

FIFTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

SENATE
OFFICE OF THE SECRETARY

10 JUL -8 A8:33

SENATE

Senate Bill No. 850

RECEIVED BY: [Signature]

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

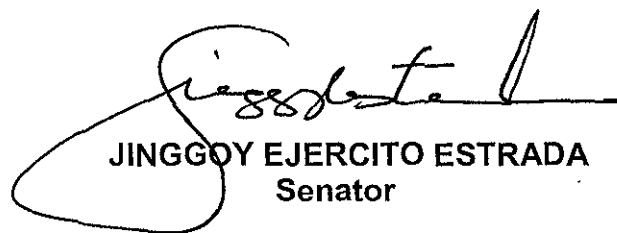
Telecommunications is an important industry in any country. It is an essential instrument in the fast, effective and efficient facilitation of personal and business transactions. The use of telephone provides convenience to the users from all parts of the globe.

This technology, however, is being abused and we have seen the commercial use of telephones for providing phone-sex services which are often referred to as "dial-a-porn" service providers. This provides accessible but expensive medium of transmitting lewd, lascivious, filthy or indecent messages.

The lack of law in our country to squarely address this problem causes the proliferation of such service providers that continues to corrupt the morals of our people, especially the youth. Indeed, strict penalties and sanctions should be imposed to violators to prevent, suppress and ultimately eliminate such kinds of activities.

This bill defines dial-a-porn, phone-sex business, pay-per-call services, and other similar acts as unlawful, and provides corresponding penalties to violators. It is hoped that this measure will solve the surging problem on indecent or obscene communications relayed through commercial use of telephones.

Responsible technology entails the upholding of the moral values of our society. Hence, the immediate approval of this proposed measure is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
DECLARING UNLAWFUL THE COMMERCIAL USE OF TELEPHONES FOR
MAKING INDECENT OR OBSCENE COMMUNICATIONS AND PROVIDING
PENALTIES THEREFOR

*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 "*Anti Dial-a-Porn Act*".

SEC. 2. Declaration of State Policy. — It is hereby declared a state policy to discourage the commercial use of telephones or other telecommunication facilities for the circulation, distribution, conveyance, or transmission of lewd, lascivious, filthy or indecent messages that tend to corrupt the morals of the public and would suggest to the minds of either gender thoughts of an impure and libidinous character, regardless of the actual effect thereof on the recipients' minds.

SEC. 3. Definition of Terms. — As used in this Act -

- (a) A "lewd message" is one that describes dissolute or unchaste acts, scenes or incidents or one whose utterance is calculated to excite lustful and sensual desires and the like;
- (b) The word "lascivious" comprehends any message that is impure, unclean, indecent, foul, filthy, or disgusting;
- (c) The term "indecent" means immodest or impure;
- (d) The term "filthy" means nasty, vulgar, indecent or offensive to the moral sense;
- (e) "Phone-sex business" means offering sexually intimate, suggestive or explicit conversations to callers on a pay-per-call basis;
- (f) The term "pay-per-call services" means any service for which the caller pays a per-call or per-time-interval charge that is greater than or in addition to the charge for transmission of the call.

SEC. 4. *Prohibited Acts.* – Pursuant to the policy laid down in Section 2 of this Act, it is hereby declared unlawful:

- (a) for a person, natural or juridical, association, club or any other entity to:
 - (i) establish, provide, or carry on a “phone-sex business” or similar activity that has for its purpose the transmission, conveyance or distribution for profit of lewd, indecent or lascivious messages through the telephone or other telecommunication facilities;
 - (ii) advertise, publish, print, distribute, or cause the advertisement, publication, printing, or distribution of any brochure, flyer or any propaganda material calculated to promote the prohibited acts in the preceding sub-paragraph;
 - (iii) solicit, enlist or in any manner attract or induce any man or woman to become a member in any club or association whose objective is to promote, provide or carry on the prohibited acts in sub-paragraph (i) of this Section.

- (b) for the manager or officer-in-charge or advertising manager of any newspaper, magazine, television or radio station or other media of mass communication like telephone or telegraph companies or of an advertising agency, printing company or similar entities, to knowingly allow or consent to the acts mentioned in sub-paragraph (i) of this Section.

SEC. 5. *Penalties.* – Any person found guilty of any of the offenses covered by this Act shall be punished by imprisonment of not less than six (6) years and one (1) day but not more than eight (8) years, or a fine ranging from Ten Thousand Pesos (P10,000.00) to Twenty Thousand Pesos (P20,000.00), or both, upon the discretion of the court: *Provided*, That if the offended is a foreigner, he shall be immediately deported and barred forever from entering the country after serving his sentence and paying the fine.

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

SEC. 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 modified or amended accordingly.

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

Approved,