

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7826



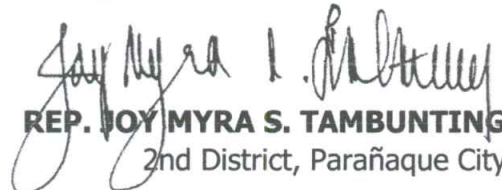
Introduced by **HON. JOY MYRA S. TAMBUNTING**

EXPLANATORY NOTE

Due to the recent advancement in information and communications technology in the country, Filipinos now have access to all kinds of information available on the internet. This advancement has also allowed for the increased sale and distribution of media entertainment such as games, blogs, video blogs, online news and magazines, instructional videos, movies, documentaries, and the like. Whilst internet is an essential tool for our day-to-day activities and transactions, it also serves as a medium for distribution and sale of pornographic and obscene materials. These materials could be easily accessed by anyone, including the youth.

The State, as the guardian of the country's moral fiber and national morality, has the duty create an enabling environment for the development of its citizens, particularly the youth. This proposed measure seeks to prohibit the public demonstration of sexual acts, the sale and display of materials containing pornographic exhibitions and provides the corresponding penalties in case of violations.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


REP. JOY MYRA S. TAMBUNTING
2nd District, Parañaque City

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HOUSE BILL NO. 7826

Introduced by **HON. JOY MYRA S. TAMBUNTING**

AN ACT
PROHIBITING THE DEMONSTRATION, PERFORMANCE OR EXHIBITION IN PUBLIC
OF CERTAIN SEXUAL ACTS, AND THE PRODUCTION, IMPORTATION, SALE OR
DISTRIBUTION, OR PUBLIC SHOWING OR DISPLAY OF PORNOGRAPHIC
MATERIALS, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. – This Act shall be known as the "Anti-Obscenity Act."

SECTION 2. Coverage. – It shall be unlawful for any person to perform, exhibit or demonstrate in public, before an audience, or in the presence of another person who is not a participant therein, any of the following acts:

1. coitus
2. sexually deviant acts
 - a. buggery
 - i. sodomy
 - ii. bestiality
 - iii. pederasty
 - b. algolagnia
 - i. sadism or active algolagnia
 - ii. masochism or passive algolagnia
 - c. necrophilism
 - d. fellatio or irrumation
 - e. cunnilingus
 - f. anilingus
 - g. urolagnia
 - h. coprophilia
 - i. masturbation

SECTION 3. Penalties. – The penalty of imprisonment of a minimum of one (1) year and one day to a maximum of six (6) years, or a fine ranging from Ten Thousand Pesos (P10,000.00) to

Sixty Thousand Pesos (P60,000.00) shall be imposed on the demonstrator, performer, actor or exhibitor in any demonstration, performance, or exhibition involving any sexual acts enumerated in the preceding section; Provided, That the penalty of imprisonment from six (6) months and One Thousand Pesos (P1 ,000.00) to Ten Thousand Pesos (P10,000.00) shall be imposed on the offender of anilingus, urolagnia, coprophili, or masturbation; Provided, Further, That in case the demonstrator, performer, actor or exhibitor is below eighteen (18) years of age, he or she shall be considered as offended party pursuant to the provisions of Republic Act No. 7610, otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act", and shall be placed immediately under protective custody as provided for in Section 28 thereof.

SECTION 4. Provided Acts and Materials. – Any person who shall portray, depict, or present any of the sexual acts enumerated in Section 2 of this Act over the internet, in pictures or in writings, motion pictures, video tapes, tabloids, comics, pamphlets, newspapers, magazines, books, posters, cards, calendars, decals, stickers, paintings or photographs shown, displayed, sold or distributed in public, or in any place of public accommodation, shall be punished as follows:

1. If the offender is the producer, financier, promoter, importer, author or writer, publisher, editor or painter of any of the materials hereinabove described, he shall be punished by imprisonment of from one (1) year and one (1) day to six (6) years and a fine ranging from One Hundred Thousand Pesos (P100,000.00) to Two Hundred Thousand Pesos (P200,000.00).
2. The penalty of imprisonment of from six (6) months and one (1) day to four (4) years and a fine ranging from Ten Thousand Pesos (P10,000.00) to Sixty Thousand Pesos (P60,000.00) shall be imposed on any person who shall knowingly display, sell or distribute any of the materials described in the first paragraph hereof. This section shall not apply if the portrayal, depiction, representation, or description has legitimate judicial, educational, scientific, medical or otherwise official purpose.

SECTION 5. Owner, Lessee, and Maintainer. – The penalty of imprisonment from one (1) year and one (1) day to six (6) years or a fine ranging from Ten Thousand Pesos (P10,000.00) to Sixty Thousand Pesos (P60,000.00) shall be imposed on the owner, lessee, maintainer of any establishment who shall knowingly allow the commission therein of any unlawful acts enumerated in Sections 2 and 4 of this Act.

SECTION 6. Common Provisions. – The following provisions shall apply to Sections 3, 4, and 5 of this Act.

1. The penalty shall be imposed in its maximum if the offender is a public officer or employee. He shall also suffer perpetual disqualification from holding public office.
2. The penalty shall likewise be imposed in its maximum if the offender has been previously convicted under this Act.
3. If the offender is a corporation, partnership or association, the officer thereof shall suffer the penalty of imprisonment, and its business license or permit shall be withdrawn, cancelled or forfeited.

SECTION 7. Disposition of Prohibited Materials. – Any prohibited materials including tools, instruments and equipment used in the production thereof shall, after lawful seizure and final conviction of the offender or offenders, be forfeited in favor of the Government and destroyed in

the presence of the representatives of the Department of Social Welfare and Development and of religious, civic and youth organizations, in such place and manner as the court may order; Provided, However, That where the accused is acquitted, the materials seized shall nevertheless be forfeited in favor of the Government and destroyed; Provided, Further, That if the acquittal results from a finding that the materials seized are not obscene under this Act, the materials shall be returned to the said accused.

SECTION 8. Repealing Clause. – Article 201 of the Revised Penal Code, as amended, is hereby further amended by deleting subparagraphs numbered 2 and 3 thereof. Presidential Decree No. 969 is hereby amended by deleting Section 2 thereof.

SECTION 9. Effectivity. – This Act shall take effect after fifteen (15) days following its complete publication in Official Gazette or in at least two (2) national newspapers of general circulation in the Philippines.

Approved,