

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

OFFICE OF THE SECRETARY

10 AUG -3 AID:19

SENATE  
S. No. 2311

RECEIVED BY: *R*

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

The commercial use of telephones for providing phone-sex services has become a reality with the introduction of so-called party phones. In United States, phone-sex services are euphemistically referred to as "dial-a-porn" service providers. And in the U.S. such services providers constitute a highly accessible but expensive medium of transmitting (or "accessing" for callers) lewd, lascivious, filthy or indecent messages.

There is no law in our country that punishes those who offer phone-sex services. We need this law to prevent the proliferation of phone-sex services, which do not only corrupt public morals, but also place an inordinate economic burden on the consumer because of their "pay per call arrangements.\*

*ccr.*  
*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

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

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1 AN ACT  
2 DECLARING UNLAWFUL THE COMMERCIAL USE OF TELEPHONES FOR MAKING  
3 INDECENT OR OBSCENE COMMUNICATIONS AND PROVIDING  
4 PENALTIES THEREFOR

*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 Dial-a-Porn Act."

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7 SECTION 2. *Declaration of Policy.* - It is hereby declared a State policy to discourage  
8 the commercial use of telephone or other telecommunication facilities for the circulation,  
9 distribution, conveyance or transmission of lewd, lascivious, filthy, or indecent messages that  
10 tend to corrupt the moral of the public and would suggest to the mind of either sex thoughts of an  
11 impure or libidinous character, regardless of the actual effect thereof on the recipients' mind.

12  
13 SECTION 3. *Definition of Terms.* - For the purposes of the Act, the term:

14 (A) "Lewd message" means dissolute or unchaste acts, scenes, or incidents, or one whose  
15 utterance is calculated to excite lustful and sensual desires and the like.

16 (B) "Lascivious message" means any message that is impure, unclean, indecent, foul,  
17 filthy or disgusting.

18 (C) "Indecent" mean immodest or impure.

19 (D) "Filthy" means nasty, vulgar, indecent, and offensive to the moral sense.

20 (E) "Phone-sex business" means offering sexually intimate, suggestive, or explicit  
21 conversations to callers on a pay-per-call basis.

1 (F) "Pay-per-call services" means any service for which the caller pays a per-call or per-  
2 time-interval charge that is greater than, or in addition to, the charge for the transmission  
3 of the call.  
4

5 SECTION 4. *Prohibited Acts.* -Pursuant to the policy laid down in Section 2 above, it is  
6 hereby declared unlawful:

7 (A) For a person, natural or juridical, association, club or any other entity to:

8 (1) Establish, provide, or carry on a phone-sex business or similar activity that has  
9 for its purpose the transmission, conveyance, or distribution for profit of lewd, indecent,  
10 or lascivious messages through the telephone or other telecommunication facilities.

11 (2) Advertise, publish, print, or distribute or cause the advertisement, publication,  
12 printing or distribution of any brochure, flyer, or any propaganda material calculated to  
13 promote the prohibited acts in the preceding sub-paragraph.

14 (3) Solicit, enlist or in any manner attract or induce any man or woman to become  
15 a member in any club or association whose objective is to promote, provide, or carry on  
16 the prohibited acts in subparagraph (1) of this Section.

17 (B) For the manager or office-in charge of advertising manager of any newspaper,  
18 magazine, television or radio station, or other media or mass communication like telephone or  
19 telegraph companies, or of an advertising agency, printing company or similar entities, to  
20 knowingly allow or consent to the acts mentioned in paragraph (A) of this Section.

21  
22 SECTION 5. *Penalties.* - Any person found guilty of any of the offense covered by this  
23 Act shall be punished by imprisonment of not less than six (6) years and one (1) day but not  
24 more than eight (8) years, or a fine ranging from Ten Thousand Pesos (P10,000.00) to Twenty  
25 Thousand Pesos (P 20,000.00), or both such imprisonment and fine, in the discretion of the  
26 court: Provided, that if the offender is a foreigner, he shall be immediately deported and barred  
27 forever from entering the country after serving his sentence and paying the fine.  
28

1           SECTION 6. *Separability Clause.* - If any provision or part hereof, is held invalid or  
2 unconstitutional, the remainder of the law or provision not otherwise affected shall remain valid  
3 and subsisting.

4  
5           SECTION 7. *Repealing Clause.* - Any law, presidential decree or issuance, executive  
6 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent  
7 with the provision of this Act is hereby repealed, modified or amended accordingly.

8  
9           SECTION 8. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its  
10 publication in at least two (2) newspapers of general circulation.

Approved,