

HOUSE OF REPRESENTATIVES

H. No. 7836

---

BY REPRESENTATIVES FORTUN, ROMUALDEZ (Y.M.), ROMUALDEZ (F.M.), ACOSTA-ALBA, PUNO, LOPEZ, AGUINALDO, SUAREZ (A.), BROSAS, CASTRO (F.L.), ELAGO, CULLAMAT, ZARATE, GAITE, BELMONTE, VILLAFUERTE, CUARESMA, ZUBIRI, SY-ALVARADO, BUSTOS, SUANSING (E.), RAMOS, LIMKAICHONG, OLIVAREZ, MARIANO-HERNANDEZ, SAVELLANO, CASTELO, BENITEZ, LIM, DY (F.), DELOSO-MONTALLA, ESCUDERO, AGABAS, CHUNGALAO, TAN (A.S.), BORDADO, TALLADO, RADAZA, VERGARA, TUTOR, ACOP, ABUNDA, ARROYO, MENDOZA, TAMBUNTING, TY (D.), SAULOG, FARIÑAS (R.C.) AND LAGMAN, PER COMMITTEE REPORT NO. 553

---

**AN ACT**

**PROVIDING FOR STRONGER PROTECTION AGAINST RAPE AND SEXUAL EXPLOITATION AND ABUSE, INCREASING THE AGE FOR DETERMINING THE COMMISSION OF STATUTORY RAPE, AMENDING FOR THE PURPOSE ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE "REVISED PENAL CODE," AND REPUBLIC ACT NO. 7610, AS AMENDED, OTHERWISE KNOWN AS THE "SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION AND DISCRIMINATION ACT"**

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

SECTION 1. Article 266-A of Act No. 3815, as amended by Republic Act No. 8353, is hereby further amended to read as follows:

**"Article 266-A. Rape; When And How Committed. - Rape [Is Committed] IS COMMITTED BY A PERSON AGAINST ANY PERSON BY:**

**[1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:**

**"a) Through force, threat, or intimidation;**

**"b) When the offended party is deprived of reason or otherwise unconscious;**

**"c) By means of fraudulent machination or grave abuse of authority; and**

**"d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.]**

**"1. INSERTING OR CAUSING THE INSERTION OF A PERSON'S PENIS INTO ANOTHER PERSON'S INNER OR OUTER VAGINAL LABIA, ANAL ORIFICE OR MOUTH;**

**"2) [By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.] INSERTING OR CAUSING THE INSERTION OF A FINGER, INSTRUMENT OR OBJECT, INTO ANOTHER PERSON'S INNER OR OUTER VAGINAL LABIA OR ANAL ORIFICE;**

**3. PLACING OR CAUSING THE PLACEMENT OF A PERSON'S PENIS BETWEEN, OR RUBBING OR CAUSING THE RUBBING THEREOF ON, THE BREASTS OF ANOTHER PERSON; OR**

**4. CAUSING A PERSON OR PERSONS TO PERFORM ANY OF THE ABOVE-MENTIONED ACTS EVEN IF THE OFFENDER DOES NOT PARTICIPATE THEREIN,**

**UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:**

**(A) BY FORCE, THREAT, INTIMIDATION, DECEPTION OR COERCION;**

**(B) BY ABUSE OF AUTHORITY OR MORAL ASCENDANCY;**

(C) BY EMPLOYMENT OF MEANS TO DEPRIVE ONE PERSON OF REASON OR TO RENDER ONE UNCONSCIOUS;

(D) BY OTHER FRAUDULENT MACHINATIONS; OR

(E) WHEN THE VICTIM IS INCAPABLE OR HAS BEEN RENDERED INCAPABLE OF GIVING CONSENT BY REASON OF PHYSICAL, MENTAL, OR PSYCHOLOGICAL DISABILITY OR CONDITION OF THE VICTIM.

SEC. 2. Articles 266-B, 266-C and 266-D of the same Act are hereby repealed.

