

SIXTEENTH CONGRESS OF THE REPUBLIC
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First Regular Session

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Senate
Office of the Secretary

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SENATE

Senate Bill No. 859

RECEIVED BY:

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

Proclamation No. 13 promotes the well being of Filipino youth by protecting them from exploitation, abuse, improper influence, hazard and other conditions prejudicial to their physical, emotional, social and moral development. Article 201 (b) of the Revised Penal Code punishes those who exhibit indecent or immoral plays, scenes, acts or shows in theaters, fairs, cinematographs or any other place. These laws do not mention pornographic materials, which can be accessed through computers.

This bill seeks to regulate the transmission of indecent materials through computer access by minors and penalizes those responsible for the transmission of and access to computers.

Hence, the immediate approval of this bill is highly recommended.

JINGGOY EJERCITO ESTRADA
Senator



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Senate Bill No. 859

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AN ACT
TO PUNISH TRANSMISSION OF INDECENT MATERIAL BY COMPUTER TO
MINORS

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

SECTION 1. Short Title. This Act shall be known as the "**Anti-Computer Pornography Act**".

SEC. 2. Declaration of Policy. It is the policy of the State to provide special protection to every minor from all forms of abuse, neglect, cruelty, exploitation and discrimination and other conditions prejudicial to their development.

Toward this end, the State shall enact measures to prevent the exposure of minors to indecent materials.

SEC. 3. Definitions. As used in this Act –

- (a) the term "remote computer facility" means a facility that –
 - (i) provides to the public computer storage or processing services by means of an electronic communications system; and
 - (ii) permits a computer use to transfer electronic or digital material from the facility to another computer ;
- (b) the term "electronic" communications service" means any wire, radio electromagnetic, photo optical, or photo-electronic system for the transmission of electronic communications, and any computer facility or related electronic equipment for the electronic storage of such communications, that permits a computer user to transfer electronic or digital material from the service to another computer; and
- (c) the term "electronic bulletin board service" means a computer system, regardless of whether operated for commercial purposes, that exists primarily to provide remote or on-site users with digital images, or that

exists primarily to permit remote or on-site users to participate in or create on-line discussion groups or conferences.

SEC. 4. Punishable Acts -

- (a) Transmission by remote computer facility operator, electronic communications service provider, or electronic bulletin board service provider. A remote computer facility operator, electronic communications service provider, electronic bulletin board service provider who, will with knowledge of the character of the material, knowingly.
- (1) transmit or offers or attempt to transmit from the remote control facility, electronic communications service, or electronic bulletin board service provider a communication that contains indecent material to a person under eighteen (18) years of age, or
 - (2) causes or allows to be transmitted from the remote computer facility, electronic communications service or electronic bulletin board a communication that contains indecent material to a person under eighteen (18) years of age or offers or attempts to do so.
- (b) Permitting access to transmit indecent material to a minor. Any remote computer facility operator, electronic communications service provider, or electronic bulletin board service provider who willfully permits a person to use a remote computing service, electronic communications service provider or electronic bulletin board service provider, to knowingly or recklessly transmit indecent material from another remote computing service, electronic communications service, or electronic bulletin board service a person under 18 years or age.

SEC. 5. Penalty. Any person who violates the provisions of this Act shall be punished with imprisonment for not more than six (6) years, or a fine of not less than one hundred thousand pesos (P100,000.00) or both at the discretion of the court.

SEC. 6. 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 subsisting.

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

SEC. 8. Effectivity Clause. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,