SIXTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES Second Regular Session

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SENATE S. No. **2555**

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Introduced by Senator Miriam Defensor Santiago

AN ACT

AMENDING ARTICLE 202, PARAGRAPH 5 OF THE PENAL CODE, DEGENDERIZING PROSTITUTION AND PROVIDING PENALTIES FOR PERSONS WHO ENGAGE THEIR SERVICES

EXPLANATORY NOTE

The State subscribes to the view that discrimination against women is incompatible with human dignity and constitutes disrespect for human rights. In fact, the Constitution, Article 11, Section 14 provides:

> "The State recognizes the role of women in nation building and shall ensure the fundamental equality before the law of women and men."

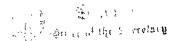
Towards this end, there is a need to review and consequently amend existing laws which are contrary to this fundamental principle to remove unjustified gender discrimination in our legal system. The Penal Code, Article 202, which penalizes vagrancy and prostitution, is one of these. While men also engage in prostitution, it is unfortunate that only women are penalized in this article. The proposed measure seeks to address this by engendering the offense so as to allow the prosecution of male prostitutes.¹

MIRIAM DEFENSOR SANTAGO

¹ This bill was originally filed during the Thirteenth Congress, First Regular Session

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

5	SECTION 1. This Act shall be known as the "Anti-Solicitation Act."
6	SECTION 2. Paragraph 5, Article 202 of the Penal code is hereby amended
7	to read as follows:
8	"5. Prostitutes [.] AND THEIR CLIENTS.
9	"For the purposes of this article, PERSONS [women] who, for
10	money or profit, habitually indulge in sexual intercourse or lascivious
11	conduct are deemed to be prostitutes.
12	"PERSONS WHO ACTUALLY SOLICIT, ENGAGE OR
13	EMPLOY THE SERVICES OF PROSTITUTES, DIRECTLY OR
14	INDIRECTLY, ARE DEEMED CLIENTS OF PROSTITUTES.
15	"Any person found guilty of any of the offenses covered by this
16	article shall be punished by arresto menor or a fine not exceeding
17	Two Hundred Pesos (P200.00), and in case of recidivism, by arresto
18	mayor in its medium period to prision correccional in its minimum

period or a fine ranging from Two Hundred to Two Thousand Pesos 1 (P2,000.00) or both, AT [in] the discretion of the court [.]: 2 PROVIDED, THAT IN THE CASE OF A CLIENT AS DEFINED IN 3 THIS ARTICLE, HE OR SHE SHALL BE PUNISHED BY 4 ARRESTO MAYOR OR A FINE NOT EXCEEDING FIVE 5 PESOS (P500.00) AND IN THE CASE OF HUNDRED 6 RECIDIVISM, BY PRISION CORRECCIONAL IN ITS MEDIUM 7 PERIOD TO PRISION CORRECCIONAL IN ITS MAXIMUM 8 PERIOD OR A FINE NOT EXCEEDING FIVE THOUSAND 9 PESOS (P5,000.00), OR BOTH, AT THE DISCRETION OF THE 10 COURT. 11

SECTION 3. 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 existing.

15 SECTION 4. *Repealing Clause.* - Any law, presidential decree or issuance, 16 executive order, letter of instruction, administrative order, rule or regulation 17 contrary to, or inconsistent with, the provision of this Act is hereby repealed, 18 modified or amended accordingly.

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

Approved,

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