SEC. 3. A new Article 266-B is hereby added to Act No. 3815, as amended, to read as follows:

**"ARTICLE 266-B. STATUTORY RAPE. -- A) THE CRIME OF RAPE IS ALSO COMMITTED, EVEN THOUGH NONE OF THE CIRCUMSTANCES MENTIONED UNDER ARTICLE 266-A IS PRESENT, WHEN:**

(1) THE VICTIM IS A MINOR BELOW SIXTEEN (16) YEARS OF AGE; OR

(2) THE VICTIM IS SIXTEEN (16) YEARS OF AGE OR OVER WHO HAS A PHYSICAL, MENTAL, OR PSYCHOLOGICAL DISABILITY OR CONDITION THAT RENDERS THE VICTIM UNABLE TO FULLY UNDERSTAND THE CONSEQUENCES OF ANY SEXUAL ACTIVITY.

**B) CONSENSUAL, NON-ABUSIVE AND NON-EXPLOITATIVE SEXUAL ACTIVITY WITH A PERSON BELOW SIXTEEN (16) YEARS OF AGE SHALL NOT BE CONSIDERED AS STATUTORY RAPE WHEN THE SEXUAL ACTIVITY INVOLVES:**

1) A PERSON FIFTEEN (15) YEARS OF AGE AND THE AGE DIFFERENCE BETWEEN THE PARTIES DOES NOT EXCEED FOUR (4) YEARS;

2) A PERSON FOURTEEN (14) YEARS OF AGE AND THE AGE DIFFERENCE OF THE PARTIES DOES NOT EXCEED THREE (3) YEARS; OR

3) A PERSON THIRTEEN (13) YEARS OF AGE AND THE AGE DIFFERENCE BETWEEN THE PARTIES DOES NOT EXCEED TWO (2) YEARS.

**A PARTY WHOSE CONSENT IS VITIATED AS CONTEMPLATED IN THIS SECTION BY REASON OF A**

**MENTAL OR PSYCHOLOGICAL CONDITION OR DISABILITY SHALL BE CONSIDERED IN DETERMINING THE DIFFERENCE OF AGE.**

**NOTWITHSTANDING THE PROVISIONS OF THIS ACT, SECTIONS 20, 20-A, 20-B, 20-C, 20-D, AND 20-E OF REPUBLIC ACT NO. 9344, AS AMENDED, OTHERWISE KNOWN AS THE "JUVENILE JUSTICE AND WELFARE ACT OF 2006," SHALL APPLY.**

**SEC. 4. A new Article 266-C is hereby added to Act No. 3815, as amended, to read as follows:**

**ARTICLE 266-C. GROOMING. - FOR PURPOSES OF THIS ACT, GROOMING IS HEREBY DEFINED AS A PREDATORY CONDUCT, ACT, OR PATTERN OF ACTS, OF ESTABLISHING A RELATIONSHIP, TRUST, OR EMOTIONAL CONNECTION PERSONALLY, OR VIA ELECTRONIC AND OTHER SIMILAR DEVICES, BY ANY PERSON WITH A MINOR UNDER EIGHTEEN (18) YEARS OF AGE OR ANY OF THE MEMBERS OF THE FAMILY, GUARDIAN OR CAREGIVER OF THE MINOR FOR THE PURPOSE OF PERPETRATING SEXUAL ABUSE OR EXPLOITATION. FOR PURPOSES OF THIS ARTICLE, ANY PERSON WHO HAS A PHYSICAL, MENTAL, OR PSYCHOLOGICAL DISABILITY OR CONDITION AND UNABLE TO FULLY UNDERSTAND THE CONSEQUENCES OF ANY SEXUAL ACTIVITY MAY ALSO BE A VICTIM OF GROOMING.**

**WHEN GROOMING RESULTS IN THE CONSUMMATION OF ANY OF THE ACTS OF SEXUAL ABUSE OR EXPLOITATION UNDER ARTICLE 266-A, THE PERSON RESPONSIBLE FOR THE GROOMING SHALL BE LIABLE FOR RAPE."**

**SEC . 5. A new Article 266-D is hereby added to Act No. 3815, as amended, to read as follows:**

**ARTICLE. 266-D. PRESUMPTION OF LACK OF CONSENT. - IN ALL CASES OF RAPE, LACK OF CONSENT IS PRESUMED. THE ABSENCE OR LACK OF PHYSICAL OVERT ACT OF RESISTANCE TO THE COMMISSION OF RAPE SHALL NOT BE CONSTRUED AS CONSENT.**

**SEC. 6. A new Article 266-E is hereby added to Act No. 3815, as amended, to read as follows:**

**"ARTICLE 266-E. PENALTIES FOR RAPE. - RAPE UNDER ARTICLES 266-A, 266-B AND 266-C SHALL BE PUNISHED BY RECLUSION PERPETUA.**

WHEN THE RAPE IS ATTEMPTED AND HOMICIDE IS COMMITTED BY REASON OR ON THE OCCASION THEREOF, THE PENALTY SHALL BE *RECLUSION PERPETUA*.

