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SENATE

Senate Bill No. 2390

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

Section 5 of Article II of the Constitution provides that "*the maintenance of peace and order, the protection of life, liberty and property, and the promotion of general welfare are essential for the enjoyment by all the people of the blessing of democracy.*" Further, Section 11 of Article II provides that "*the State shall value the dignity of every human person.*"

This bill seeks to protect individuals and their families by prohibiting unwarranted harassment or invasion of privacy for commercial purposes. It is unfortunate that the privacy of individuals and their families have been violated by photographers, videographers and audio recorders who physically trespass to capture images or other reproductions of their private lives for commercial purposes.

In view of the foregoing, approval of this measure is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

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Senate Bill No. 2390

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AN ACT
PROHIBITING HARASSMENT AND INVASION OF PRIVACY FOR
COMMERCIAL PURPOSES

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

SECTION 1. Short Title – This Act shall be known as the “**Personal Privacy Protection Act**”.

SEC. 2. Declaration of Policy. – It is a declared policy of the State to protect public and private individuals against unwarranted harassment and invasion of privacy for commercial purposes.

SEC. 3. Definition of Terms – For the purpose of this Act, the term:

- (A) “For commercial purposes” means with the exceptions of sale, financial gain, or other consideration;
- (B) “Harassment” means the act of persistently and physically following or chasing a person in a manner that causes the person to have a reasonable fear of bodily injury, in order to capture by a visual or auditory recording instrument any type of visual image, sound recording or other physical impression of the person for commercial purposes.

SEC. 4. Harassment for Commercial Purposes – Any person who shall commit harassment against another for commercial purposes shall suffer the penalty of:

- (A) *Reclusion temporal* and a fine of Fifty Thousand Pesos (P50,000.00), if death is proximately caused by such harassment;
- (B) *Prision mayor* and a fine of Twenty Thousand Pesos (P20,000.00), if seriously bodily injury is proximately caused by such harassment; and
- (C) *Arresto mayor* and a fine of One Thousand Pesos (P1,000.00), if neither death nor serious bodily injury is proximately caused by such harassment.

SEC. 5. *Persons Criminally Liable.* – Only persons physically present at the time of, and engaging in or assisting another in engaging, the commission of the act penalized under Section 4 hereof shall be subject to criminal or civil liability under this Act.

A person shall not be subject to such violation by reason of the conduct of an agent, employee, or contractor of that person or because images or recordings captured in violation of this Act were solicited, bought, used, or sold by that person, except when such person has prior knowledge of the commission of the act or after knowledge, condoned the violation of the agent, the person shall be held criminally liable.

SEC. 6. *Limitation on Defense.* – It is not a defense to a prosecution or civil action that:

- (A) No image or recording was captured, or
- (B) No image or recording was sold.

SEC. 7. *Exception.* – The provisions of this Act shall not apply with respect to official law enforcement activities in the exercise of official duties in the prevention or solution of any criminal activity.

SEC. 8. *Separability Clause.* – If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

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

SEC. 10. *Effectivity Clause* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or at least two (2) newspapers of general circulation.

Approved,