EXPLANATORY NOTE

The Philippines emerged as a global hot spot for child sexual exploitation, especially through online platforms (UNICEF, 2020). In 2018 alone, 600,000 sexualized photos of Filipino children were bartered and traded. Furthermore, various groups have monitored an increase in the number of online sexual exploitation cases involving children as many areas in the country are placed under quarantine due to the coronavirus disease (COVID-19).

According to Child Rights Network (CRN), online sexual predators are taking advantage of the situation to exploit more children to satisfy their disturbing sexual obsessions and that the worsening economic situation may push adults to resort to peddling children to sexual predators online “due to the lucrative nature of these activities”. These exploitation and abuses can leave serious long-term emotional and physical effects to the children.

Despite current legislations such as the Republic Act No. 7610, otherwise known as the “Special Protection of Children Against Abuse, Exploitation, and Discrimination Act”, Filipino children remains to be vulnerable to forms of abuse and exploitation. This bill seeks to amend the current law and impose heavier penalties to express the gravity and utmost concern of the State to protect and defend the welfare and safety of our nation’s future.

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

ALFRED C. DELOS SANTOS
Representative, Ang Probinsyano Partylist
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7134

Introduced by ANG PROBINSYANO
Party-List Representative Alfred Delos Santos

AN ACT AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 7610,
OTHERWISE KNOWN AS THE “SPECIAL PROTECTION OF CHILDREN
AGAINST ABUSE, EXPLOITATION AND DISCRIMINATION ACT”

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

SECTION 1. Amendment to Section 5 of R.A. 7610. – Section 5, Article III of
Republic Act No. 7610, otherwise known as the “Special Protection of Children
Against Abuse, Exploitation, and Discrimination Act,” as amended, is hereby
further amended to read as follows:

“Section 5. Child Prostitution and Other Sexual Abuse. - Children,
whether male or female, who for money, profit, or any other
consideration or due to the coercion or influence of any adult,
syndicate or group, indulge in sexual intercourse or lascivious
conduct, are deemed to be children exploited in prostitution and other
sexual abuse.

“The penalty of reclusion temporal in its medium period to reclusion
perpetua shall be imposed upon the following:

(a) Those who engage in or promote, facilitate or induce child
prostitution which include, but are not limited to, the following:

(1) Acting as a procurer of a child prostitute;

(2) Inducing a person to be a client of a child prostitute by
means of written or oral advertisements or other similar means;
(3) Taking advantage of influence or relationship to procure a child as prostitute;

(4) Threatening or using violence towards a child to engage him as a prostitute; or

(5) Giving monetary consideration goods or other pecuniary benefit to a child with intent to engage such child in prostitution.

(b) Those who commit the act of sexual intercourse of lascivious conduct with a child exploited in prostitution or subject to other sexual abuse; Provided, That when the victims is under twelve (12) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, the Revised Penal Code, for rape or lascivious conduct, as the case may be: Provided, That the penalty for lascivious conduct when the victim is under twelve (12) years of age shall be reclusion temporal in its medium period TO RECLUSION PERPETUA; and

(c) Those who derive profit or advantage therefrom, whether as manager or owner of the establishment where the prostitution takes place, or of the sauna, disco, bar, resort, place of entertainment or establishment serving as a cover or which engages in prostitution in addition to the activity for which the license has been issued to said establishment."

Section 2. Coverage. – This Act shall not be applicable to those accused who are charged with violation of Sec. 5, Article III of R.A. No. 7610 through an Information filed before the courts prior to the effectivity of this Act and 1 are undergoing trial, regardless of the stage thereof.

This Act shall only be applicable to acts committed after its effectivity.

No accused shall be convicted and penalized with the higher penalty under this Act where the same would violate the constitutional proscription against ex post facto laws.

Section 3. Implementing Rules and Regulations. – The Department of Justice, in coordination with the Supreme Court, shall formulate and promulgate, in accordance with applicable laws and rules, such rules or regulations as are necessary to implement the provisions of this Act.

Section 4. Separability Clause. – If for any reason any part or provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.
Section 5. Repealing Clause. – All laws or parts of laws, presidential
decrees, executive orders, circulars, rules and regulations contrary to or
inconsistent with the provisions of this Act are hereby repealed or amended
accordingly.

Section 6. Effectivity. – This Act shall take effect fifteen (15) days after its
publication in the Official Gazette or in a newspaper of general circulation.

Approved,