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 House of Representatives of the Philippines in Congress assembled:

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

“Sec. 9. Obscene Publications and Indecent Shows. — Any person who shall hire, employ, use, persuade, induce or coerce a child to perform in obscene exhibitions and indecent shows, whether live or in video, pose, or model in obscene publications or pornographic materials or to sell or distribute the said materials shall suffer the penalty [of prisión mayor in its medium period] FROM FOURTEEN (14) YEARS, EIGHT (8) MONTHS AND ONE (1) DAY TO SEVENTEEN (17) YEARS AND FOUR (4) MONTHS.

“If the child used as a performer, subject or seller/distributor is below twelve (12) years of age, the penalty shall be [imposed in its maximum period] THIRTY (30) YEARS AND ONE (1) DAY TO FORTY (40) YEARS.

“Any ascendant, guardian, or person entrusted in any capacity with the care of a child who shall cause and/or allow such child to be employed or to participate in an obscene play, scene, act, movie or show or in any other acts covered by this section shall suffer the penalty [of prisión mayor in its medium period] FROM SEVENTEEN (17) YEARS, FOUR (4) MONTHS AND ONE (1) DAY TO TWENTY (20) YEARS.”

Sec. 2. Section 10 of the same Act as amended, is hereby amended to read as follows:

“Sec. 10. Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child’s Development. —

“(a) Any person who shall commit any other acts of child abuse, cruelty or exploitation or be responsible for other conditions prejudicial to the
child’s development including those covered by Article 59 of Presidential Decree No. 603, as amended, but not covered by the Revised Penal Code, as amended, shall suffer the penalty [of prision mayor in its medium period] FROM TWELVE (12) YEARS, AND ONE (1) DAY TO FOURTEEN (14) YEARS AND EIGHT (8) MONTHS.

(b) Any person who shall keep or have in his company a minor, twelve (12) years or under or who is ten (10) years or more his junior in any public or private place, hotel, motel, beer joint, discotheque, cabaret, pension house, sauna or massage parlor, beach and/or other tourist resort or similar places shall suffer the penalty [of prision mayor in its maximum period] FROM FOURTEEN (14) YEARS, EIGHT (8) MONTHS AND ONE (1) DAY TO SEVENTEEN (17) YEARS AND FOUR (4) MONTHS, a fine of not less than [Fifty thousand pesos (P50,000)] FIVE HUNDRED THOUSAND PESOS (P500,000.00): Provided, That this provision shall not apply to any person who is related within the fourth degree of consanguinity or affinity or any bond recognized by law, local custom and tradition, or acts in the performance of a social, moral or legal duty.

(c) Any person who shall induce, deliver or offer a minor to any one prohibited by this Act to keep or have in his company a minor as provided in the preceding paragraph shall suffer the penalty [of prision mayor in its medium period] FROM TEN (10) YEARS AND ONE (1) DAY TO TWELVE (12) YEARS and a fine of not less than [Forty thousand pesos (P40,000)] FOUR HUNDRED THOUSAND PESOS (P400,000.00):

Provided, however, That should the perpetrator be an ascendant, stepparent or guardian of the minor, the penalty to be imposed shall be [prision mayor in its maximum period] FROM FOURTEEN (14) YEARS, EIGHT (8) MONTHS AND ONE (1) DAY TO SEVENTEEN (17) YEARS AND FOUR (4) MONTHS, a fine of not less than [Fifty thousand pesos (P50,000)] FIVE HUNDRED THOUSAND PESOS (P500,000.00), and the loss of parental authority over the minor.

THE OFFENDER SHALL LIKewise UNDERGO A REEDUCATION AND REORIENTATION PROGRAM ON CHILD PROTECTION TO BE CONDUCTED BY THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT.

(d) Any person, owner, manager or one entrusted with the operation of any public or private place of accommodation, whether for occupancy, food, drink or otherwise, including residential places, who allows any person to take along with him to such place or places any minor herein described shall be imposed a penalty [of prision mayor in its medium period] FROM TEN (10) YEARS AND ONE (1) DAY TO TWELVE (12) YEARS and a fine of not less than [Forty thousand pesos (P40,000)] FOUR HUNDRED THOUSAND PESOS (P400,000.00).
YEARS and a fine of not less than [Fifty thousand pesos (P50,000)] FIVE HUNDRED THOUSAND PESOS (P500,000.00), and the loss of the license to operate such a place or establishment.

