

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

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SENATE
S.B. No. **2480**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article II, Section 13 provides: "The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs."

In 1990, Washington in the United States became the first state to require the registration and community notification of the release of sex offenders from incarceration. This requirement is in addition to the offender's legal sentence and other restrictions. This set of laws are called "Megan's Laws," named after 7-year-old Megan Kanka, a New Jersey girl kidnapped, raped, and killed in 1994 by a convicted sex criminal who lived in her neighborhood.

The purpose of registration and restrictions is to encourage the protection of children and society by increasing the awareness of the community about the recidivism risk that some offenders may present on release. Supporters of this measure also hope that community awareness will assist in preventing future crimes.


Justice Anthony Kennedy of the United States Supreme Court wrote, "Our system does not treat dissemination of truthful information in furtherance of a legitimate governmental objective as punishment, the purpose and the principal effect of notification are to inform the public for its own safety, not to humiliate the offender."


MIRIAM DEFENSOR SANTIAGO

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AN ACT
TO CREATE A SYSTEM OF REGISTRATION AND NOTIFICATION FOR
SEX OFFENDERS AND PROVIDING A PENALTY
FOR NON-COMPLIANCE

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

SECTION 1. *Short Title.* – This Act shall be referred to as the “Sex Offender Registration Act.”

SECTION 2. *Definition of Terms.* – As used in this Act, the term:

(A) “Sex offender” means a person who:

- (1) Is a resident of the Philippines who is convicted of a sex offense in the Philippines;
- (2) Changes his residence to the Philippines, when that person has been convicted of a sex offense in another country pursuant to the law of that country;
- (3) Is a citizen of another country and who has been convicted of a sex offense pursuant to the law of that country, but who is:
 - (i) Employed full time or part time in the Philippines for a period of time exceeding fourteen days or for an aggregate period of time exceeding thirty days during any calendar year; or
 - (ii) Enrolled on a full-time or part-time basis in a school in the Philippines, including a secondary school, a trade school, a professional institution or an institution of higher education.

(B) “Sex offense” means:

- (1) Rape, as defined in Article 266-A of the Penal Code;
- (2) Acts of lasciviousness, as defined Article 336 of the Penal Code;
- (3) Qualified seduction, as defined in Article 337 of the Penal Code;
- (4) Simple seduction, as defined in Article 338 of the Penal Code;
- (5) Acts of lasciviousness with the consent of the offended party as defined in Article 339 of the Penal Code;
- (6) Corruption of minors as defined in Article 340 of the Penal Code;
- (7) White slave trade as defined in Article 341 of the Penal Code.

SECTION 3. *Duty of a Sex Offender to Register.* – A sex offender shall register with the office of the mayor in the city or municipality where he resides.

A sex offender shall register with the office of the mayor no later than ten (10) days after being released from the custody of the Bureau of Jail Management and Penology or being placed on probation or parole. When a sex offender registers with the office of the mayor, he shall provide the following registration information:

- (A) His legal name and any other names or aliases that he is using or has used;
- (B) His date of birth;
- (C) His current address;
- (D) His place of employment;
- (E) Motor vehicle registration information for all motor vehicles that the sex offender owns;
- (F) The sex offense for which he was convicted; and
- (G) The date and place of his sex offense conviction.

A sex offender who is a citizen of another country but who is employed in the Philippines or is attending school in the Philippines shall register with the office of the mayor of the city in which the sex offender is working or attending school no later than ten (10) days after beginning work or school. When the sex offender registers with the office of the mayor, he shall provide the following registration information:

- (A) His legal name and any other names or aliases that he is using or has used;

- (B) His date of birth;
- (C) The address of his place of lodging in the Philippines while he is working or attending school;
- (D) His place of employment or the name of the school he is attending;
- (E) Motor vehicle registration information for all motor vehicles that the sex offender owns;
- (F) The sex offense for which he was convicted; and
- (G) The date and place of his sex offense conviction.

When a sex offender registers with the office of the mayor, the office shall obtain a photograph of the sex offender and a complete set of the sex offender's fingerprints and a description of any tattoos, scars or other distinguishing features on the sex offender's body that would assist in identifying the sex offender.

When a sex offender who is registered changes his residence within the same city or municipality, the sex offender shall send written notice of his change of address, including proof of his new address, to the office of the mayor no later than ten (10) days after establishing his new residence.

When a sex offender who is registered changes his residence to another city or municipality, the sex offender shall register with the office of the mayor of the new city or municipality no later than ten (10) days after establishing his new residence. The sex offender shall also send written notice of the change in residence to the office of the mayor with whom he last registered no later than ten (10) days after establishing his new residence.

Following his initial registration pursuant to the provisions of this section, a sex offender required to register shall renew his registration not less than once in each ninety (90) day period following the date of the sex offender's initial registration for a period of twenty (20) years;

SECTION 4. *Procedure for Accessing the Registration Information.* – A person who wants to obtain registration information regarding sex offenders may request that information from the office of the mayor in which the sex offenders reside.

SECTION 5. *Duty of the City or Municipal Mayor.* – Upon receiving a request for registration information regarding sex offenders, the mayor shall provide that registration information within a reasonable period of time, and no later than seven days after receiving the request.

Within seven days of receiving registration information from a sex offender, the office of the mayor shall contact every licensed daycare center, elementary school and high school within a two kilometer radius of the sex offender's residence and provide them with the sex offender's registration information.

SECTION 6. *Penalty.* – A sex offender who fails to comply with the registration requirements or provides false information when complying with the registration requirements in the preceding section shall suffer the penalty of *prision correccional* in its maximum period.

SECTION 7. *Separability Clause.* - If any part or provision of this Act is held invalid or unconstitutional, the other parts or provisions thereof shall remain valid and effective.

SECTION 8. *Repealing Clause.* - All laws, decrees, orders, proclamations, rules and regulations or parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

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

Approved,

/abg