


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

OFFICE OF THE CLERK OF THE SENATE

10 JUL -6 AM:17

SENATE

S. NO. 304

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

Explanatory Note

The availability of standardized data formats and the ease of dissemination facilitate the creation and distribution of illicit materials such as sex videos. In one notorious case, a private video taken of a celebrity couple was stolen and posted on the internet, resulting in embarrassment and harm to their reputations. In other instances, stolen video content has been reproduced and sold without authorization, thereby resulting in lost profits. There is no doubt that new technologies and pornography go hand in hand, with the transition of pornography from the internet to mobile phones leading the way of the ever increasing blurred boundaries between what is supposed to remain public and private.

Thus, this bill aims to penalize the mere act of recording or any attempt of recording the private act or acts, including but not limited to sexual act, and other violations of the privacy of an individual which would cause public ridicule, without the consent of the parties, and if there is consent in the recording, there is no assent to its sharing, showing or exhibition to other persons. This is considered the highest form of invasion to the privacy of the offended party. Such violation is condemnable and needs to be penalized in its highest degree.

In view of the foregoing, passage of this bill is earnestly sought.


ANTONIO "SONNY" F. TRILLANES IV
Senator

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

OFFICE SECRETARY

10 JUL -6 AM 116

SENATE

S. NO. 304

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AN ACT

TO PROHIBIT AND PENALIZE THE RECORDING OF PRIVATE ACT OR ACTS
AND OTHER VIOLATIONS OF THE PRIVACY OF AN INDIVIDUAL, AND FOR
OTHER PURPOSES

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

1 **SECTION 1.** It shall be unlawful for any person, without the consent of all the parties to
2 any private act or acts, including but not limited to sexual act, to record or attempt to record the
3 same, in any form and for whatever purpose.

4 It shall be unlawful for any person, be he a participant or not in the act or acts penalized
5 in the preceding sentence, to knowingly possess any video tape, disc record, or any other such
6 record, or copies thereof, of any private act secured either before or after the effectivity of this
7 Act in the manner prohibited herein; or to replay the same for any other person or persons; or to
8 share, relay or exhibit the contents thereof in any form: *Provided*, That use of such record or any
9 copy thereof as evidence in any civil, criminal investigation or trial of offenses mentioned in
10 Section 3 hereof, shall not be covered by this prohibition.

11 It shall likewise be unlawful for any person to share, show or exhibit the aforementioned
12 video, disc record, or any other such record to any person notwithstanding that consent to record
13 was given by the parties.

1 **SEC. 2.** Any person who willfully or knowingly does or who shall aid, permit, or cause
2 to be done any of the acts declared to be unlawful in the preceding section or who violates the
3 provisions of the following section or any order issued thereunder, or aids, permits, or causes
4 such violation shall, upon conviction thereof, be punished by imprisonment for not less than six
5 months or more than six years and a fine of Php100,000.00 but not more than Php500,000.00. If
6 the offender is an alien, he shall be subject to deportation proceedings, after complying with the
7 penalty of imprisonment and fine for such violation.

8
9 **SEC. 3.** Nothing contained in this Act, however, shall render it unlawful or punishable
10 for any peace officer, who is authorized by a written order of the Court, to use the record or any
11 copy thereof as evidence in any civil, criminal investigation or trial offenses: *Provided*, That
12 such written order shall only be issued or granted upon written application and the examination
13 under oath or affirmation of the applicant and the witnesses he may produce, and upon showing
14 that there are reasonable grounds to believe that any of the crimes enumerated has been
15 committed or is about to be committed and that the evidence to be obtained is essential to the
16 conviction of any person for, or to the solution of, or to the prevention of, any such crimes.

17 The Court referred to in this section shall be understood to mean the Regional Trial Court
18 within whose territorial jurisdiction the crime is committed.

19
20 **SEC. 4.** Any record or copy obtained or secured by any person in violation of the
21 preceding sections shall not be admissible in evidence in any judicial, quasi-judicial, legislative
22 or administrative hearing or investigation.

23
24 **SEC. 5.** Any laws, decrees, ordinances or rules and regulations which are inconsistent
25 with or contrary to the provision of this Act is hereby amended or repealed.

1 **SEC. 6.** This Act shall take effect fifteen (15) days after its complete publication in at
2 least two (2) national newspapers of general circulation.

Approved.