
Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

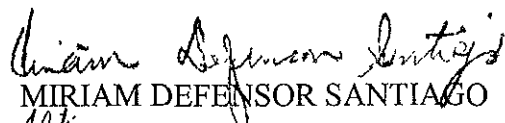
The Constitution, Article II, Section 13 provides:

The State recognizes the vital role of the youth in nation-building and shall protect and promote 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.

Recent studies show that minors who play violent video games are more likely to exhibit violent, asocial, or aggressive behavior toward others, including other minors, experience feelings of aggression, or experience a reduction of activity in the frontal lobes of the brain, which are responsible for controlling behavior.

Although the video game industry has adopted its own voluntary standards describing which games are appropriate for minors, those standards are not adequately enforced. Minors are capable of purchasing, and do purchase, violent video games.

The state has compelling interests to prevent violent, aggressive, and asocial behavior, prevent psychological harm to minors who play violent video games, and prevent physical harm to the victims of violent minors, including other minors. Likewise, it is the responsibility of the state to eliminate any societal factors that may inhibit the psychological and neurological development of the youth and facilitate the healthy development of the youth into well-meaning, productive adults.


MIRIAM DEFENSOR SANTIAGO
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AN ACT
PROHIBITING THE SALE OR RENTAL OF
VIOLENT VIDEO GAMES TO MINORS

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 Game Sale and Rental Regulation Act of 2007.”

SECTION 2. *Definitions.* – For purposes of this Act, the term

(A) “Consumer” means an individual purchasing or renting the video game.

(B) “Minor” means an individual who is less than 18 years of age.

(C) “Video game” means an object or device that stores recorded data or instructions, receives data or instructions generated by anyone who uses it, and, by processing the data or instructions, creates an interactive game capable of being played, viewed, or experienced on or through a computer, gaming system, console, or other technology.

(D) “Violent video game” means a video game to which all of the following descriptions apply:

(1) It depicts human-on-human violence in which the player kills, seriously injures, or otherwise causes serious physical harm to a human or character with substantially human characteristics, including, but not limited to, depictions of death, dismemberment, amputation, decapitation, maiming,

disfigurement, mutilation of body parts, or criminal sexual conduct, in a manner that is especially heinous, atrocious, or cruel. A depiction of violence is especially heinous, atrocious, or cruel if it contains all of the following elements:

(a) it depicts exceptional pain or suffering on the part of the victim and is accompanied by a graphic depiction of the victim's injuries.

(b) the violence is accomplished in the commission of an act that would be punishable as a crime if it were committed in reality.

(c) the circumstances surrounding the violence indicate that it is committed without conscience, pity, or empathy.

(d) it is accompanied by auditory or other sensory elements that serve to enhance the realism of the visual depiction.

(2) taken as a whole, it lacks serious literary, artistic, political, and scientific value for minors, and the average person, applying contemporary statewide values, finds it appeals to minors' morbid interest in violence.

SECTION 3. *Prohibition and Penalties.* – Except as otherwise provided a person shall not sell or rent a violent video game to a minor. A person who violates this Act shall be punished by imprisonment for not more than one (1) year or a fine of not more than Php100,000.00, or both.

SECTION 4. *Defense.* – It is an affirmative defense to a charge under Section 3 that the person acted in good faith. Good faith exists if all of the following conditions applied at the time the violation of Section 3 occurred:

(A) The minor showed the person identification that appeared to be valid and that contained a photograph and a date of birth purporting to show that the minor was 18 years of age or older

(B) The person did not have independent knowledge that the minor was under 18 years of age.

(C) That based upon subsections (A) and (B), the person complied with the video game ratings established by the entertainment software rating board.

SECTION 5. *Separability Clause.* – If any provision or part hereof is invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 6. *Repealing Clause.* – All acts, decrees, orders, executive orders, instructions, rules and regulations or parts hereof inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

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

Approved,