WHEN GROOMING WAS THE MEANS EMPLOYED TO COMMIT RAPE BUT THE SAME WAS ONLY ATTEMPTED, THE PENALTY NEXT LOWER IN DEGREE SHALL BE IMPOSED.

THE BENEFITS OF GOOD CONDUCT TIME ALLOWANCE (GCTA) UNDER REPUBLIC ACT NO. 10592, ENTITLED "AN ACT AMENDING ARTICLES 29, 94, 97, 98 AND 99 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE," SHALL NOT APPLY WHEN RAPE IS COMMITTED WITH ANY OF THE FOLLOWING AGGRAVATING CIRCUMSTANCES:

- 1) WHEN THE VICTIM IS UNDER EIGHTEEN (18) YEARS OF AGE AND THE OFFENDER IS A PARENT, ASCENDANT, STEP-PARENT, GUARDIAN, RELATIVE BY CONSANGUINITY OR AFFINITY WITHIN THE THIRD CIVIL DEGREE, OR THE COMMON-LAW SPOUSE OF THE PARENT OF THE VICTIM;
- 2) WHEN THE VICTIM IS UNDER THE CUSTODY OF THE POLICE OR MILITARY AUTHORITIES OR ANY LAW ENFORCEMENT OR PENAL INSTITUTION;
- 3) WHEN THE RAPE IS COMMITTED IN FULL VIEW OF THE SPOUSE, PARENT, ANY OF THE CHILDREN OR OTHER RELATIVES WITHIN THE THIRD CIVIL DEGREE OF CONSANGUINITY OR AFFINITY;
- 4) WHEN THE VICTIM IS A RELIGIOUS ENGAGED IN LEGITIMATE RELIGIOUS VOCATION OR CALLING AND IS PERSONALLY KNOWN TO BE SUCH BY THE OFFENDER BEFORE OR AT THE TIME OF THE COMMISSION OF THE CRIME;
- 5) WHEN THE VICTIM IS A CHILD BELOW THIRTEEN (13) YEARS OLD;
- 6) WHEN THE OFFENDER IS AFFLICTED WITH THE HUMAN IMMUNO-DEFICIENCY VIRUS (HIV)/ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) OR ANY OTHER SEXUALLY TRANSMISSIBLE DISEASE AND THE VIRUS OR DISEASE IS TRANSMITTED TO THE VICTIM;
- 7) WHEN COMMITTED BY ANY MEMBER OF THE ARMED FORCES OF THE PHILIPPINES OR ITS PARA-MILITARY UNITS, THE PHILIPPINE NATIONAL POLICE (PNP) OR ANY LAW ENFORCEMENT AGENCY OR PENAL INSTITUTION, ANY PERSON IN AUTHORITY AS DEFINED BY LAW, OR ANY PRIVATE INDIVIDUAL WHO TOOK ADVANTAGE OF ONE'S

POSITION, AUTHORITY, INFLUENCE OR MORAL ASCENDANCY;

- 8) WHEN BY REASON OR ON THE OCCASION OF THE RAPE, THE VICTIM SUFFERED PERMANENT PHYSICAL MUTILATION OR DISABILITY;
- 9) WHEN THE OFFENDER KNEW OF THE PREGNANCY OF THE VICTIM AT THE TIME OF THE COMMISSION OF THE CRIME;
- 10) WHEN THE OFFENDER KNEW OF THE MENTAL DISABILITY, EMOTIONAL DISORDER, OR PHYSICAL HANDICAP OF THE VICTIM AT THE TIME OF THE COMMISSION OF THE CRIME;
- 11) WHEN BY REASON OF THE RAPE, THE VICTIM BECOMES PREGNANT;
- 12) WHEN THE VICTIM HAS SUFFERED PERMANENT MENTAL OR PSYCHOLOGICAL DISABILITY; OR
- 13) WHEN THE OFFENDER USED GROOMING AS A MEANS TO COMMIT THE CRIME.

