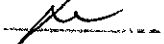


FOURTEENTH CONGRESS OF THE REPUBLIC)
 OF THE PHILIPPINES)
 First Regular Session)

7 JUL -5 2011

SENATE
 S. B. No. 1207

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

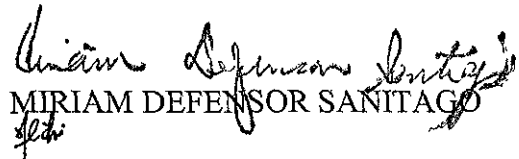
EXPLANATORY NOTE

The Constitution, Article II, Section 11 provides that “the State shall value the dignity of every human person.” Further, the Civil Code, Article 26 provides that “every person shall respect the dignity, personality, privacy and peace of mind of his neighbors and other persons.”

The right to privacy is not an absolute right. A limited intrusion into a person’s privacy is permissible where that person is a public figure and the information sought to be elicited from him or to be published about him constitute matters of a public character. This does not include cases where intrusion into the private lives of individuals and their families already endanger their lives or cause them injury. Neither does it allow harassment that threatens even private persons and their families.

The right to privacy of individuals and their families could be violated by photographers, cameramen, and persons with audio recorders attempting to capture images or other reproductions of their private lives for commercial purposes. Journalists could persistently follow or chase them in a manner that puts them in reasonable fear of bodily injury, and in danger of serious bodily injury or even death.

This bill seeks to protect individuals and their families by prohibiting unwarranted harassment or invasion of privacy for commercial purposes.*

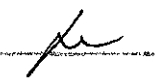

 MIRIAM DEFENSOR SANTAGO

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

FOURTEENTH CONGRESS OF THE REPUBLIC)
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1 AN ACT
2 PROHIBITING HARASSMENT AND INVASION OF PRIVACY
3 FOR COMMERCIAL PURPOSES

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

6 SECTION 1. *Short Title.* – This Act shall be known as the "Personal Privacy Protection
7 Act."

8 SECTION 2. *Declaration of Policy.* – It is a declared policy of the State to protect public
9 and private individuals against unwarranted harassment and invasion of privacy for commercial
10 purposes.

11 SECTION 3. *Definition of Terms.* – For the purpose of this Act, the term:

12 (A) "For commercial purposes" means with the exceptions of sale, financial gain, or
13 other consideration;

14 (B) "Harassment" means the act of persistently and physically following or chasing a
15 person in a manner that causes the person to have a reasonable fear of bodily injury,
16 in order to capture by a visual or auditory recording instrument any type of visual
17 image, sound recording or other physical impression of the person for commercial
18 purposes.

19 SECTION 4. *Harassment for Commercial Purposes.* – Any person who harasses another
20 for commercial purposes, shall be guilty of this crime and shall be imposed:

21 (A) The penalty of *reclusion temporal*, and a fine of fifty thousand pesos, if death is
22 proximately caused by such harassment;

1 (B) The penalty of *prision mayor*, and a fine of twenty thousand pesos, if serious bodily
2 injury is proximately caused by such harassment; and

3 (C) The penalty of *arresto mayor*, and a fine of one thousand pesos, if neither death nor
4 serious bodily injury is proximately caused by such harassment.

5 SECTION 5. *Persons Criminally Liable.* – Only person physically present at the time of,
6 and engaging or assisting another in engaging in, a violation of this Act is subject to criminal
7 charges or civil liability under this section.

8 A person shall not be subject to such charge or liability by reason of the conduct of an
9 agent, employee, or contractor of that person or because images or recordings captured in
10 violation of this Act were solicited, bought, used, or sold by that person.

11 SECTION 6. *Limitation on Defenses.* – It is not a defense to a prosecution or civil action
12 that:

13 (A) No image or recording was captured; or

14 (B) No image or recording was sold.

15 SECTION 7. *Exception.* – The provisions of this Act shall not apply with respect to
16 official law enforcement activities.

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

20 SECTION 9. *Repealing Clause.* – Any law, presidential decree or issuance, executive
21 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
22 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

23 SECTION 7. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
24 publication in at least two (2) newspapers of general circulation.

25 Approved,