



HOUSE OF REPRESENTATIVES

H. No. 6517

BY REPRESENTATIVES PUENTEVELLA, TIENG, RODRIGUEZ, DEFENSOR (M.),
ABANTE, VILLAROSA AND CODILLA, PER COMMITTEE REPORT NO. 2167

AN ACT DEFINING THE CRIME OF PHOTO AND VIDEO VOYEURISM, PRESCRIBING PENALTIES THEREFOR AND FOR OTHER PURPOSES

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Anti-Photo
2 and Video Voyeurism Act of 2009”.

3 SEC. 2. *Declaration of Policy.* – The State values the dignity of every
4 human person and guarantees full respect for human rights. It shall promote
5 and protect the moral, spiritual and social well-being of the youth. Toward this
6 end, the State shall penalize acts that would destroy or have the tendency to
7 destroy the honor, dignity and integrity of a person, especially women.

8 SEC. 3. *Definition of Terms.* – For purposes of this Act, the term:

9 (a) “Broadcast” means to make public, by any means, a visual image
10 with the intent that it be viewed by a person or persons.

11 (b) “Capture”, with respect to an image, means to videotape,
12 photograph, film, record by any means, or broadcast.

13 (c) “Female breast” means any portion of the female breast below the
14 top of the areola.

1 (d) "Photo or video voyeurism" means the act of taking photo or video
2 coverage of a person or group of persons performing sexual act or any similar
3 activity or of capturing an image of the private area of a person or persons
4 without the latter's consent, under circumstances in which such person/s has a
5 reasonable expectation of privacy, or the act of selling, copying, reproducing,
6 broadcasting, sharing, showing or exhibiting the photo or video coverage or
7 recordings of such sexual act or similar activity through VCD/DVD, internet,
8 cellular phones and similar means or device without the written consent of the
9 person/s involved, notwithstanding that consent to record or take photo or
10 video coverage of the same was given by such person/s.

11 (e) "Private area of a person" means the naked or undergarment clad
12 genitals, pubic area, buttocks or female breast of an individual.

13 (f) "Under circumstances in which a person has a reasonable
14 expectation of privacy" means circumstances in which a reasonable person
15 would believe that he/she could disrobe in privacy, without being concerned
16 that an image or a private area of the person was being captured; or
17 circumstances in which a reasonable person would believe that a private area
18 of the person would not be visible to the public, regardless of whether that
19 person is in a public or private place.

20 SEC. 4. *Prohibited Acts.* – It is hereby prohibited and declared
21 unlawful for any person:

22 (a) To take photo or video coverage of a person or group of persons
23 performing sexual act or any similar activity or to capture an image of the
24 private area of a person or persons such as the naked or undergarment clad
25 genitals, pubic area, buttocks or female breast without the consent of the
26 person or persons involved and under circumstances in which the person/s has
27 a reasonable expectation of privacy;

1 (b) To copy or reproduce, or to cause to be copied or reproduced, such
2 photo or video, or recording of sexual act or any similar activity with or
3 without consideration;

4 (c) To sell or distribute, or caused to be sold or distributed, such photo
5 or video or recording of sexual act, whether it be the original, copy or
6 reproduction thereof; or

7 (d) To publish or broadcast, or caused to be published or broadcast,
8 whether in print or broadcast media, or show or exhibit the photo or video
9 coverage or recordings of such sexual act or any similar activity through
10 internet, cellular phones and similar means or device.

11 The prohibition under paragraphs (b), (c) and (d) shall apply
12 notwithstanding that consent to record or take photo or video coverage of the
13 same was given by such person/s. Any person who violates this provision shall
14 be liable for photo or video voyeurism as defined herein.

15 SEC. 5. *Penalties.* – The penalty of imprisonment of not less than six
16 (6) months but not more than six (6) years and a fine of not less than One
17 hundred thousand pesos (P100,000.00) but not more than Five hundred
18 thousand pesos (P500,000.00) shall be imposed upon any person found guilty
19 of violating Section 4 of this Act.

20 If the violator is a juridical person, its license or franchise shall
21 automatically be deemed revoked and the persons liable shall be the officers
22 thereof including the editor and reporter in the case of print media, and the
23 station manager, editor and broadcaster in the case of a broadcast media.

24 If the offender is a public officer or employee or a professional, he/she
25 shall also be administratively liable.

26 If the offender is an alien, he/she shall be subject to deportation
27 proceedings after serving his/her sentence and payment of fines.

1 SEC. 6. *Exemption.* -- Nothing contained in this Act, however, shall
2 render it unlawful or punishable for any peace officer, who is authorized by a
3 written order of the court, to use the record or any copy thereof as evidence in
4 any civil, criminal investigation or trial of the crime of photo or video
5 voyeurism: *Provided,* That such written order shall only be issued or granted
6 upon written application and the examination under oath or affirmation of the
7 applicant and the witnesses he/she may produce, and upon showing that there
8 are reasonable grounds to believe that photo or video voyeurism has been
9 committed or is about to be committed, and that the evidence to be obtained is
10 essential to the conviction of any person for, or to the solution or prevention of,
11 such crime.

12 SEC. 7. *Inadmissibility in Evidence.* -- Any record, photo or video, or
13 copy thereof, obtained or secured by any person in violation of the preceding
14 sections, shall not be admissible in evidence in any judicial, quasi-judicial,
15 legislative or administrative hearing or investigation.

16 SEC. 8. *Separability Clause.* -- If any provision or part hereof is held
17 invalid or unconstitutional, the remaining provisions not affected thereby shall
18 remain valid and subsisting.

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

23 SEC. 10. *Effectivity Clause.* -- This Act shall take effect fifteen (15)
24 days after its publication in any newspaper of general circulation.

Approved,