SEC.7. A new Article 266-F is hereby added to Act No. 3815, as amended, to read as follows:

“ARTICLE 266-F- EFFECT OF RECONCILIATION OR SUBSEQUENT VALID MARRIAGE. – THE SUBSEQUENT VALID MARRIAGE BETWEEN THE VICTIM AND THE OFFENDER SHALL NOT EXTINGUISH THE CRIMINAL ACTION FOR RAPE OR THE PENALTY IMPOSED THEREON.

SUBSEQUENT RECONCILIATION BETWEEN LEGITIMATE SPOUSES SHALL NOT EXTINGUISH THE CRIMINAL LIABILITY OF THE OFFENDER.”

SEC.8. A new Article 266-G is hereby added to Act No. 3815, as amended, to read as follows:

“ARTICLE 266-G. WHO MAY FILE A COMPLAINT FOR RAPE. – A COMPLAINT MAY BE FILED BY ANY OF THE FOLLOWING:

- (A) THE OFFENDED PARTY;
- (B) PARENTS OR GUARDIANS OF THE OFFENDED PARTY;

(C) ASCENDANTS, DESCENDANTS OR COLLATERAL RELATIVES WITHIN THE FOURTH CIVIL DEGREE OF CONSAGUINITY OR AFFINITY;

(D) OFFICERS OR SOCIAL WORKERS OF THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD) OR SOCIAL WORKERS OF LOCAL GOVERNMENT UNITS (LGUs);

(E) POLICE OFFICERS;

(F) PUNONG BARANGAY OR BARANGAY KAGAWAD;

(G) LAWYER, COUNSELOR, THERAPIST OR HEALTHCARE PROVIDER OF THE OFFENDED PARTY; OR

(H) A CONCERNED CITIZEN WHO HAS KNOWLEDGE OF THE COMMISSION OF THE CRIME."

SEC.9. A new Article 266-H is hereby added to Act No. 3815, as amended, to read as follows:

"ARTICLE 266-H. PERSONS MANDATED TO REPORT RAPE CASES. - A) IT SHALL BE THE DUTY OF THE FOLLOWING PERSONS TO REPORT ALL INCIDENTS OF RAPE AND OTHER SEXUAL OFFENSES TO THE DSWD, THE DEPARTMENT OF EDUCATION (DEPED), THE PNP OR ANY LAW ENFORCEMENT AGENCY, OR THE CONCERNED LGU WITHIN FORTY EIGHT (48) HOURS FROM KNOWLEDGE THEREOF:

1. ANY HEALTHCARE PROVIDER, INCLUDING THE ATTENDING PHYSICIAN, NURSE, CLINICIAN, BARANGAY HEALTH WORKER, OR ANY PERSON WHO HAS CAUSED THE EXAMINATION OR TREATMENT OF THE VICTIM APPEARING TO HAVE SUFFERED FROM RAPE OR OTHER SEXUAL OFFENSES;
2. TEACHER, GUIDANCE COUNSELOR, PRINCIPAL, SCHOOL HEAD, OR ANY PERSON WHOSE WORK INVOLVES THE EDUCATION, TRAINING, AND CARE OF CHILDREN;
3. ANY SOCIAL WORKER WHO HAS REASON TO BELIEVE THAT RAPE OR OTHER SEXUAL OFFENSES HAVE BEEN COMMITTED OR HAS BEEN DULY INFORMED THEREOF BY THE VICTIM;

4. ANY NATIONAL OR LOCAL PUBLIC OFFICER; OR
5. ANY PERSON WHO HAS KNOWLEDGE OF THE COMMISSION OF RAPE OR OTHER SEXUAL OFFENSES:

B) THE PERSONS MANDATED TO REPORT CASES OF RAPE OR OTHER SEXUAL OFFENSES SHALL HAVE, AS FAR AS APPLICABLE, THE FOLLOWING RESPONSIBILITIES:

1. PROPERLY DOCUMENT ANY OF THE VICTIM'S PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL INJURIES;
2. PROPERLY RECORD OBSERVATION ON THE VICTIM'S CONDITION AND CIRCUMSTANCES DURING THE EXAMINATION OR VISIT;
3. SAFEGUARD THE RECORDS AND MAKE THEM IMMEDIATELY AVAILABLE TO THE VICTIM UPON REQUEST; AND
4. IMMEDIATELY REPORT THE SUSPECTED COMMISSION OF RAPE TO THE PROPER AUTHORITIES."

