



22 OCT 19 AIO :25

SENATE
S. B. No. 1397

RECEIVED BY: _____

Introduced by Senator Francis "Tol" N. Tolentino

AN ACT
IMPOSING STIFFER PENALTIES FOR CHILD ABUSE, EXPLOITATION AND
DISCRIMINATION, AMENDING FOR THE PURPOSE REPUBLIC ACT NO.
7610, AS AMENDED

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

EXPLANATORY NOTE

The Constitution enshrines that the youth of the country is the catalyst for nation-building and according to our National Hero Dr. Jose Rizal, they are the hope of our motherland. The proper rearing of our youth is essential in ensuring that we are creating future generations of well-prepared citizens that will assume the task of being good leaders and custodians of the Philippine Republic.

Corollary to this, it is the responsibility of the government to provide mechanisms by which the youth of this country are protected against unscrupulous and scheming individuals and ungodly practices. To this end, the government enacted Republic Act 7610 - otherwise known as the *Special Protection of Children Against Abuse, Exploitation, and Discrimination Act* - on 17 June 1992. It was designed specifically to allow the State to play a vital role in the safe, saecure and wholesome rearing of our children for them to be protected and to become good citizens of our country.

1992 when Republic Act 7610 was enacted into law was a quarter of a century ago and now there are still numerous instances where minors are exploited by both foreign predators and domestic abusers. The law needs updating now, and the penalties imposed therein do not seem to be attuned to the 21st Century. It is the duty of this modern legislature, the Nineteenth Congress of the Philippines, to ensure that the laws of the country keep up with the times in order to secure relevance and protection for our citizens in general and our children in particular. This bill was approved on third reading during the 18th Congress and was transmitted to the Senate but due to lack of material time, the same was not discussed in this chamber.

In view of the foregoing, approval of this bill is earnestly recommended.


FRANCIS "TOL" N. TOLENTINO

**NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES** }
} }
First Regular Session

22 OCT 19 AIO 25

RECEIVED BY:



SENATE
S. B. No. 1397

Introduced by Senator Francis "Tol" N. Tolentino

AN ACT
IMPOSING STIFFER PENALTIES FOR CHILD ABUSE, EXPLOITATION AND
DISCRIMINATION, AMENDING FOR THE PURPOSE REPUBLIC ACT NO.
7610, AS AMENDED

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

1 **SECTION 1.** Section 9 of Republic Act No. 7610, otherwise known as
2 the "Special Protection of Children Against Child Abuse, Exploitation and
3 Discrimination Act". is hereby amended to read as follows:

4
5 "SEC. 9. *Obscene Publications and Indecent Shows.* - Any person who
6 shall hire, employ, use, persuade, induce or coerce a child to perform
7 in obscene exhibitions and indecent shows, whether live or in video,
8 pose, or model in obscene publications or pornographic materials or
9 to sell or distribute the said materials shall suffer the penalty of ~~imprison~~
10 ~~mayor in its medium period~~] IMPROSIONMENT RANGING FROM FOURTEEN
11 (14) YEARS, EIGHT (8) MONTHS AND ONE (1) DAY TO SEVENTEEN
12 (17) YEARS AND FOUR (4) MONTHS .

13
14 If the child used as a performer, subject or seller/distributor is below
15 twelve (12) years of age, the penalty shall be ~~imposed in its~~

1 ~~maximum period~~] THIRTY (30) YEARS AND ONE (1) DAY TO FORTY
2 (40) YEARS.

3
4 Any ascendant, guardian, or person entrusted in any capacity with the
5 care of a child who shall cause and/or allow such child to be
6 employed or to participate in an obscene play, scene, act, movie or
7 show or in any other acts covered by this section shall suffer the
8 penalty ~~[of prison mayor in its um period]~~ IMPRISONMENT RANGING
9 FROM SEVENTEEN (17) YEARS, FOUR (4) MONTHS AND ONE
10 (I) DAY TO TWENTY (20) YEARS.

11
12 **SEC. 2.** Section 10 of the same Act as amended, is hereby amended to read as
13 follows:

14
15 "SEC. 10. *Other Acts of Neglect, Abuse, Cruelty or Exploitation and*
16 *Other Conditions Prejudicial to the Child's Development.* -

17
18 "(a) Any person who shall commit any other acts of child abuse,
19 cruelty or exploitation or be responsible for other conditions
20 prejudicial to the child's development including those covered by
21 Article 59 of Presidential Decree No. 603, as amended, but not
22 covered by the Revised Penal Code, as amended, shall suffer the
23 penalty of ~~[prison mayor in its minimum period]~~ OF IMPRISONMENT
24 RANGING FROM TWELVE (12) YEARS AND ONE (1) DAY TO
25 FOURTEEN (14) YEARS AND EIGHT (8) MONTHS.

