

SENATE

S. B. No. 1024

Introduced by Sen. Jinggoy Ejercito Estrada

EXPLANATORY NOTE

The proliferation of obscene material may be attributed to the lack of local agencies which monitor, initiate, prosecute and receive complaints for violations of our law on obscenity. It has been observed that local enforcement agencies have not always been consistent in their campaigns against these obscene materials which are practically available to anyone. And despite the seasonal campaigns of local enforcement agencies, particularly in the National Capital Region, we are yet to see people behind the proliferation of obscene materials prosecuted and dealt with accordingly by law.

The Revised Penal Code in the Article 201 paragraphs 2 and 3 imposes a penalty of prison mayor and fine to the authors, editors, owners of the establishment responsible for the dissemination of obscene materials. Sufficient in form and substance, this provision of the law is, however, often ignored by those who find it worthy to desecrate the society's morality in exchange for gainful profits.

It is the objective of this bill to provide for the local monitoring agencies in all municipalities and cities to arrest the proliferation of obscene materials in their respective jurisdiction. These local agencies will monitor all periodical publications, being published, sold and otherwise distributed in their respective jurisdiction, receive complaints from their constituents, initiate the prosecution and, recommend the cancellation of business permits of establishments, for violations of the law on obscenity.

The early passage of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

SENATE

S. B. No. 1024

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Introduced by SEN. JINGGOY EJERCITO ESTRADA

AN ACT
PROVIDING FOR THE CREATION OF A LOCAL PRINT MEDIA
MONITORING BOARD IN ALL MUNICIPALITIES AND CITIES, TO
PREVENT THE PROLIFERATION OF OBSCENE PUBLICATION AND FOR
OTHER PURPOSES

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

SECTION 1. **Title.** - This Act shall be known as the "Local Anti-Smut Campaign Act of 2004."

SECTION 2. **Declaration of Policy.** - It is hereby declared the policy of the State to protect its people especially the youth and women from immoral, obscene and pornographic materials for their physical, moral, spiritual, intellectual and social well-being.

SECTION 3. - **Local Print Media Monitoring Board.** - There is hereby created in every municipality and city of the country a Local Print Media Monitoring Board which shall: (a) monitor all the periodical publications being distributed, disseminated, sold and made available within their respective jurisdiction; (b) seek the assistance of local enforcement agencies to identify the publishers and persons responsible for the publication and proliferation of obscene materials, (c) cause the prosecution of all persons involved for violations of Article 201 of the Revised Penal Code as amended, and other related laws; (d) receive complaints from its constituents regarding the proliferation of obscene materials within its jurisdiction and act accordingly on such complaints; (e) recommend the cancellation of the business permits of those found violating the provisions of this Act, the provisions of Article 201 of the Revised Penal Code as amended, and related laws, and (f) perform such other acts necessary to carry out the objectives of this Act.

SECTION 4. *Composition of the Local Print Media Monitoring Board.* -

The Local Print Media Monitoring Board (hereafter referred to as "the Board") shall be composed of the Municipality/City Mayor as its ex-officio Chairman, the Municipal/City Legal Officer as its ex-officio Secretary, the President of the *liga ng mga barangay*, the President of the *pambayang pedersyon ng mga sangguniang kabataan*, and a representative from the women sector of the locality as its members. The Board shall meet at least twice a month or as frequently as may be necessary to carry out its functions. Except for the representative from the women, no member shall receive additional compensation or emoluments whatsoever for this purpose. The Board may fix, subject to the approval of the local *sanggunian*, the per diem allowance of the representative of the women sector for every Board meeting actually attended.

SECTION 5. *Mandatory Complimentary Copy of All Periodical Publications.* - All publishers of periodical publication, including newspapers, tabloids, magazines, comic books, and other similar printed materials, shall furnish all the local Board complimentary copies of all their publications, where such publications are being printed, distributed, disseminated, sold or otherwise made available to the public upon the effectivity of this Act.

SECTION 6. *Certification of the Local Board.* - Business permits of publishers of periodicals shall not be renewed by the local government unit concerned without the certification of the Board that said publishers complied with the provision of this Act.

SECTION 7. *Implementing Rules and Regulations.* The Department of Interior and Local Government shall promulgate the necessary rules and regulations to implement this Act.

SECTION 8. *Penalty Clause.* - Publishers found to have violated the provisions of Section 5 hereof shall be imposed a fine of not less than Twenty Five Thousand Pesos (P25,000.00) but not exceeding One Hundred Thousand Pesos (P100,000.00). The local government unit concerned may, upon the recommendation of the Board, suspend the business permit of the publisher, who fails to comply with the provisions of Section 5 hereof.

SECTION 9. *Separability Clause.* - Should any part of provision of this Act is declared valid or unconstitutional for any purpose, none of the other parts or provisions shall be affected.

SECTION 10. **Repealing Clause.** - All laws, executive orders, decree, institutions, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 11. **Effectivity** - This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,