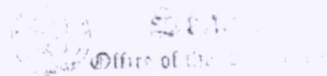



EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'19 JUL 15 A9:56

SENATE

S. No. 450

RECEIVED BY 

Introduced by SENATOR RAMON BONG REVILLA, JR.

**AN ACT
IMPOSING STIFFER PENALTIES FOR CHILD ABUSE, EXPLOITATION AND
DISCRIMINATION, AMENDING FOR THE PURPOSE REPUBLIC ACT NO.
7610, AS AMENDED**

EXPLANATORY NOTE

The Department of Justice defines child abuse as "any act which inflicts physical or psychological injury, cruelty to or the neglect, sexual abuse of, or which exploits, a child." By this definition, the 2015 National Baseline Survey on Violence Against Children in the Philippines remarks a high prevalence of abuse committed on Filipino children. UNICEF further observes that Eighty per cent of Filipino children have experienced some form of violence at home, in school, in their community and online.

This disturbing rate makes it imperative that we impose stiffer penalties on those proved committing these abuses on children. Stiffer penalties, apart from being stronger deterrent in committing these crimes, make abusers agonize the consequences of their acts.

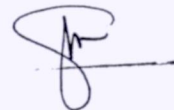
In adherence to the declared policy as enunciated in Republic Act No. 7610, this proposed measure encourages the State to play a vital role in the safe and wholesome rearing of children for them to be protected and to become good citizens of the country by imposing stiffer penalties. In this light, consideration of this bill is earnestly sought.


RAMON BONG REVILLA, JR.

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AN ACT
IMPOSING STIFFER PENALTIES FOR CHILD ABUSE, EXPLOITATION AND
DISCRIMINATION, AMENDING FOR THE PURPOSE REPUBLIC ACT NO.
7610, AS AMENDED

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

1 SECTION 1. Section 9 of Republic Act No. 7610, otherwise known as the Special
2 Protection of Children Against Child Abuse, Exploitation and Discrimination Act, is
3 hereby amended to read as follows:

4 Sec. 9. *Obscene Publications and Indecent Shows.* –

5 Any person who shall hire, employ, use, persuade, induce
6 or coerce a child to perform in obscene exhibitions and
7 indecent shows, whether live or in video, pose, or model in
8 obscene publications or pornographic materials or to sell or
9 distribute the said materials shall suffer the penalty of
10 [~~prison mayor~~] **RECLUSION TEMPORAL** in its medium
11 period.

12 If the child used as a performer, subject or
13 seller/distributor is below twelve (12) years of age, the
14 penalty shall be [~~imposed in its maximum period~~]

15 **RECLUSION PERPETUA.**

1 Any ascendant, guardian, or person entrusted in any
2 capacity with the care of a child who shall cause and/or
3 allow such child to be employed or to participate in an
4 obscene play, scene, act, movie or show or in any other
5 acts covered by this section shall suffer the penalty of
6 [~~prision mayor~~] **RECLUSION TEMPORAL** in its [~~medium~~]
7 **MAXIMUM** period.

8 Sec. 2. Section 10 of the same Act as amended, is hereby amended to read as
9 follows:

10 Sec. 10. *Other Acts of Neglect, Abuse, Cruelty or*
11 *Exploitation and Other Conditions Prejudicial to the Child's*
12 *Development.* –

13 (a) Any person who shall commit any other acts of child
14 abuse, cruelty or exploitation or be responsible for
15 other conditions prejudicial to the child's
16 development including those covered by Article 59 of
17 Presidential Decree No. 603, as amended, but not
18 covered by the Revised Penal Code, as amended,
19 shall suffer the penalty of [~~prision mayor~~]
20 **RECLUSION PERPETUA** in its minimum period.

21 (b) Any person who shall keep or have in his company a
22 minor, twelve (12) years or under or who is ten (10)
23 years or more his junior in any public or private
24 place, hotel, motel, beer join, discotheque, cabaret,
25 pension house, sauna or massage parlor, beach
26 and/or other tourist resort or similar places shall
27 suffer the penalty or [~~prision mayor~~] **RECLUSION**
28 **TEMPORAL** in its [~~maximum~~] **MEDIUM** period and
29 a fine of not less than [~~Fifty thousand pesos~~
30 (~~P50,000~~)] **FIVE HUNDRED THOUSAND PESOS**
31 **(P500,000)**: *Provided*, That this provision shall not
32 apply to any person who is related within the fourth

1 degree of consanguinity or affinity or any bond
2 recognized by law, local custom and tradition, or acts
3 in the performance of a social, moral or legal duty.

- 4 (c) Any person who shall induce, deliver or offer a minor
5 to any one prohibited by this Act to keep or have in
6 his company a minor as provided in the preceding
7 paragraph shall suffer the penalty of *prision mayor*
8 in its [~~medium~~] **MAXIMUM** period and a fine of not
9 less than [~~Forty thousand pesos (P40,000)~~] **FOUR**
10 **HUNDRED THOUSAND PESOS (P400,000.00):**
11 *Provided, however,* That should the perpetrator be
12 an ascendant, stepparent or guardian of the minor,
13 the penalty to be imposed shall be [~~*prision mayor*~~]
14 **RECLUSION TEMPORAL** in its [~~maximum~~]
15 **MEDIUM** period, a fine of not less than [~~Fifty~~
16 ~~thousand pesos (P50,000)~~] **FIVE HUNDRED**
17 **THOUSAND PESOS (P500,000.00),** and the loss
18 of parental authority over the minor.

