

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

SENATE
S.B. No. **2666**

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The advances in technology have brought about many comforts in our everyday activities. However, some unscrupulous individuals have misused these technological advances to the detriment of their unsuspecting victims. An example of such misuse is photo and video voyeurism.

Photo and video voyeurism is the act of capturing an image of a private area of an individual without their consent, and knowingly doing it under circumstances in which the individual has a reasonable expectation of privacy. With the proliferation of camera phones, webcams, PDAs and a host of other miniature lenses, some individuals have become victims of photo and video voyeurs.

In the U.S., "cyber peeking" is often focused on fetish photographs taken from cameras mounted on shoe tops, labels and hats. In addition, U.S. law enforcement authorities report a steady increase of hidden cameras in bedrooms, bathrooms, public showers, locker rooms and tanning salons. From there, millions of photographs and video hit the Internet. While the situation is not that bad in the Philippines, there are several instances when individuals, mostly women, become the victims of "high-tech" voyeurism.

For the victim, it is obviously very embarrassing and degrading to be photographed in a compromised position. It is a form of invasion of personal privacy. Since it is the duty of the state to guarantee the right of its citizens to privacy, this bill is aimed at fulfilling such duty.


MIRIAM DEFENSOR SANTIAGO

Introduced by Senator Miriam Defensor Santiago

AN ACT
PENALIZING PHOTO AND VIDEO VOYEURISM

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

SECTION 1. *Short Title.* - This Act shall be known as the "Anti- Video Voyeurism Act of 2007."

SECTION 2. *Declaration of Policy.* - It is hereby declared the policy of the State to protect the privacy and dignity of every person. This Act aims to apply said policy by criminalizing photo and video voyeurism.

SECTION 3. *Definition of Terms.* - For purposes of this Act, the following terms shall mean:

(a) "capture", with respect to an image, means to videotape, photograph, film, record by any means, or broadcast;

(b) "broadcast" means to electronically transmit a visual image with the intent that it be viewed by a person or persons;

(c) "a private area of the individual" means the naked or undergarment clad genitals, pubic area, buttocks, or female breast of that individual;

(d) "female breast" means any portion of the female breast below the top of the areola;
and

(e) "under circumstances in which that individual has a reasonable expectation of privacy" means-- circumstances in which a reasonable person would believe that he or she could

disrobe in privacy, without being concerned that an image of a private area of the individual was being captured; or circumstances in which a reasonable person would believe that a private area of the individual would not be visible to the public, regardless of whether that person is in a public or private place.

SECTION 4. *Photo or Video Voyeurism Offense.* – Whoever captures an image of a private area of an individual without their consent, and knowingly does so under circumstances in which the individual has a reasonable expectation of privacy, shall be punished by imprisonment of not less than one (1) year nor more than five (5) years or a fine or not less than ten thousand pesos (P10,000) nor more than fifty thousand pesos (P50,000) or both at the discretion of the Court.

SECTION 5. *Exemption.* – This Act does not prohibit any lawful law enforcement, correctional, or intelligence activity.

SECTION 6. *Separability Clause.* - If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law of the provision not otherwise affected shall remain valid and subsisting.

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

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

Approved.