


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

OFFICE OF THE SECRETARY

10 MAY 7 9 17

SENATE  
S. No. 2241

RECEIVED BY: 

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

The Constitution, Article 11, Section 13 provides:

The State recognizes the vital role of the youth in nation-building and shall protect and promote their physical, moral, spiritual, intellectual, and social wellbeing. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

Recent studies show that minors who play violent video games are more likely to exhibit violent, asocial, or aggressive behavior toward others, including other minors, experience feelings of aggression, or experience a reduction of activity in the frontal lobes of the brain, which are responsible for controlling behavior.

Although the video game industry has adopted its own voluntary standards describing which games are appropriate for minors, those standards are not adequately enforced. Minors are capable of purchasing, and do purchase, violent video games.

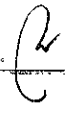
The state has compelling interests to prevent violent, aggressive, and asocial behavior, prevent psychological harm to minors who play violent video games, and prevent physical harm to the victims of violent minors, including other minors, Likewise, it is the responsibility of the state to eliminate any societal factors that may inhibit the psychological and neurological development of the youth and facilitate the healthy development of the youth into well-meaning, productive adults.<sup>1</sup>

  
MIRIAM DEFENSOR SANTIAGO

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<sup>1</sup> This bill was originally filed in the Thirteenth Congress, Third Regular Session.

SENATE  
S. No. **2241**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

1 AN ACT  
2 PROHIBITING THE SALE OR RENTAL OF VIOLENT VIDEO GAMES TO MINORS

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

3 SECTION 1. *Short Title.* - This Act shall be known as the "Video Game Sale and Rental  
4 Regulation Act."

5 SECTION 2. *Definitions.* -For purposes of this Act, the term

6 (A) "Consumer" means an individual purchasing or renting the video game.

7 (B) "Minor" means an individual who is less than 18 years of age.

8 (C) "Video game" means an object or device that stores recorded data or  
9 instructions, receives data or instructions generated by anyone who uses it, and, by  
10 processing the data or instructions, creates an interactive game capable of being played,  
11 viewed, or experienced on or through a computer, gaming system, console, or other  
12 technology.

13 D) "Violent video game" means a video game to which all of the following  
14 descriptions apply:

15 (1) It depicts human-on-human violence in which the player kills,  
16 seriously injures, or otherwise causes serious physical harm to a human or  
17 character with substantially human characteristics, including, but not limited to,  
18 depictions of death, dismemberment, amputation, decapitation, maiming,  
19 disfigurement, mutilation of body parts, or criminal sexual conduct, in a manner  
20 that is especially heinous, atrocious, or cruel. A depiction of violence is especially  
21 heinous, atrocious, or cruel if it contains all of the following elements:

1 (a) it depicts exceptional pain or suffering on the part of the victim  
2 and is accompanied by a graphic depiction of the victim's injuries.

3 (b) the violence is accomplished in the commission of an act that  
4 would be punishable as a crime if it were committed in reality.

5 (c) the circumstances surrounding the violence indicate that it is  
6 committed without conscience, pity, or empathy.

7 (d) it is accompanied by auditory or other sensory elements that  
8 serve to enhance the realism of the visual depiction.

9 (2) taken as a whole, it lacks serious literary, artistic, political, and  
10 scientific value for minors, and the average person, applying contemporary  
11 statewide values, finds it appeals to minors' morbid interest in violence.

12 SECTION 3. *Prohibition and Penalties.* - Except as otherwise provided a person shall not  
13 sell or rent a violent video game to a minor. A person who violates this Act shall be punished by  
14 imprisonment for not more than one (1) year or a fine of not more than Php100,000.00, or both.

15 SECTION 4. *Defense.* - It is an affirmative defense to a charge under Section 3 that the  
16 person acted in good faith. Good faith exists if all of the following conditions applied at the time  
17 the violation of Section 3 occurred:

18 (A) The minor showed the person identification that appeared to be valid and that  
19 contained a photograph and a date of birth purporting to show that the minor was 18  
20 years of age or older

21 (B) The person did not have independent knowledge that the minor was under 18  
22 years of age.

23 (C) That based upon subsections (A) and (B), the person complied with the video  
24 game ratings established by the entertainment software rating board.

25 SECTION 5. *Separability Clause.* - If any provision or part hereof is invalid or  
26 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
27 valid and subsisting.

1           SECTION 6. *Repealing Clause.* - All acts, decrees, orders, executive orders, instructions,  
2 rules and regulations or parts hereof inconsistent with the provisions of this Act is hereby  
3 repealed or modified accordingly.

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

Approved,

/ptm102july2010