C) FAILURE TO REPORT POSSIBLE RAPE OR SEXUAL OFFENSES UNDER THIS ACT SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN FIFTY THOUSAND PESOS (P50,000.00) WITHOUT PREJUDICE TO ANY ADMINISTRATIVE LIABILITY, IF APPLICABLE.

D) NO CRIMINAL, CIVIL, OR ADMINISTRATIVE ACTION MAY BE FILED AGAINST ANY PERSON WHO IS PERFORMING THE RESPONSIBILITIES MANDATED UNDER THIS ARTICLE."

SEC.10. A new Article 266-I is hereby added to Act No. 3815, as amended, to read as follows:

"ARTICLE 266-I AFFIDAVIT OF DESISTANCE – THE SUBMISSION OF AN AFFIDAVIT OF DESISTANCE AT ANY STAGE OF THE CRIMINAL ACTION OR PROCEEDINGS IS NOT ALLOWED."

SEC.11. A new Article 266-J is hereby added to Act No. 3815, as amended, to read as follows:

**"ARTICLE 266-J. AMICABLE SETTLEMENT. – ANY AMICABLE SETTLEMENT AT ANY STAGE OF THE PROCEEDINGS FOR RAPE OFFENSES IS PROHIBITED."**

**SEC.12. A new Article 266-K is hereby added to Act No. 3815, as amended, to read as follows:**

**"ARTICLE 266-K. CONFIDENTIALITY AND PRIVACY. - THE JUDGES, PROSECUTORS, OR OFFICERS OF THE COURT, SHALL ENSURE THE CONFIDENTIALITY OF THE PROCEEDINGS FOR RAPE OFFENSES. FOR THIS PURPOSE, THE INVESTIGATING PROSECUTOR OR THE JUDGE SHALL HOLD CLOSED DOOR PROCEEDINGS TO PROTECT THE IDENTITY AND PRIVACY OF THE PARTIES.**

**THE JUDGE, PROSECUTOR OR ANY OFFICER OF THE COURT, WHO VIOLATES OR FAILS TO COMPLY WITH THE PROVISIONS OF ARTICLES 266-I, 266-J, AND 266-K OF THIS ACT SHALL BE PUNISHED WITH A FINE OF NOT LESS THAN FIFTY THOUSAND PESOS (P50,000) WITHOUT PREJUDICE TO ANY ADMINISTRATIVE LIABILITY."**

**SEC.13. Articles 337, 338, 342 and 343 of Act No. 3815, as amended are hereby repealed.**

**SEC.14. A new Article 337 is hereby added to Act No. 3815, as amended, to read as follows:**

**"ARTICLE 337. SEDUCTION. – THE SEDUCTION OF A MINOR OVER SIXTEEN (16) BUT UNDER EIGHTEEN (18) YEARS OF AGE, COMMITTED BY MEANS OF DECEIT SHALL BE PUNISHED BY *PRISION CORRECCIONAL*: *PROVIDED*, THAT IF THE AGE DIFFERENCE BETWEEN THE PARTIES IS TEN (10) YEARS AND ABOVE, THE ELEMENT OF DECEIT IS PRESUMED: *PROVIDED, FUTHER*, THAT IF THE SEDUCTION RESULTED IN THE PREGNANCY OF THE VICTIM, THE OFFENDER SHALL BE RESPONSIBLE FOR THE SUPPORT OF THE CHILD AS MAY BE ORDERED BY THE COURT."**

**SEC.15. A new Article 338 is hereby added to Act No. 3815, as amended, to read as follows:**

**"ARTICLE 338. *QUALIFIED SEDUCTION*. - THE SEDUCTION OF A MINOR AGED SIXTEEN (16) YEARS AND UNDER EIGHTEEN (18) YEARS OF AGE, COMMITTED BY ANY PERSON IN PUBLIC AUTHORITY, PRIEST, OR RELIGIOUS ENGAGED IN A RELIGIOUS VOCATION OR CALLING, DOMESTIC, GUARDIAN, TEACHER OR ANY PERSON WHO, IN ANY CAPACITY, SHALL**

BE ENTRUSTED WITH THE EDUCATION OR CUSTODY OF THE MINOR SEDUCED, SHALL BE PUNISHED BY PRISION MAYOR IN ITS MEDIUM AND MAXIMUM PERIODS.

