

FIFTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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SENATE
OFFICE OF THE SECRETARY

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SENATE
S.B. No. 1112

INTRODUCED BY SEN. MANNY VILLAR

EXPLANATORY NOTE

It has been noted that rampant violations of Republic Act Number 7610, the statute governing the special protection of children against abuse, exploitation and discrimination remain unabated. The most hateful of these offenses are the continuing number of child rape and sexual molestations as well as cases of child prostitution involving minors below the age of twelve (12).

What has made the situation even more scandalous is the deplorable corrupt manner and the seeming indifference of some government and law enforcement officials including those assigned in local government units, as well as members of criminal justice system, handled cases of those violations.

This legislation intends to help correct the situation by amending pertinent provisions of the Republic Act No. 7610:

- a) It increases the penalties for violations of Sections 5,6,7 & 8 of R.A. 7610;
- b) Cases involving children below twelve (12) years old shall automatically require a hold order for those accused to prevent them from fleeing abroad; and
- c) Law enforcers and members of the judiciary found guilty of violations under Sections 5, 6, 7 & 8 of R.A. 7610 shall be penalized with the maximum penalty that may be imposed upon final conviction of their guilt.

Early enactment of this bill is immediately sought.


MANNY VILLAR

FIFTEENTH CONGRESS OF THE)
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RECEIVED

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AN ACT
INCREASING THE PENALTIES FOR CHILD PROSTITUTION, SEXUAL ABUSE AND
CHILD TRAFFICKING, AMENDING FOR THE PURPOSE SECTIONS 5, 6, 7 AND 8
OF REPUBLIC ACT NO. 7610, AS AMENDED, OTHERWISE KNOWN AS THE
SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE, EXPLOITATION
AND DISCRIMINATION ACT, AND FOR OTHER PURPOSES

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

SECTION 1. Declaration of Policy. - it is hereby declared the policy of the State to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination, and other conditions prejudicial to their development. The State shall guard and defend the interest of children and guarantee the exercise of their rights. The State shall adopt such measures as would effectively promote the health, safety and welfare of children.

SECTION 2. Section 5 Republic Act No.7610, 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 sexual abuse.

The penalty of [reclusion temporal in its medium period to] reclusion perpetua **IN ITS MEDIUM AND MAXIMUM PERIODS AND A FINE RANGING FROM FIVE HUNDRED THOUSAND PESOS (P500,000) TO ONE MILLION PESOS (P1,000,000)** 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 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 a 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 the intent to engage such child in prostitution.

[(b) Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subjected to other sexual abuse: Provided, That when the victim 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; and]

[(c)] (B) 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.

THE PENALTY OF RECLUSION TEMPORAL IN ITS MEDIUM PERIOD TO RECLUSION PERPETUA AND A FINE RANGING FROM ONE HUNDRED THOUSAND PESOS (P100,000) TO FIVE HUNDRED THOUSAND (P500,000) SHALL BE IMPOSED UPON THOSE WHO COMMIT THE ACT OF SEXUAL INTERCOURSE OR LASCIVIOUS CONDUCT WITH A CHILD EXPLOITED IN PROSTITUTION OR SUBJECTED TO OTHER SEXUAL ABUSE: PROVIDED, THAT WHEN THE VICTIM IS UNDER TWELVE (12) YEARS OF AGE, THE PERPETRATORS SHALL BE PROSECUTED UNDER ARTICLES 266-A AND 336 OF ACT NO. 3815, AS AMENDED, REVISED PENAL CODE, FOR THE CRIME OF RAPE OR ACTS OF LASCIVIOUSNESS, AS THE CASE MAY BE; PROVIDED, FURTHER, THAT THE PENALTY FOR ACTS OF LASCIVIOUSNESS WHEN THE VICTIM IS UNDER TWELVE (12) YEARS OF AGE SHALL BE RECLUSION TEMPORAL IN ITS MEDIUM PERIOD."