“(e) Any person who shall use, coerce, force or intimidate a streetchild or any other child to:

“(1) Beg or use begging as a means of living;

“(2) Act as conduit or middlemen in drug trafficking or pushing; or

“(3) Conduct any illegal activities, shall suffer the penalty [of prisión correccional in its medium period to reclusión perpetua] FROM TWELVE (12) YEARS AND ONE (1) DAY TO THIRTY (30) YEARS.

“xxx.”

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


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

“b) Any person who violates the provision of Section 12-D of this Act or the employer of the subcontractor who employs, or the one who facilitates the employment of a child in hazardous work, shall suffer the penalty of a fine of not less than [One hundred thousand pesos (P100,000.00)] TWO HUNDRED THOUSAND PESOS (P200,000.00) but not more than One million pesos (P1,000,000.00), or imprisonment of not less than twelve (12) years and one (1) day to twenty (20) years, or both such fine and imprisonment at the discretion of the court.

“c) Any person who violates Sections 12-D(1) and 12-D(2) shall be prosecuted and penalized in accordance with the penalty provided for by [R.A. 9208 otherwise known as the ‘Anti-Trafficking in Persons Act of 2003’] SECTION 12 OF REPUBLIC ACT NO. 10364 OR THE ‘EXPANDED ANTI-TRAFFICKING IN PERSONS ACT OF 2012’: Provided, That such penalty shall be imposed in its maximum period.

“d) Any person who violates Section 12-D(3) shall be prosecuted and penalized in accordance with R.A. 9165, otherwise known as the ‘Comprehensive Dangerous Drugs Act of 2002’: Provided, That such penalty shall be imposed in its maximum period.

“e) If a corporation commits any of the violations aforesaid, the board of directors/trustees and officers, which include the president, treasurer and secretary of
the said corporation who participated in or knowingly
allowed the violation, shall be penalized accordingly as
provided for under this Section.

d) Parents, biological or by legal fiction, and legal
guardians found to be violating Sections 12,
12-A, 12-B and 12-C of this Act shall pay a fine
of not less than [Ten thousand pesos (P10,000.00)]
ONE HUNDRED THOUSAND PESOS (P100,000.00)
but not more than [One hundred thousand pesos
(P100,000.00)] THREE HUNDRED THOUSAND PESOS
(P300,000.00), or be required to render community
service for not less than [thirty (30) days] THREE (3)
MONTHS but not more than one (1) year, or both
such fine and community service at the discretion
of the court: Provided, That the maximum length of
community service shall be imposed on parents, [or]
legal guardians OR ADULT CAREGIVERS WHO HAVE
CUSTODY OF THE CHILD AND who have violated the
provisions of this Act three (3) times: Provided,
further, That in addition to the community service,
the penalty of imprisonment of [thirty (30) days] THREE
(3) MONTHS but not more than one (1) year or both
at the discretion of the court, shall be imposed on the
parents or legal guardians who have violated the
provisions of this Act more than three (3) times.

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

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

“(2) Such firm or establishment is engaged or
employed in prostitution or in obscene or lewd shows.

“h) In case of such closure, the employer shall be
required to pay the employee(s) the separation pay and
other monetary benefits provided for by law.”

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

“SEC. 20. Discrimination. — Children of
indigenous cultural communities shall not be
subjected to any and all forms of discrimination.

“Any person who discriminates against children
of indigenous cultural communities shall suffer a
penalty [of arresto mayor in its maximum period] FROM
TWO (2) YEARS, FOUR (4) MONTHS AND ONE (1) DAY
TO FOUR (4) YEARS AND TWO (2) MONTHS and a fine of
not less than [Five thousand pesos (P5,000)] FIFTY
THOUSAND PESOS (P50,000.00) nor more than [Ten
thousand pesos P10,000] ONE HUNDRED THOUSAND
PESOS (P100,000.00).

"THE OFFENDER SHALL LIKewise UNDERTAKE A
RE-EDUCATION AND RE-ORIENTATION PROGRAM ON THE
INDIGENOUS PEOPLES CULTURE OF THE PHILIPPINES,
TO BE CONDUCTED BY THE NATIONAL COMMISSION ON
INDIGENOUS PEOPLES OR THE PHILIPPINE TASK
FORCE FOR INDIGENOUS PEOPLES RIGHTS."

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

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

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

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

Approved.