


Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City, Metro Manila

SEVENTEENTH CONGRESS  
First Regular Session

House Bill No. 777

HOUSE OF REPRESENTATIVES	
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Introduced by **DIWA Party-list Representative Emmeline Y. Aglipay – Villar**

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#### EXPLANATORY NOTE

While the ubiquity of cameras and recorders has been a boon in many aspects of our lives, like all other tools, they are subject to abuse. These devices allow us to capture personal moments, bear witness to important events, but they can also be the weapons of choice for those who wish to invade the privacy of others for nothing more than monetary gain. Whether against professional paparazzi, or amateur stalkers, it behooves the State to protect the privacy and well-being of Filipino citizens. Technology can be a blessing, but the right of any citizen to use the same ends where this use trespasses on the rights of another.

This bill -- patterned after Assembly Bill 2306<sup>1</sup> of the State of California, authored by Assemblyman Ed Chau -- seeks to provide additional protection to the privacy of Filipinos by defining and punishing harassment for commercial purposes, or with the intent of malicious publication.



**EMMELINE Y. AGLIPAY – VILLAR**  
Representative, DIWA Party-list

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<sup>1</sup> [http://leginfo.ca.gov/pub/13-14/bill/asm/ab\\_2301-2350/ab\\_2306\\_bill\\_20140930\\_chaptered.pdf](http://leginfo.ca.gov/pub/13-14/bill/asm/ab_2301-2350/ab_2306_bill_20140930_chaptered.pdf)

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**AN ACT PROHIBITING INVASION OF PRIVACY FOR COMMERCIAL PURPOSES  
OR FOR MALICIOUS PUBLICATION**

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

**SECTION 1. Short Title.** – This Act shall be known as the "Anti-Invasion of Privacy Act of 2016."

**SECTION 2. Declaration of policy.** – It is a declared policy of the State to protect public and private individuals against unwarranted harassment and invasion of privacy, especially when such can endanger the life and health of citizens, and when these acts can be committed by abusing advanced technology.

**SECTION 3. Definition of Terms.** – For the purpose of this Act, the term:

(A) "For commercial purposes" means with the expectation of sale, financial gain, or other consideration; provided, that no consideration need actually have been paid as the mere expectation of future gain is sufficient;

(B) "For malicious publication" means, in this Act, that the offending party intends to capture a visual image, sound recording, or other physical impression of a specific person in a state or an act intended to be private, in order to make the same available publicly, with the intent to cause undue embarrassment or harm; provided that the intent to reveal criminal behavior does not constitute an intent for malicious publication under this Act; provided finally that no publication need actually have been made.

**SECTION 4. Invasion of Privacy.** "Invasion of Privacy" shall mean any of the following acts, when undertaken either for commercial purposes or for malicious publication:

(1) Knowingly entering onto the land of another person without permission or otherwise committing a trespass in order to physically invade the privacy of a specific person with the intent to capture any type of visual image, sound recording, or other physical impression of said person; provided, that the owner of the land need not be the target of the invasion of privacy;

(2) Attempting to capture, in a manner that is offensive to a reasonable person, any type of visual image, sound recording, or other physical impression of a specific person engaging in a

personal or familial activity under circumstances in which the offended party had a reasonable expectation of privacy, through the use of any device, including drones, regardless of whether there is a physical trespass, if this image, sound recording, or other physical impression could not have been achieved without a trespass unless the device was used; or

(3) When, in an attempt to capture any type of visual image, sound recording, or other physical impression of a specific person, the offending party acts in a manner that injures, endangers, or could reasonably be expected to injure or endanger said person or members of his/her household.

**SECTION 5. Penalties.** – Any person who shall commit an invasion of privacy under this Act shall suffer the penalty of:

(A) *Reclusion temporal* and a fine of One Hundred Fifty Thousand Pesos (P150,000.00), if the invasion of privacy is the proximate cause of a death,

(B) *Prision mayor* and a fine of Sixty Thousand Pesos (P60,000.00), if (1) the invasion of privacy is the proximate cause of a serious physical injury; or (2) could reasonably have resulted in death or serious physical injury; or (3) if the target of the offended party is below sixteen (16) years old, even if no injury is caused or likely; and

(C) *Arresto mayor* and a fine of Ten Thousand Pesos (P10,000.00), in all other cases not covered by the above.

**SECTION 6. Persons Criminally Liable.** – As a general rule, only persons physically present at the time of, and engaging in or assisting another in engaging, the commission of the act penalized under Section 4 hereof shall be subject to criminal or civil liability under this Act.

A person shall not be subject to such violation by reason of the conduct of an agent, employee, or contractor of that person or because images or recordings captured in violation of this Act were solicited, bought, used, or sold by that person, unless this was done with the knowledge that the images or recordings were either captured in violation of this Act, or could not have been acquired except in violation of this Act, in which case such a person shall be liable as accessories.

**SECTION 7. Limitation on Defenses.** – It is not a defense to a prosecution or civil action that: (a) no image or recording was captured; or that (b) no image or recording was sold.

**SECTION 8 Separability Clause.** – If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

**SECTION 9. Repealing Clause.** — Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

**SECTION 10. Effectivity Clause.** – This Act shall take effect thirty (30) days after its publication in the Official Gazette or at least two (2) newspapers of general circulation.

Approved,