEX DEN OPERATORS, PERSONNEL, AND  
4 PROTECTORS/CODDLERS

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

5 SECTION 1. *Short Title.* — This Act shall be known as “The Anti-Cybersex Act.”

6 SECTION 2. *Declaration of Policy.* — It is hereby declared the policy of the State to  
7 value the dignity of every human person and guarantees full respect for human rights.

8 SECTION 3. *Definition of Terms.* — For the purposes of this Act, the term:

9 (A) “Cybersex” means a special form of prostitution that is conducted via the internet and  
10 the use of web cameras, by inviting people either here or in other countries to watch  
11 women, child, or men perform sexual acts in exchange for a fee paid via credit cards  
12 or other means.

13 (B) “Cybersex den” means any place where this special form of prostitution is conducted.

14 (C) “Cybersex den operator” means any person who pays for, raises or supplies money  
15 for, or underwrites for the operation and maintenance of a cybersex den.

16 (D) “Cybersex den personnel” means the caretaker, helper, watchman, lookout, and other  
17 persons working in the den employed by the maintainer, owner, and/or operator of a  
18 cybersex den.

19 (E) “Protector/Coddler” means any person who knowingly and willfully consents to the  
20 operation and maintenance of a cybersex den under this Act, and uses his/her  
21 influence, power, or position in shielding, harboring, screening, or facilitating the

1 escape of any person he/she knows, or has reasonable grounds to believe on or  
2 suspects, has violated the provisions of this Act in order to prevent the arrest,  
3 prosecution and conviction of the offender.

4 (F) "Instrument" means any thing that is used in or intended to be used in any manner in  
5 the commission of cybersex.

6 (G) "DSWD" means the Department of Social Welfare and Development.

7 SECTION 4. *Offenders and their Punishments.* —

8 (A) *Cybersex Den Operator.* — The penalty of fifteen (15) years of imprisonment and a  
9 fine of not less than Five Hundred Thousand Pesos (P500,000.00) but not more than One Million  
10 Pesos (P1,000,000.00) shall be imposed upon the cybersex den operator.

11 (B) *Cybersex Den Personnel.* — The penalty of imprisonment ranging from six (6) years  
12 and one (1) day to twelve (12) years and a fine ranging from One Hundred Thousand Pesos  
13 (P100,000.00) to Five Hundred Thousand Pesos (P500,000.00) shall be imposed upon the  
14 cybersex den personnel.

15 (C) *Protector/Coddler.* — The penalty of *reclusion temporal* and a fine ranging from One  
16 Hundred Thousand Pesos (P100,000.00) to Five Hundred Thousand Pesos (P500,000.00) shall  
17 be imposed upon any person, who acts as a protector/coddler of the perpetrator under this Act.

18 If the protector/coddler is a law enforcer, public officer or employee, the maximum  
19 penalties provided for in this Act shall be imposed, in addition to absolute perpetual  
20 disqualification from any public office.

21 SECTION 5. *Offender is a foreigner.* — When the offender is a foreigner, he/she shall be  
22 deported immediately after service of sentence and permanently barred from entry into the  
23 country.

24 SECTION 6. *Forfeiture of the Instruments, Proceeds, Assets, and Properties.* — After  
25 conviction in the Regional Trial Court in the appropriate criminal case filed, the Court shall  
26 immediately schedule a hearing for the confiscation and forfeiture of all the instruments, all the  
27 proceeds of the offense, and all the assets and properties of the accused either owned or held by

1 him or in the name of some other persons if the same shall be found to be manifestly out of  
2 proportion to his/her lawful income: *Provided, however,* That if the forfeited property is a  
3 vehicle, the same shall be auctioned off not later than five (5) days upon order of confiscation or  
4 forfeiture.

5 SECTION 7. *Offender under exceptional circumstances.* — When the offender is a  
6 person who is also exploited in cybersex or had been exploited in cybersex, he/she shall be  
7 penalized as follows:

8 (A) *First Offense.* — The offender shall undergo three (3) months of mandatory  
9 counseling and rehabilitation program with the Department of Social Welfare and Development;

10 (B) *Second Offense.* — Imprisonment of one (1) month and mandatory counseling and  
11 rehabilitation program with the DSWD;

12 (C) *Third Offense.* — Imprisonment of one (1) month and mandatory counseling and  
13 rehabilitation program with the DSWD for six (6) months;

14 (D) *Fourth and Subsequent Offense.* — Imprisonment of one (1) year and mandatory  
15 counseling and rehabilitation program with the DSWD from six (6) months to one (1) year.

16 Notwithstanding the criminal liability imposed upon the offender under this  
17 provision, such liability shall not operate to divest him/her of the rights, benefits and  
18 protection accorded to persons exploited in cybersex under this Act.

19 SECTION 8. *Person Exploited in Cybersex as Victims.* — Any woman, man, or child  
20 used or employed for cybersex and for the monetary gain or profit of others shall be treated as  
21 victims of cybersex. As such, they shall not incur any criminal liability under this Act, except to  
22 the extent referred to under Section 6 hereof.

23 In addition, the consent of the person exploited in cybersex to the commission of the  
24 offense shall not in any way exempt the offender from, or mitigate his/her criminal liability.

25 SECTION 9. *Civil Liability for Cybersex.* — Persons exploited in cybersex by other  
26 person may file independent civil cases for damages against the persons, natural or juridical,  
27 responsible for their exploitation.

1           SECTION 10. *Supplementary Application.* — The provisions of Republic Act No. 9280 or  
2 the Anti-Trafficking in Persons Act shall have supplementary application to this Act.

3           SECTION 11. *Separability Clause.* — If any provision or part hereof is held invalid or  
4 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
5 valid and subsisting.

6           SECTION 12. *Repealing Clause.* — Any law, presidential decree or issuance,  
7 executive order, letter of instruction, administrative order, rule or regulation contrary to, or  
8 inconsistent with, the provisions of this Act is hereby repealed, modified or amended  
9 accordingly.

10          SECTION 13. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after its  
11 publication in at least two (2) newspapers of general circulation.

Approved,

/jpa