

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



22 SEP -7 P3 :27

SENATE
S. No. 1291

RECEIVED BY:

Introduced by Senator Jinggoy Ejercito Estrada

AN ACT
ESTABLISHING A NATIONAL SEX OFFENDER REGISTRATION DATABASE
AND PROVIDING FUNDS THEREFORE AND FOR OTHER PURPOSES

EXPLANATORY NOTE


The 1987 Philippine Constitution in Article II Section 11 provides that "the State values the dignity of every human person and guarantees full respect for human rights." Section 5 further states that "The maintenance of peace and order, the protection of life, liberty and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy." Furthermore, Section 24 states that "The State recognizes the vital role of communication and information in nation-building."

The disturbing increase in the number of reported sex-related offenses in the country, over the years, has tremendously caused public panic and alarm, particularly amongst the vulnerable sector of women and children. Indeed, it seems that despite the many legal instruments for the protection of women and children, and despite stricter measures implemented by law enforcement agencies, the problem not only continues, but also worsens, with many sex offenders able to consummate their fiendish schemes against unsuspecting victims.

Studies suggest that many sex offenders, albeit apprehended and convicted previously, continue doing heinous activities and are able to do so by relocating elsewhere so they may not be detected. This is unfortunate. Certainly, the many special penal laws against sex-related offenses so enacted of late shall be futile, unless ample public protection and warning is provided for.

The proposed measure aims to establish a national sex offender registration database in order to allow the public to obtain relevant information and data on convicted and suspected sex offenders, which may be of use not only to the general public, but particularly to various non-government organizations working for the protection of women and children who more often than not are the target victims of sex-related offenses.

Hence, passage of this important measure is earnestly sought.



JINGGOY EJERCITO ESTRADA
Senator

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

1 Section 1. *Short Title.* – This Act shall be known as the “*National Sex Offender*
2 *Registry Act*”.

3 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
4 value the dignity of women and children and guarantee full respect for human
5 rights. The State also recognizes the need to protect the family and its members
6 along with their physical, moral, spiritual, and social well-being.

7 Towards this end, it shall adopt measures to ensure their safety from any
8 form of violence, sexual abuse and exploitation by making our concerned law
9 enforcement agencies aware of the presence of sexual offenders, who are possible
10 threats to the personal safety and well-being of Filipino citizens, especially the
11 vulnerable women and children in every part of the country.

12 Sec. 3. *Definition of Terms.* – For the purposes of this Act, the following shall
13 be defined as follows;

14 a) *National Sex Offender Registry Database* – refers to the national
15 database which shall contain the names and other pertinent details of
16 sex offenders who reside or sojourn in the country, regardless of
17 nationality or citizenship;

1 b) *Sex offender* – refers to any person convicted by final judgment of :

2 a. Rape;

3 b. Crimes committed against chastity;

4 c. Violation of RA 9262 also known as the Anti-Violence Against
5 Women and Children Act of 2004, as amended.

6 The term shall include persons convicted of final judgment
7 before foreign courts for the crimes of rape, sexual assault, acts
8 of lasciviousness, or other similar crimes involving sexual
9 violence of activity.

10 Sec. 4. *Establishment of National Sex Offender Registry Database.* – The
11 Secretary of the Department of Justice (DOJ) shall establish a National Sex Offender
12 Registry that makes available and accessible to the Philippine National Police (PNP)
13 and to concerned law enforcement agencies, all information necessary to determine
14 which registered sex offenders are currently residing within a radius, as specified by
15 the user of the registry, of the location indicated by the user of the registry. It shall
16 allow immediate information-sharing between local and foreign jurisdiction for each
17 sex offender, in addition to any other information that will be deemed necessary for
18 the proper registration and identification of sex offenders:

19 a) Full name and aliases;

20 b) Permanent and present residential addresses;

21 c) Employment history;

22 d) Fingerprints and DNA samples;

23 e) Complete criminal history;

24 f) Education information;

25 g) Recent photograph.

26 Convicted sex offenders, prior to being released from imprisonment, shall
27 register in each province, city, or municipality where they are residing, are
28 employed, or are studying. Sex offenders shall be required to regularly update their
29 registration. Moreover, a sex offender who changes residence, employment, or
30 school shall update registration within ten (10) days from the said change.

31 Sec. 5. *Duration of Inclusion in the Registry.* – The sex offenders convicted in
32 local and foreign courts shall remain in the registry for life and shall be required to

1 appear at least once a year before the local police in his/her place of residence.
2 Moreover, sex offenders must verify their information in person.

3 *Sec. 6. Public Information and Education.* – There shall be information and
4 education campaign spearheaded by the DOJ and the PNP to raise public awareness
5 on the existence of the Registry and to instruct concerned law enforcement agencies
6 on how to access and use it.

7 *Sec. 7. Penalties.* – Pursuant to this Act, sex offenders who shall knowingly
8 and willfully fail to register or update their information as provided herein, shall
9 suffer the penalty of one (1) to five (5) years of imprisonment and a fine of ten
10 thousand pesos (Php10,000.00).

11 *Sec. 8. Department of Justice (DOJ) as the Implementing Agency.* – The DOJ
12 shall be mandated to create and maintain the necessary database, computer system,
13 and software that will establish the NSOR. The database, computer system, and
14 software shall be shared with the PNP and the NBI and other concerned law
15 enforcement agencies.

16 *Sec. 9. Appropriations.* – The funding necessary for the implementation of this
17 Act shall be included in the yearly budget allocation of the DOJ under the General
18 Appropriations Act.

19 *Sec. 10. Implementing Rules and Regulations.* – Within ninety (90) days from
20 the effectivity of this Act, the DOJ shall, in coordination with the Department of
21 Interior and Local Government, Philippine National Police, Department of
22 Information and Communications Technology (DICT) promulgate the rules and
23 regulations necessary for the implementation of this Act.

24 *Sec. 11. Repealing Clause.* – Pertinent provisions of Presidential Decree 442
25 or the Labor Code of the Philippines as amended, Executive Order No. 111 series of
26 1986, RA 7796 or the TESDA Act of 1994 and all other laws, decrees, executive
27 orders and rules and regulations contrary to or inconsistent with the provisions of
28 this Act are hereby repealed or modified accordingly.

29 *Sec. 12. Separability Clause.* – If any provision or provision of this Act is
30 declared unconstitutional or invalid, the remainder of this Act or any provisions not
31 affected thereby shall remain in force and effect.

1 Sec. 13. *Effectivity.* – This Act shall take effect fifteen (15) days from the date
2 of its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,