26
27 "(b) Any person who shall keep or have in his company a
28 minor, twelve (12) years or under or who is ten (10) years or more
29 his junior in any public or private place, hotel, motel, beer joint,
30 discotheque, cabaret, pension house, sauna or massage parlor,
31 beach and/or other tourist resort or similar places shall suffer the
32 penalty ~~[of prison mayor in its maximum]~~ OF IMPRISONMENT

1 RANGING FROM FOURTEEN (14) YEARS, EIGHT (8) MONTHS
2 AND ONE (1) DAY TO SEVENTEEN (17) YEARS AND FOUR (4)
3 MONTHS and a fine of not less than ~~{Fifty thousand pesos~~
4 ~~{P50,000}~~ FIVE HUNDRED THOUSAND PESOS (P500,000.00):
5 *Provided*, That this provision shall not apply to any person who is
6 related within the fourth degree of consanguinity or affinity or any
7 bond recognized by law, local custom and tradition, or acts
8 in the performance of a social, moral or legal duty.

9
10 "(c) Any person who shall induce, deliver or offer a minor
11 to any one prohibited by this Act to keep or have in his company a
12 minor as provided in the preceding paragraph shall suffer the
13 penalty ~~{of prison mayor in its medium period}~~ OF
14 IMPRISONMENT RANGING FROM TEN (10) YEARS, AND ONE (1)
15 DAY TO TWELVE (12) YEARS and a fine of not less than ~~{Forty~~
16 ~~thousand pesos (P40,000)}~~ FOUR HUNDRED THOUSAND PESOS
17 (P400,000.00): *Provided, however*, That should the perpetrator
18 be an ascendant, step-parent or guardian of the minor, the penalty
19 to be imposed shall be ~~{prison mayor in its maximum period}~~ FROM
20 FOURTEEN (14) YEARS, EIGHT (8) AND ONE (1) DAY TO
21 SEVENTEEN (17) YEARS AND FOUR (4) MONTHS, a fine of not less
22 than ~~{Fifty thousand pesos (P50,000)}~~ FIVE HUNDRED
23 THOUSAND PESOS (P500,000.00), and the loss of parental
24 authority over the minor. "THE OFFENDER SHALL LIKEWISE
25 UNDERGO A RE-EDUCATION AND RE-ORIENTATION PROGRAM
26 ON CHILD PROTECTION TO BE CONDUCTED BY THE DEPARTMENT
27 OF SOCIAL WELFARE AND DEVELOPMENT.

28
29 "(d) Any person, owner, manager or one entrusted with the
30 operation of any public or private place of accommodation,
31 whether for occupancy, food, drink or otherwise, including
32 residential places, who allows any person to take along with him
33 to such place or places any minor herein described shall be

1 imposed a penalty [~~of prision mayor in its medium period~~] OF
2 IMPRISONMENT RANGING FROM TEN (10) YEARS, AND ONE (1)
3 DAY TO TWELVE (12) YEARS period and a fine of not less than
4 [~~Fifty thousand pesos (P50,000)~~] FIVE HUNDRED THOUSAND PESOS
5 (P500,000.00), and the loss of the license to operate such a
6 place or establishment.

7 "(e) Any person who shall use, coerce, force or intimidate a
8 street child or any other child to:

9 "(1) Beg or use begging AS a means of living;

10 "(2) Act as conduit or middlemen in drug trafficking or pushing;
11 or

12 "(3) Conduct any illegal activities, shall suffer the
13 penalty of [~~prision correccional in its medium period to~~
14 ~~reclusion perpetua~~] IMPRISONMENT RANGING FROM TWELVE
15 (12) YEARS, AND ONE (1) DAY TO THIRTY (30) YEARS

16 "xxx."

17
18 **SEC. 3.** Section 16 of the same Act, as amended, is hereby
19 further amended to read as follows:

20
21 "SEC. 16. *Penal Provisions.* -

22 "(a) Any employer who violates Sections 12, 12-A, and Section
23 14 of this Act, as amended, shall be penalized by imprisonment of
24 [~~six (6) months~~] ONE (1) YEAR and one (1) day to six (6)
25 years or a fine of not less than [~~Fifty thousand pesos~~
26 (P50,000.00)] ONE HUNDRED THOUSAND PESOS
27 (P100,000.00) but not more than [~~Three hundred thousand pesos~~
28 (P300,000.00)] FOUR HUNDRED THOUSAND PESOS
29 (P400,000.00) or both at the discretion of the court.
30

31 "(b) Any person who violates the provision of Section 12-D of
32 this Act or the employer of the subcontractor who employs, or the

1 one who facilitates the employment of a child in hazardous work,
2 shall suffer the penalty of a fine of not less than ~~{One hundred~~
3 ~~thousand pesos (P100,000.00)}~~ TWO HUNDRED THOUSAND
4 PESOS (P200,000.00) but not more than One million pesos
5 (P1,000,000.00), or imprisonment of not less than twelve (12) years
6 and one (1) day to twenty (20) years, or both such fine and
7 imprisonment at the discretion of the court.

