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SENATE

Senate Bill No. 1272

SECRETARY

INTRODUCED BY SEN. MANNY VILLAR

EXPLANATORY NOTE

Everyday hundreds of children access the internet and other interactive entertainment products. This poses an actual danger to the children as they are inevitably exposed to the harmful material contained therein such as pornography and violence.

In view of this, the attached bill provides the parents the means to protect their children from harmful material by allowing the parent, or the legal guardian of the minor, to sue any person who knowingly sells or distributes a material deemed harmful to minors. Consequently, this bill aims to deter any unscrupulous person from engaging in a business of selling or distributing products containing harmful material to minors from selling the same to minors.

Accordingly, the approval of this bill is earnestly sought.


MANNY VILLAR

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AN ACT
TO PROVIDE A CIVIL ACTION FOR A MINOR INJURED BY EXPOSURE TO AN
ENTERTAINMENT PRODUCT CONTAINING MATERIAL THAT IS HARMFUL TO
MINORS, AND FOR OTHER PURPOSES.

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

SECTION 1. Title. - This Act shall be known and cited as the "Parents' Empowerment Act"

SECTION 2. Civil Action For A Minor Injured By Exposure To An Entertainment Product Containing Material That Is Harmful To Minors. - A minor, through a person acting on behalf of the minor may, in a civil action obtain relief against any person who knowingly sells or distributes an entertainment product containing material that is harmful to minors, if--

(1) a reasonable person would expect a substantial number of minors to be exposed to the material; and

(2) the minor as a result of exposure to that material is likely to suffer personal or emotional injury or injury to mental or moral welfare.

SECTION 3. Relief- If the minor is the prevailing party-

(1) the minor shall recover compensatory damages of not less than P10,000 for each instance of any such material in any such product to which such minor was so exposed;

(2) the minor may recover exemplary damages;

(3) the court, in its discretion, may allow the minor a reasonable attorney's fee (including expert fees) as part of the costs; and

(4) the court may order any other appropriate relief.

SECTION 4. Affirmative Defense- It is an affirmative defense to an action under this section that a parent or guardian of the minor owned or possessed the entertainment product containing the material to which the minor was exposed,

and an act of that parent or guardian was the proximate cause of the minor's exposure to that material;

SECTION 5. Definition of terms-

1. "Entertainment Product" means a picture, photograph, image, graphic image file, drawing, video game, motion picture film, or similar visual representation or image, book, pamphlet, magazine, printed matter, or sound recording.

2. "Material that is harmful to minors" means any pornographic communication, picture, image, graphic image file, article, recording, writing, or other pornographic matter of any kind that is obscene or that-

a. the average person, applying the contemporary standards of the adult community in which the minor resides with respect to what is suitable for minors, would find, taking the material as a whole and with respect to minors of the ages that the person reasonably would expect to be exposed to the material-

(i) is designed to appeal to, or is designed to pander to, the prurient interest in nudity, sex, or excretion, with respect to minors; and

(ii) depicts, describes, or represents, in a manner patently offensive with respect to minors, an actual or simulated sexual act or sexual contact, an actual or simulated normal or perverted sexual act, or a lewd exhibition of the genitals or post-pubescent female breast; and

b. a reasonable person would find, taken as a whole, lacks serious literary, artistic, political, and scientific value for minors sufficient to overcome the pernicious effect of that material.

3. "Minor" means an individual under the age of 18.

SECTION 6. Separability Clause. - In the event that any provision or part of this Act shall be declared unconstitutional by the courts, the remaining provisions shall remain valid and in full force and effect.

SECTION 7. Repealing Clause. - All laws, orders, rules and regulations or part thereof inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SECTION 8. Date of Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,