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SENATE

S. No 361

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

Article II Section 13 of the 1987 Constitution asserts that 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 furtherance of this policy, it is incumbent upon the State to watch over the safety and well-being of its youth.

In this light, this measure seeks to mandate the Department of Education (DepEd) to deny entrance into the premises of any school or any building used for school activities to listed sex offenders or persons of which the DepEd has knowledge. Education officials shall make a good effort to identify listed sex offenders residing within the school's boundaries or who have children or wards enrolled in the district. School principals shall notify each listed sex offender identified, that access to the school premises shall be prohibited unless expressly permitted by the superintendent or designee, or the individual is exercising the right to vote in public elections at a polling place located on the school premises. This bill further mandates the Bureau of Jail, Management and Penology to submit to the DepEd Division Superintendent, an official list of sexual offenders who have been released or are being placed under parole or probation.

This measure does not in any way intend to disgrace convicted sexual offenders who have served and who are serving their sentence. This measure recognizes that children are most vulnerable to crimes, potential or otherwise and there can never be a limit to legitimate measures to protect their morals, health and safety.

In view of the foregoing, approval of this measure is earnestly sought.


ANTONIO "SONNY" F. TRILLANES
Senator

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

15 JUL 16 12 03

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S. NO. 361

Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT

**TO PROTECT THE SAFETY, MORAL, AND WELL-BEING OF SCHOOLCHILDREN
BY PROHIBITING LISTED SEX OFFENDERS FROM ENTRANCE TO SCHOOL
PREMISES OR ACTIVITIES, AND FOR OTHER PURPOSES**

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

1 **SEC. 1. Short Title.** – This Act shall be known as "*Sex Offenders School Access*
2 *Prohibition Act.*"

3
4 **SEC. 2. Definition of Term.** – The term sex offender shall refer to any person who has
5 been convicted of sexual offense as defined by any of the following laws:

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

14
15 **SEC. 3. Duty of the Bureau of Jail, Management, and Penology to submit list of sexual**
16 *offenders.* – The local Bureau of Jail, Management and Penology shall submit to the Department
17 of Education (hereinafter referred to as DepEd) Division Superintendent, a list of sexual
18 offenders who have been released or are being placed under parole or probation. The DepEd

1 Division Superintendent shall thereafter distribute copies of the aforementioned list to every
2 school under its jurisdiction.

3 **SEC. 4. School Access Prohibition. –**

4 1) If a person is currently listed as sex offender as provided by Section 2 of this Act, it shall be
5 unlawful for such person to:

6 (a) Be upon or to remain on the premises of any public and private highschool and
7 elementary school and Day Care and other Preparatory building or school grounds, other
8 than to drop off or pick up the person's child or children.

9 (b) Knowingly remain upon or loiter on a public way within five hundred (500) feet of a
10 school building or school grounds in this state when children under the age of eighteen
11 (18) years are present.

12 (c) Be in any conveyance owned, leased or contracted by a school to transport students to
13 or from school or a school-related activity when children under the age of eighteen (18)
14 years are present in the conveyance.

15 (d) Reside within five hundred (500) feet of the property on which a school is located.

16 2) The provisions of this section shall not apply to an adult criminal sex offender who:

17 (a) Is a student in attendance at the school; or

18 (b) Is attending an academic conference or other scheduled school event with school
19 officials as a parent or legal guardian of a child who is enrolled in the school and is
20 participating in the conference or event; or

21 (c) Resides at a state licensed or certified facility for incarceration, health or convalescent
22 care; or

23 (d) Is dropping off or picking up a child or children and the person is the child or children's
24 parent or legal guardian; or

25 (e) Is temporarily on school grounds, during school hours, for the purpose of making a mail,
26 food or other delivery.

27 (3) Nothing in this section shall prevent a school district from adopting more stringent safety
28 and security requirements for employees and nonemployees while they are in school facilities
29 and/or on school properties.

1 **SEC. 5. Report by School Principals.** – School principals will immediately report to law
2 enforcement any listed sex offender who has not been granted permission pursuant to this policy
3 and who is observed or known to be on the premises, or loitering within 500 feet of the property
4 line of a school or other location where a school activity is scheduled to occur.

5
6 School personnel shall not use information received by the school regarding any listed sexual
7 offender to harass, intimidate, commit a crime against, or cause harm to any person

8
9 **SEC. 6. Separability Clause.** – If any provision or part hereof is held invalid or
10 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
11 valid and subsisting.

12
13 **SEC. 7. Repealing Clause.** – Any law, presidential decree or issuance, executive order,
14 letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the
15 provisions of this Act, is hereby repealed, modified, or amended accordingly.

16
17 **SEC. 8. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its
18 complete publication in the *Official Gazette* or in at least two (2) newspapers of general
19 circulation.

20

Approved,