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SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE

P. S. RES. NO. 379

Introduced by **SENATOR LEILA M. DE LIMA**

RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE IMPLEMENTATION OF THE CYBERCRIME PREVENTION ACT WITH THE END IN VIEW OF IMPOSING HIGHER PENALTIES FOR THE CRIME OF CHILD PORNOGRAPHY COMMITTED THROUGH A COMPUTER SYSTEM, INCLUDING CYBERSEX ACTS INVOLVING CHILDREN

WHEREAS, Article II, Section 13 of the Constitution provides in part that “[t]he State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being...”;

WHEREAS, Section 2(b) of Republic Act No. 9775, otherwise known as “Anti-Child Pornography Act of 2009”, provides that the State shall “(b) [p]rotect every child from all forms of exploitation and abuse including, but not limited to: (1) the use of a child in pornographic performances and materials; and (2) the inducement or coercion of a child to engage or be involved in pornography through whatever means; and (c) [c]omply with international treaties to which the Philippines is a signatory or a State party concerning the rights of children which include, but not limited to, the Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, the International Labor Organization (ILO) Convention No.182 on the Elimination of the Worst Forms of Child Labor and the Convention Against Transnational Organized Crime”;

WHEREAS, Section 2 of Republic Act No. 10175, otherwise known as “Cybercrime Prevention Act of 2012”, provides in part that “[t]he State also recognizes...the need to protect and safeguard the integrity of computer, computer and communications systems, networks, and databases, and the confidentiality, integrity, and availability of information and data stored therein, from all forms of misuse, abuse, and illegal access by making punishable under the law such conduct or conducts”;

WHEREAS, Section 2 of Republic Act No. 10364, otherwise known as the “Expanded Anti-Trafficking in Persons Act of 2012”, provides that “[i]t is hereby declared that the State values the dignity of every human person and guarantees the

respect of individual rights,” and that “[i]n pursuit of this policy, the State shall give highest priority to the enactment of measures and development of programs that will promote human dignity, protect the people from any threat of violence and exploitation, eliminate trafficking in persons, and mitigate pressures for involuntary migration and servitude of persons, not only to support trafficked persons but more importantly, to ensure their recovery, rehabilitation and reintegration into the mainstream of society...”

WHEREAS, in 2015, *Rappler* reported that the Philippines has become a “key hub of the billion-dollar global child cybersex industry”¹;

WHEREAS, in 2017 alone, numerous cybersex den raids were conducted nationwide, during some of which minors were rescued;

WHEREAS, on 06 February 2017, *Inquirer* reported that a cybersex den was raided, which led to the rescue of one (1) minor in Quiricada Street, Tondo, and the arrest of five (5) suspects, who told police officers that they perform sexual acts through a website that offers the services of women and gay men, who provide sexual exhibitions and online prostitution through private pay-per-view sessions²;

WHEREAS, on 17 March 2017, *Manila Bulletin* reported that two (2) sisters engaged in child pornography and sexual trafficking were arrested, and thirteen (13) minors were rescued in a cybersex operation in Dasmarinas, Cavite, five (5) of whom were children of the arrested women, and one of whom is a two-month old baby³;

WHEREAS, on 12 May 2017, *Inquirer* reported that three (3) women were arrested in Bacolod and later charged with human trafficking, child abuse, child pornography and cybercrime for allegedly making four (4) minor girls engage in sexually explicit acts while men in Australia and the U.S. watched via livestream, and that one of the three women arrested was the mother of three (3) of the four (4) girls⁴;

WHEREAS, the *Inquirer* report stated that webcam sex tourism is spreading rapidly in the Philippines and that “almost every case stems from the Philippines, where good English speakers, increased internet connections and widespread international cash transfer systems combine with widespread poverty and easy access to vulnerable kids”⁵;

WHEREAS, there is a need to investigate the continuous proliferation of cybersex dens in spite of numerous legislation against them, especially those that victimize, exploit and prey on children;

¹ PH a global 'source' for child cybersex industry – police. *Rappler* (17 January 2014). Retrieved from: <http://www.rappler.com/nation/48262-ph-source-child-cybersex-industry>

² 5 arrested, minor rescued in cybersex den raid in Tondo. *Inquirer.net* (6 February 2017). Retrieved from: <http://newsinfo.inquirer.net/769592/5-arrested-minor-rescued-in-cybersex-den-raid-in-tondo>

³ Cavite cybersex operation busted; 2 women arrested. *Manila Bulletin*. (17 March 2017). Retrieved from: <http://news.mb.com.ph/2017/03/17/cavite-cybersex-operation-busted-2-women-arrested/>

⁴ More child porn predators arrested, victims rescued. *Inquirer.net*. (12 May 2017). Retrieved from: <http://newsinfo.inquirer.net/896312/more-child-porn-predators-arrested-victims-rescued>

⁵ *Supra* footnote #3.

WHEREAS, there is a need to review the state and efficacy of the implementation of current laws that protect our children from predatory acts by malevolent elements in our society;

WHEREAS, there is a need to review the provisions of the Cybercrime Prevention Act to see whether there is need for amendatory legislation, including the possibility of imposing higher penalties for child pornography;

NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, to direct the proper Senate Committee to conduct an inquiry, in aid of legislation, on the implementation of the Cybercrime Prevention Act with the end in view of imposing higher penalties for the crime of child pornography committed through a computer system, including cybersex acts involving children.

Adopted,


LEILA M. DE LIMA