

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session

6 JUN -7 P3:55

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SENATE

S. No. 2343

INTRODUCED BY HON. MANNY VILLAR

EXPLANATORY NOTE

It is not uncommon nowadays to view images or videos of naked or almost naked bodies not only of popular celebrities but also of totally unknown individuals, captured in their private moments. What is despicable in these images or videos is that these are taken without the consent of the subjects thereof and often portray them in embarrassing situations.

Article 26 of the Civil Code of the Philippines mandates that every person shall respect the dignity, personality, privacy and peace of mind of his neighbors and other persons. The commission of the acts described therein as well as similar acts gives rise to a cause of action for damages, prevention and other relief. However, the widespread commission of such acts by unscrupulous individuals necessitate the passage of a law that would criminalize such acts and impose heavier penalties.

On this note, the attached bill penalizes the act of capturing an image of a naked or undergarment clad genitals, pubic area, buttocks or female breast of an individual, whether a public figure, movie celebrity or otherwise, without his/her consent. This proposed bill would send a strong message that the government is bent on upholding and safeguarding the inviolable right of every individual to privacy and peace of mind.

Accordingly, the urgent passage of the bill is hereby recommended.


MANNY VILLAR

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**AN ACT PUNISHING THE MALICIOUS CAPTURING OF THE
IMPROPER
IMAGE OF AN INDIVIDUAL UNDER CIRCUMSTANCES VIOLATING
THE RIGHT TO PRIVACY AND IMPOSING PENALTY THEREFOR**

*Be^{it} enacted by the Senate and House of Representatives of the
Philippines in congress assembled:*

Section 1. Short Title. – This Act shall be known as the **“Video Voyeurism Prevention Act of 2006”**.

Section 2. Declaration of Policy. – It is hereby the policy of the State to safeguard and uphold the right to privacy of its citizens, whether public or private citizens. To this end, unreasonable intrusion into the private affairs of an individual or public disclosure of private facts must be made unlawful.

Section 3. Unlawful Capturing of an Improper Image of an Individual. – Any person, having the intent to capture an improper image of an individual, whether a public figure, movie celebrity or private individual, knowingly does so under circumstances violating the privacy of the individual, shall be fined with the amount of Php30,000.00 or suffer an imprisonment of not more than one (1) year, or both.

Section 4. Definition of Terms. – For purposes of this Act, the term:

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- (1) **“Captures”** with respect to an image, means videotapes, photographs, films, or records by any electronic means;
- (2) **“Improper image”** with respect to an individual, means an image, captured without the consent of that individual, of the naked or undergarment clad genitals, pubic area, buttocks, or female breast of that individual;
- (3) **“Under circumstances violating the privacy of that individual”** means under circumstances in which the individual exhibits an expectation that the improper image would not be made, in a situation in which a reasonable person would be justified in that expectation.

Section 8. *Separability Clause.* - If any provisions, or part hereof, is held invalid or unconstitutional, the remainder of the law or provision not otherwise affected shall remain valid and subsisting.

Section 9. *Repealing Clause.* - Any law, executive order, decree, issuance, ordinance, rule and regulation or any part thereof contrary or inconsistent with the provisions of this Act is also hereby repealed, modified or amended accordingly.

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

Approved.