19
20 **THE OFFENDER SHALL LIKEWISE UNDERGO A**
21 **REEDUCATION AND REORIENTATION**
22 **PROGRAM ON CHILD PROTECTION TO BE**
23 **CONDUCTED BY THE DEPARTMENT OF SOCIAL**
24 **WELFARE AND DEVELOPMENT.**

- 25 (d) Any person, owner, manager or one entrusted with
26 the operation of any public or private place of
27 accommodation, whether for occupancy, food, drink
28 or otherwise, including residential places, who allows
29 any person to take along with him to such place or
30 places any minor herein described shall be imposed
31 a penalty of *prision mayor* in its [~~medium~~]
32 **MAXIMUM** period and fine of not less than [~~Fifty~~

1 thousand pesos (P50,000)] **FIVE HUNDRED**
2 **THOUSAND PESOS (P500,000.00)**, and the loss
3 of the license to operate such a place or
4 establishments.

5 (e) Any person who shall use, coerce, force or intimidate
6 a streetchild or any other child to:

- 7 **1)** Beg or use begging **AS** a means of living;
8 **2)** Act as conduit or middlemen in drug trafficking
9 or pushing; or
10 **3)** Conduct any illegal activities, shall suffer the
11 penalty of [~~prision coreccional in its medium~~
12 ~~period~~] **RECLUSION TEMPORAL** to *reclusion*
13 *perpetua*.

14 Sec. 3. Section 16 of the same Act, as amended, is hereby further amended to
15 read as follows:

16 Sec. 16. *Penal Provisions.* –

17 (a) Any employer who violates Sections 12, 12-A, and
18 Section 14 of this Act, as amended, shall be
19 penalized by imprisonment of [~~six (6) months~~]
20 **ONE (1) YEAR** and one (1) day to six (6) years
21 or a fine of not less than [~~Fifty thousand pesos~~
22 (~~P50,000.00~~)] **ONE HUNDRED THOUSAND**
23 **PESOS (P100,000.00)** but not more than [~~Three~~
24 ~~hundred thousand pesos (P300,000.00)] **FOUR**
25 **HUNDRED THOUSAND PESOS (P400,000.00)**
26 or both at the discretion of the court.~~

27 (b) Any person who violates the provision of Section
28 12-D of this Act or the employer of the
29 subcontractor who employs, or the one who
30 facilitates the employment of a child in hazardous
31 work, shall suffer the penalty of a fine of not less
32 than [~~One hundred thousand pesos~~

1 (~~P100,000.00~~) **TWO HUNDRED THOUSAND**
2 **PESOS (P200,000)** but not more than One
3 million pesos (P1,000,000.00), or imprisonment of
4 not less than twelve (12) years and one (1) day to
5 twenty (20) years, or both such fine and
6 imprisonment at the discretion of the court.

7 (c) Any person who violates Sections 12-D(1) and 12-
8 D(2) shall be prosecuted and penalized in
9 accordance with the penalty provided for by [~~R.A.~~
10 ~~9208 otherwise known as the "Anti-trafficking in~~
11 ~~Persons Act of 2003"~~] **SECTION 12 OF**
12 **REPUBLIC ACT NO. 10364 OR THE**
13 **EXPANDED ANTI-TRAFFICKING IN**
14 **PERSONS ACT OF 2012: *Provided,*** That such
15 penalty shall be imposed in its maximum period.

16 (d) Any person who violates Section 12-D(3) shall be
17 prosecuted and penalized in accordance with RA
18 9165, otherwise known as the 'Comprehensive
19 Dangerous Drugs Act of 2002': *Provided,* That
20 such penalty shall be imposed in its maximum
21 period.

22 (e) If a corporation commits any of the violations
23 aforesaid, the board of directors/trustees and
24 officers, which include the president, treasurer and
25 secretary of the said corporation who participated
26 in or knowingly allowed the violation, shall be
27 penalized accordingly as provided for under this
28 Section.

29 (f) Parents, biological or by legal fiction, and legal
30 guardians found to be violating Sections 12, 12-A,
31 12-B and 12-C of this Act shall pay a fine of not
32 less than [~~Ten thousand pesos (P10,000.00)~~] **ONE**

1 **HUNDRED THOUSAND PESOS (P100,000.00)**
2 but not more than [~~One hundred thousand pesos~~
3 (~~P100,000.00~~)] **THREE HUNDRED THOUSAND**
4 **PESOS (P300,000.00)**, or be required to render
5 community service for not less than [~~thirty (30)~~
6 days] **THREE (3) MONTHS** but not more than
7 one (1) year, or both such fine and community
8 service at the discretion of the court: *Provided,*
9 That the maximum length of community service
10 shall be imposed on parents, [~~or~~] legal guardians
11 **OR ADULT CARGIVERS WHO HAVE CUSTODY**
12 **OF THE CHILD AND** who have violated the
13 provisions of this Act three (3) times: *Provided,*
14 *further,* That in addition to the community service,
15 the penalty of imprisonment of [~~thirty (30) days~~]
16 **THREE (3) MONTHS** but not more than one (1)
17 year or both at the discretion of the court, shall be
18 imposed on the parents or legal guardians who
19 have violated the provision of this Act more than
20 three (3) times.

21 (g) The Secretary of Labor and Employment or his/her
22 duly authorized representative may, after due
23 notice and hearing, order the closure of any
24 business firm or establishment found to have
25 violated any of the provisions of this Act more than
26 three (3) times. He/She shall likewise order the
27 immediate closure of such firm or establishment if:

- 28 1) The violation of any provision of this Act has
29 resulted in the death, insanity or serious
30 physical injury of a child employed in such
31 establishment; or

1 *Sec. 6. Separability Clause.* If any provision or part hereof, is held invalid or
2 unconstitutional, the remainder of the law or the provision not otherwise affected shall
3 remain valid and subsisting.

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

8 *Sec. 8. Effectivity Clause.* This Act shall take effect fifteen (15) days after its
9 publication in at least two (2) newspapers of general circulation.

10
11 Approved,