THE PENALTY NEXT HIGHER IN DEGREE SHALL BE IMPOSED UPON:

- (1) ANY PERSON WHO SHALL SEDUCE A FULL OR HALF-BLOOD SIBLING OR DESCENDANT.
- (2) ANY EMPLOYER, MANAGER, SUPERVISOR, AGENT OF THE EMPLOYER, TEACHER, INSTRUCTOR, PROFESSOR, COACH, TRAINOR, OR ANY PERSON WHO, HAVING AUTHORITY, INFLUENCE OR MORAL ASCENDANCY OVER ANOTHER IN A WORK, TRAINING OR EDUCATION ENVIRONMENT, SEDUCES A WORKER, EMPLOYEE, APPLICANT FOR EMPLOYMENT, STUDENT OR ONE UNDERGOING TRAINING, INSTRUCTION OR EDUCATION."

UNDER THE PROVISIONS OF THIS CHAPTER, SEDUCTION IS COMMITTED WHEN THE OFFENDER HAS CARNAL KNOWLEDGE OF ANY OF THE PERSONS AND UNDER THE CIRCUMSTANCES DESCRIBED HEREIN.

SEC.16. Section 5 of Republic Act No. 7610, as amended is hereby amended as follows:

"SEC. 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.

xxx

(b) Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subject to other sexual abuse[;]: *Provided*, That when the victim is under [twelve (12)] SIXTEEN (16) years of age, the perpetrators shall be prosecuted under [Article 335, paragraph 3, for rape and Article 336 of Act No. 3815] ARTICLE 266-B, ARTICLE 266-C OF THE REVISED PENAL CODE, as amended, [the Revised Penal Code,] for STATUTORY rape, GROOMING or lascivious conduct, as the case may be; and

xxx"

SEC.17. Section 7 of Republic Act No. 7610 is hereby amended as follows:

"SEC. 7. Child Trafficking. – Any person who shall engage in trading and dealing with children AS DEFINED HEREIN including, [but not limited to,] the act of buying and selling of a child for money, or for any consideration, or barter, shall suffer the penalty of [reclusion temporal to] *reclusion perpetua*. [The penalty shall be imposed in its maximum period when the victim is under twelve (12) years of age].

xxx"

SEC.18. Section 9 of Republic Act No. 7610 is hereby amended as follows:

"SEC. 9. Obscene Publications and Indecent Shows. - Any person who shall hire, employ, use, persuade, induce, or coerce a child to perform in obscene exhibitions and indecent shows, whether live or in video, or model in obscene publications or pornographic materials, or to sell or distribute the said materials shall suffer the penalty of *prision mayor* in its medium period.

If the child used as a performer, subject, or seller/distributor is below [twelve (12)] EIGHTEEN (18) years of age, the penalty OF *RECLUSION TEMPORAL* shall be imposed in its maximum period.

xxx"

SEC.19. Section 10 of Republic Act No. 7610 is hereby amended as follows:

"SEC. 10. Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child's Development. –

xxx

"(b) Any person AT LEAST TEN (10) YEARS OLDER AND who [shall] keepS or [have] HAS in [his] company a minor [twelve (12)] UNDER SIXTEEN (16) YEARS OF AGE [or under or who is ten (10) years or more his junior] in any public or private place, hotel, motel, beer joint, discotheque, cabaret, pension house, sauna or massage parlor, beach, and/or other tourist or similar places shall suffer the penalty or *prision mayor* in its maximum period and a fine of not less than fifty thousand pesos (Php 50,000): *Provided*, That this provision shall not apply to any person who is related within the fourth degree of consanguinity or affinity or any bond

recognized by law, local custom and tradition or acts in the performance of a social, moral or legal duty.”

xxx”

**SEC.20.** Public and private institutions engaged in the education, training, and care of children shall ensure that their curriculum for continuing staff development include plans and learning sessions on the scope of their duties and responsibilities in identifying, responding to and reporting rape and other sexual offenses.

**SEC. 21.** The Secretary of Social Welfare and Development, Secretary of Justice through the National Prosecution Service, and the Chief of the PNP shall submit an annual report to the Congress of the Philippines including the data and status of cases involving rape, sexual abuse and exploitation.

**SEC. 22.** This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,