8
9 "(c) Any person who violates Sections 12-D (I) and 12-
10 0(2) shall be prosecuted and penalized in accordance with the
11 penalty provided for by ~~[R.A. 9208 otherwise known as the~~
12 ~~'Anti-trafficking in Persons Act of 2003']~~ SECTION 12 OF
13 REPUBLIC ACT NO. 10364 OR THE 'EXPANDED ANTI-
14 TRAFFICKING IN PERSONS ACT OF 2012': *Provided,* That such
15 penalty shall be imposed in its maximum period.

16
17 "(d) Any person who violates Section 12-0(3) shall
18 be prosecuted and penalized in accordance with R.A.
19 9165, otherwise known as the 'Comprehensive Dangerous
20 Drugs Act of 2002': *Provided,* That such penalty shall be imposed
21 in its maximum period.

22
23 "(e) If a corporation commits any of the violations
24 aforecited, the board of directors/trustees and officers, which
25 include the president, treasurer and secretary of the said
26 corporation who participated in or knowingly allowed the violation,
27 shall be penalized accordingly as provided for under this Section.

28
29 "(f) Parents, biological or by legal fiction, and legal
30 guardians found to be violating Sections 12, 12-A 12-B and 12-
31 C of this Act shall pay a fine of not less than ~~{Ten thousand pesos~~
32 ~~(P10,000.00)}~~ ONE HUNDRED THOUSAND PESOS (P100,000.00)
33 but not more than ~~{One hundred thousand pesos~~

1 ~~{P100,000.00}~~ THREE HUNDRED THOUSAND PESOS
2 (P300,000.00), or be required to render community service for
3 not less than [thirty (30) days) THREE (3) MONTHS but not
4 more than one (1) year, or both such fine and community service
5 at the discretion of the court: *Provided.* That the maximum length
6 of community service shall be imposed on parents, (or) legal
7 guardians OR ADULT CAREGIVERS WHO HAVE CUSTODY OF
8 THE CHILD AND who have violated the provisions of this Act three
9 (3) times: *Provided, further,* That in addition to the community
10 service, the penalty of imprisonment of ~~[thirty (30) days]~~ FROM
11 THREE (3) MONTHS but not more than one (1) year or both at the
12 discretion of the court, shall be imposed on the parents or legal
13 guardians who have violated the provisions of this Act more than three
14 (3) times.

15
16 "(g) The Secretary of Labor and Employment or his/her duly
17 authorized representative may, after due notice and hearing,
18 order the closure of any business firm or establishment found
19 to have violated any of the provisions of this Act more than three
20 (3) times. He/she shall likewise order the immediate closure
21 of such firm or establishment if:

22
23 "(1) The violation of any provision of this Act has
24 resulted in the death, insanity or serious physical injury of a
25 child employed in such establishment; or

26
27 "(2) Such firm or establishment is engaged or employed
28 in prostitution or in obscene or lewd shows.

29
30 "(h) In case of such closure, the employer shall be required
31 to pay the employee(s) the separation pay and other monetary
32 benefits provided for by law."
33

1 **SEC. 4.** Section 20 of the same Act is hereby amended to read as follows:

2
3 "SEC. 20. *Discrimination.* - Children of indigenous cultural communities
4 shall not be subjected to any and all forms of discrimination.

5
6 "Any person who discriminates against children of indigenous
7 cultural communities shall suffer a penalty [~~of arresto mayor in its~~
8 ~~maximum~~] OF IMPRISONMENT RANGING FROM TWO (2) YEARS, FOUR
9 (4) MONTHS AND ONE (1) DAY TO FOUR (4) YEARS AND TWO (2)
10 MONTHS and a fine of not less than [~~Five thousand pesos (P5,000)~~] FIFTY
11 THOUSAND PESOS (P50,000.00) nor more than [~~Ten thousand pesos~~
12 (~~P10,000~~)] ONE HUNDRED THOUSAND PESOS (P100,000.00). IN
13 ADDITION, THE OFFENDER SHALL LIKEWISE UNDERGO A
14 REEDUCATION AND REORIENTATION PROGRAM ON THE
15 INDIGENOUS PEOPLES CULTURE OF THE PHILIPPINES, TO BE
16 CONDUCTED BY THE NATIONAL COMMISSION ON INDIGENOUS
17 PEOPLES OR THE PHILIPPINE TASK FORCE FOR INDIGENOUS PEOPLES
18 RIGHTS.

19
20 **SEC. 5.** Within one hundred eighty (180) days from the effectivity of this
21 Act, the Secretary of Labor and Employment in coordination with the Secretary of
22 Social Welfare and Development, concerned agencies in the public sector and
23 other stakeholders in the private sector, shall issue the necessary rules and
24 regulations to effectively implement the provisions of this Act.

25
26 **SEC. 6.** If any provision of this Act is held invalid or unconstitutional, other
27 provisions not affected thereby shall remain to be in full force and effect.

28
29 **SEC. 7.** All laws, decrees, orders, rules and regulations, inconsistent with
30 any of the provisions of this Act are hereby repealed, amended or modified
31 accordingly.

1 **SEC. 8.** This Act shall take effect fifteen (15) days after its publication in the
2 *Official Gazette* or in a newspaper of general circulation.

3

4 Approved,