

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



Senate
Office of the Secretary

'13 JUL 22 25:17

SENATE
S. No. 1040

FILED BY: *for*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The photos on the Web sites portray no nudity and no sex, yet men by the thousands pay to google them – shots of preteen girls posing in bikinis and halter tops...

At Florida-based Webe Web Corp., which runs one of the largest networks of child-modeling sites, co-founder Marc Greenberg says he can't vouch for the motives of his customers. But he insists that no child featured on his sites has suffered any physical harm...

Greenberg said the girls featured on Webe Web sites wear outfits that could be bought at a typical mall and seen at a public beach or backyard picnic. Critics counter the pictures and videos of girls in swimsuits, leotards and sleepwear are intended to be erotic even while complying with anti-pornography laws.

Webe Web subscribers, who pay about \$20 monthly, are not able to chat online with the models or e-mail them directly, Greenberg said. Foley contends some sites do provide direct contacts between customers and children, and worries that models are at risk of abduction, abuse, or even murder.¹

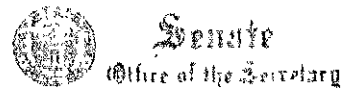
To prevent such commercial interests from preying on Filipino children, this bill seeks to prevent exploitive child modeling and employment by penalizing the display of a child's image through any medium, or the employment of a child in exploitive child modeling, with the intent to make a financial gain thereby, without a direct or indirect purpose of marketing a product or service.²

cc
Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

¹ <http://www.cbsnews.com/stories/2002/09/16/politics/main522124.sh>

² This bill was originally filed during the Fourteenth Congress, First Regular Session.

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'13 JUL 22 P5:17

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RECEIVED BY: *ji*

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 DEFINING THE CRIME OF EXPLOITIVE CHILD MODELING
3 AND PROVIDING PENALTIES

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

4 SECTION 1. *Short Title.* – This Act shall be known as the “Anti-Exploitive Child
5 Modeling Act.”

6 SECTION 2. *Declaration of Policy.* – It is a policy of the State to protect the
7 physical, moral, and social well-being of children. Towards this end, the State shall exert
8 efforts to prevent exploitive child modeling or employment in keeping with the fundamental
9 freedoms guaranteed under the Constitution, and the Convention on the Rights of the Child
10 and other international human rights instruments of which the Philippines is a party.

11 SECTION 3. *Definition of Terms.* – For the purposes of this Act, the term:

12 (A) “Exploitive child modeling” means the display of a minor through any medium
13 including, but not limited to, a website without a direct or indirect purpose of marketing a
14 product or service other than the minor.

15 (B) “Child” means any person below eighteen (18) years of age, or those eighteen
16 (18) years old or older but are incapable of taking care of themselves, as defined under
17 Republic Act No. 7610.

1 SECTION 4. *Promoting Exploitive Child Modeling or Employment; Penalties.* –A
2 person is guilty of promoting exploitive child modeling or employment when he or she
3 displays the image of a child through any medium, or employs a child in exploitive child
4 modeling, with the intent to make a financial gain thereby, without a direct or indirect
5 purpose of marketing a product or service other than the image of a child model or
6 employing an exploitive child model.

7 Such act shall be punished by a penalty of *prision correctional*, or a fine ranging
8 from Ten Thousand Pesos (₱10,000.00) to Fifty Thousand Pesos (₱50,000.00), or both, at
9 the discretion of the court, taking into consideration the circumstances of the case.

10 If the offender is a family or household member of the victim, the next higher
11 penalty shall be imposed.

12 SECTION 5. *Separability Clause.* – If any provision or part hereof is held invalid or
13 unconstitutional, the remainder of the Act or the provision not otherwise affected shall
14 remain valid and subsisting.

15 SECTION 6. *Repealing Clause.* – Any law, presidential decree or issuance,
16 executive order, letter of instruction, administrative order, rule, or regulation contrary to or
17 inconsistent with the provisions of this Act is hereby repealed, modified, or amended
18 accordingly.

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

Approved,