

SENATE

Senate Bill No. 707

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

Illegal reproduction of copyrighted books and printed materials through photocopying, duplication and printing machines has harmful effects not only to the authors and publishers of said books but also to the country and citizenry.

Authors would not only be deprived of the economic benefits in the form of royalties and revenue but it would also stop the sharing of knowledge and progress of thought because of the disincentive that would be created by such illegal practice. Proliferation of varied reading materials essential to the country's intellectual and economic growth would eventually cease to exist if the scenario remains unabated.

It is a public knowledge that photocopying, duplicating and printing machines located near or within the premises of educational institutions are at times being used to illegally reproduce copyrighted books and materials with the presumed knowledge and consent of the school officials.


The bill therefore seeks to eradicate the nefarious effects of illegal reproduction of copyrighted books and printed materials through the joint efforts of the schools, universities, etc., operators of photocopying, duplicating and printing machines and buyers or users by making the owners or the highest officers of concerned educational institutions liable criminally through the pertinent provisions of the proposed measure without prejudice to penalties already imposed by Copyright Law and Revised Penal Code and other appropriate laws.

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


JINGGOY EJERCITO ESTRADA
Senator

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Senate Bill No. 707

RECEIVED BY: 

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AN ACT

DECLARING AS UNLAWFUL THE REPRODUCTION OF COPYRIGHTED BOOKS AND PRINTED MATERIALS THROUGH PHOTOCOPYING, DUPLICATING, PRINTING MACHINES OR SIMILAR MEANS WITHOUT THE WRITTEN CONSENT OF THE COPYRIGHT OWNER, WHETHER THE PUBLISHER OR THE AUTHOR OR BOTH

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

SECTION 1. *Illegal Reproduction* - It shall be unlawful for any person to reproduce copyrighted books and printed materials through photocopying, duplicating, printing machines or similar means without the written consent of the copyright owner, whether the publisher, or the author, or both.

SEC. 2. *Penalty* - Those who shall violate the preceding section shall suffer the following penalties, without prejudice to those imposed by pertinent provisions of the Revised Penal Code (RPC), the Intellectual Property Code (R.A. 8293) and other special penal laws:

- 1) Imprisonment of twelve (12) years plus a fine ranging between P100,000.00 to P 250,000.00 imposed against the operator of an establishment illegally reproducing said materials for profit. In the event that the establishment is carried on by a corporation or any other juridical entity, the responsible officers thereof shall be made to suffer.
- 2) Imprisonment of five (5) years and a fine of P50,000.00 imposed against the employees of said establishment, unless they can prove that they act through compulsion or any other form of coercion.
- 3) Imprisonment of two (2) years and a fine of P10,000.00 imposed against anyone who shall buy any of the illegally reproduced materials as mentioned in this Act.
- 4) Imprisonment of one (1) year or a fine of P 10,000.00 imposed against any person who shall violate the preceding article not for profit but for personal consumption.

SEC. 3. All schools, universities and other educational institutions, through its highest officers, that allows the operation of photocopying, duplicating and printing machines within their premises, or within ten (10) meters from the said educational institutions shall be jointly and severally liable as principal for the illegal reproduction of copyrighted books and printed materials.

SEC. 4. Within ninety (90) days from the approval of this Act, the Secretary of the Department of Justice (DOJ), in consultation and coordination with associations of publishers, writers and authors shall formulate and promulgate the necessary implementing rules and regulations of this Act.

SEC. 5. All laws, decrees, orders, rules and regulations and other issuances, or parts thereof which are inconsistent with or contrary to any provision of this Act are hereby deemed repealed or amended accordingly.

SEC. 6. This Act shall take effect fifteen (15) days after its complete publication in two (2) newspapers of general circulation or in the Official Gazette.

Approved,