

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

Secretary of the Senate  
Office of the Secretary

15 JAN -5 P3 57

SENATE  
S. No. 2555

RECEIVED BY: *ji*

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Introduced by Senator Miriam Defensor Santiago

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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.<sup>1</sup>

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
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<sup>1</sup> 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:*

SECTION 1. This Act shall be known as the "Anti-Solicitation Act."

SECTION 2. Paragraph 5, Article 202 of the Penal code is hereby amended  
to read as follows:

"5. Prostitutes [.] AND THEIR CLIENTS.

"For the purposes of this article, PERSONS [women] who, for  
money or profit, habitually indulge in sexual intercourse or lascivious  
conduct are deemed to be prostitutes.

"PERSONS WHO ACTUALLY SOLICIT, ENGAGE OR  
EMPLOY THE SERVICES OF PROSTITUTES, DIRECTLY OR  
INDIRECTLY, ARE DEEMED CLIENTS OF PROSTITUTES.

"Any person found guilty of any of the offenses covered by this  
article shall be punished by *arresto menor* or a fine not exceeding  
Two Hundred Pesos (P200.00), and in case of recidivism, by *arresto  
mayor* in its medium period to *prision correccional* in its minimum

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

12 SECTION 3. *Separability Clause.* - If any provision or part hereof is held  
13 invalid or unconstitutional, the remainder of the law or the provision not otherwise  
14 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.

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

Approved,

/apm12152014