SECTION 3. Section 6 of the same Act is hereby further amended to read as follows:

" SECTION 6. Attempt to Commit Child Prostitution. - There is an attempt to commit child prostitution under Section 5, paragraph (a) hereof when any person who, not being a relative of a child, is found alone with the said child, inside the room or cubicle of a house, an inn, hotel, motel, pension house, apartelle, or other similar establishments, vessel, vehicle or any other hidden or secluded area under circumstances which would lead a reasonable person to believe that the child is about to be exploited in prostitution and other sexual abuse.

There is also attempt to commit child prostitution under **THE LAST** paragraph [(b)] of Section 5 hereof when any person is receiving services from a child in a sauna parlor or bath, massage clinic, health club and other similar establishments. [A penalty lower by two (2) degrees than that prescribed for the consummated felony under Section 5 hereof] **THE PENALTY OF RECLUSION TEMPORAL IN ITS MEDIUM AND MAXIMUM PERIODS AND A FINE RANGING FROM FIFTY THOUSAND PESOS (P50,000) TO ONE HUNDRED THOUSAND PESOS (P100,000)** shall be imposed upon the principals of the attempt to commit the crime of

child prostitution under this Act, or, in the proper case, under the Revised Penal Code.”

SECTION 4. Section 7 of the same act is hereby further amended to read as follows:

“SECTION 7. Child Trafficking - Any person who shall engage in trading and dealing with children including, but not limited to, the act of buying and selling of a child for money, or any other consideration, or barter, shall suffer the penalty of [reclusion temporal to] reclusion perpetua **IN ITS MEDIUM AND MAXIMUM PERIODS AND A FINE RANGING FROM FIVE HUNDRED THOUSAND PESOS (P50,000) TO ONE HUNDRED THOUSAND PESOS (P100,000)** shall be imposed upon the principals of the attempt to commit the crime of child prostitution under this Act, or, in the proper case, under the Revised Penal Code.”

SECTION 5. Section 8 of the same Act is hereby further amended to read as follows:

“SEC.8. Attempt to Commit Child Trafficking. - There is an attempt to commit child trafficking under Section 7 of this Act:

- a) When a child travels alone to a foreign country without valid reason therefore and without clearance issued by the Department of Social Welfare and Development or written permit or justification from the child’s parents or legal guardian;
- b) When a pregnant mother executes an affidavit of consent for adoption for a consideration;
- c) When a person, agency, establishment or child-caring institution recruits women or couples to bear children for the purpose of child trafficking;
- d) When a doctor, hospital or clinic official or employee, nurse, midwife, local civil registrar or any other person simulates birth for the purpose of child trafficking; or
- e) When a person engages in the act of finding children among low-income families, hospitals, clinics, nurseries, day-care centers, or other child-caring institutions who can be offered for the purpose of child trafficking.

[A penalty lower by two (2) degrees than that prescribed for the consummated felony under Section 7 hereof **THE PENALTY OF RECLUSION TEMPORAL IN ITS MEDIUM AND MAXIMUM PERIODS AND A FINE RANGING FROM FIVE HUNDRED THOUSAND PESOS (P50,000) TO ONE HUNDRED THOUSAND PESOS (P100,000)** shall be imposed upon the principals of the attempt to commit the crime of child prostitution under this Act.”

SECTION 6. A new Section to be denominated as SECTION 18-A is hereby added to read as

SEC.8-A Penalties for Law Enforcers and Members of Judiciary - “Law enforcers and members of the Judiciary found guilty of violations under Section 5, 6, 7 & 8 hereof including willfully abetting these crimes or causing or assisting in the plight of those accused shall be meted out the maximum penal.”

SECTION 7. Separability Clause. - If any part or provision of this Act is held unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 8. Repealing Clause. - All laws, orders, rules or regulations which are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed accordingly.

SECTION 9. EFFECTIVITY -This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,