Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7947

Introduced by HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

AN ACT AMENDING REPUBLIC ACT NO. 9775 OTHERWISE KNOWN AS THE "ANTI-CHILD PORNOGRAPHY ACT OF 2009," AND FOR OTHER PURPOSES

A bothersome news during the early stages of the community quarantine to prevent COVID-19 has been reported but still has not gained significant attention to be properly addressed. The Department of Justice - Office of Cybercrime (DOJ-OOC) reported that there has been a 264.6% rise in reports of Filipino children being sexually abused over the internet by pedophiles in the period of 01 March 2020 to 24 May 2020, compared to the same period in 2019.

As sick as it may appear, as children stay at home due to quarantine restrictions, they are at further risk to online sex trafficking and exploitation. The perpetrators, other than the usual pimps and child traffickers, are sometimes the parents of the child victims themselves.

While the Internet has helped us survive strict mobility restrictions through various online services, it also has facilitated child abuse. Hence, this measure intends to amend Republic Act 9775 by improving the accountability of Internet Service Providers (ISPs).

The Internet should be a safe space for our children especially now that we are more dependent on it for education. This bill seeks to provide more protection to our children and further increase its penalties over ISPs to further deter the commission of online child sexual exploitation crimes.

In view of the foregoing, the immediate passage of this bill is most earnestly sought.

LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.
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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 9 of Republic Act No. 9775 otherwise known as the "Anti Child Pornography Act of 2009" is hereby amended to read, as follows:

"Section 9. Duties of an Internet Service Provider (ISP). - All internet service providers (ISPs) shall notify the Philippine National Police (PNP) or the National Bureau of Investigation (NBI) within seven (7) days from obtaining facts and circumstances that any form of child pornography is being committed using its server or facility. Nothing in this section may be construed to require an ISP to engage in the monitoring of any user, subscriber or customer, or the content of any communication of any such person: Provided, That no ISP shall be held civilly liable for damages on account of any notice given in good faith in compliance with this section.

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All ISPs shall install EVERY LATEST (available) technology, program or software to ensure that access to or transmittal of any form of child pornography will be blocked or filtered. ALL ISPs SHALL SUBMIT AN ANNUAL REPORT TO THE NATIONAL TELECOMMUNICATIONS COMMISSION (NTC) ON THE STATUS OF THE TECHNOLOGY, PROGRAM OR SOFTWARE THAT THEY INSTALLED OR UTILIZED PURSUANT TO THIS PROVISO.

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SECTION 2. Section 15 of Republic Act No. 9775 is hereby amended to read, as follows:
"Section 15. Penalties and Sanctions. - The following penalties and sanctions are hereby established for offenses enumerated in this Act:

(a) Any person found guilty of syndicated child pornography as defined in Section 5 of this Act shall suffer the penalty of reclusion perpetua and a fine of not less than Two million pesos (Php2,000,000.00) but not more than Five million pesos (Php5,000,000.00);

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k) Any ISP found guilty of willfully and knowingly failing to comply with the notice and installation requirements under Section 9 of this Act shall suffer the penalty of a fine of not less than [Five hundred thousand pesos (Php500,000.00)] **FIVE MILLION PESOS** (PHP 5,000,000.00) but not more than [One million pesos (Php1,000,000.00)] **TEN MILLION PESOS** (PHP 10,000,000.00) for the first offense. In case of subsequent offense, the penalty shall be a fine of not less than [One million pesos (Php1,000,000.00)] **ELEVEN MILLION PESOS** (PHP 11,000,000.00) but not more than [Two million pesos (Php2,000,000.00)] **FIFTEEN MILLION PESOS** (PHP 15,000,000.00) and revocation of its license to operate. **PROVIDED THAT, WHEN AN OFFICER OR DIRECTOR OF ANY ISP IS FOUND LIABLE FOR ANY UNLAWFUL ACT OR NEGLIGENCE RESULTING TO THE COMMISSION OF THE OFFENSE, SUCH OFFICER OR DIRECTOR SHALL BE JOINTLY AND SOLIDARILY LIABLE WITH THE ISP AND SHALL SUFFER THE PENALTY OF PRISION CORRECCIONAL IN ADDITION TO THE ABOVEMENTIONED FINES;**

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Sec. 3. Repealing Clause. - All laws, decrees, orders, rules and regulations or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Sec. 4. Separability Clause. - If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

Sec. 5. Effectivity. - This Act shall take effect after fifteen (15) days following the completion of its publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,