



HOUSE OF REPRESENTATIVES

H. No. 9024

BY REPRESENTATIVES ROMAN, ROMERO, YU, SY-ALVARADO, PALMA,
NIETO, LOPEZ (M.L.), DALIPE, AGGABAO, TAMBUNTING,
RELAMPAGOS, SARMIENTO (C.), HERRERA-DY, SILVERIO,
CAYETANO AND ACOSTA-ALBA, PER COMMITTEE REPORT
NO. 1193

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:*

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

5 "SEC. 9. *Obscene Publications and Indecent Shows.* –
6 Any person who shall hire, employ, use, persuade,
7 induce or coerce a child to perform in obscene
8 exhibitions and indecent shows, whether live or in
9 video, pose, or model in obscene publications or
10 pornographic materials or to sell or distribute the said

1 materials shall suffer the penalty of [*prision mayor*]
2 *RECLUSION TEMPORAL* in its medium period.

3 "If the child used as a performer, subject or
4 seller/distributor is below twelve (12) years of age, the
5 penalty shall be [imposed in its maximum period]
6 *RECLUSION PERPETUA*.

7 "Any ascendant, guardian, or person entrusted in
8 any capacity with the care of a child who shall cause
9 and/or allow such child to be employed or to participate
10 in an obscene play, scene, act, movie or show or in any
11 other acts covered by this section shall suffer the
12 penalty of [*prision mayor*] *RECLUSION TEMPORAL* in its
13 [medium] MAXIMUM period."

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

16 "SEC. 10. *Other Acts of Neglect, Abuse, Cruelty or*
17 *Exploitation and Other Conditions Prejudicial to the*
18 *Child's Development.* -

19 "(a) Any person who shall commit any other acts of
20 child abuse, cruelty or exploitation or be responsible for
21 other conditions prejudicial to the child's development
22 including those covered by Article 59 of Presidential
23 Decree No. 603, as amended, but not covered by the
24 Revised Penal Code, as amended, shall suffer the
25 penalty of [*prision mayor*] *RECLUSION TEMPORAL* in its
26 minimum period.

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

16 “(c) Any person who shall induce, deliver or offer a
17 minor to any one prohibited by this Act to keep or have
18 in his company a minor as provided in the preceding
19 paragraph shall suffer the penalty of *prision mayor* in
20 its [medium] MAXIMUM period and a fine of not less
21 than [Forty thousand pesos (P40,000)] FOUR HUNDRED
22 THOUSAND PESOS (P400,000.00): *Provided, however*,
23 That should the perpetrator be an ascendant,
24 stepparent or guardian of the minor, the penalty to be
25 imposed shall be [*prision mayor*] *RECLUSION TEMPORAL*
26 in its [maximum] MEDIUM period, a fine of not less

1 than [Fifty thousand pesos (P50,000)] FIVE HUNDRED
2 THOUSAND PESOS (P500,000.00), and the loss of
3 parental authority over the minor.

4 "THE OFFENDER SHALL LIKEWISE UNDERGO A
5 REEDUCATION AND REORIENTATION PROGRAM ON
6 CHILD PROTECTION TO BE CONDUCTED BY
7 THE DEPARTMENT OF SOCIAL WELFARE AND
8 DEVELOPMENT.

9 "(d) Any person, owner, manager or one entrusted
10 with the operation of any public or private place of
11 accommodation, whether for occupancy, food, drink or
12 otherwise, including residential places, who allows any
13 person to take along with him to such place or places
14 any minor herein described shall be imposed a penalty
15 of *prison mayor* in its [medium] MAXIMUM period and
16 a fine of not less than [Fifty thousand pesos (P50,000)]
17 FIVE HUNDRED THOUSAND PESOS (P500,000.00), and
18 the loss of the license to operate such a place or
19 establishment.

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

22 "(1) Beg or use begging AS a means of living;

23 "(2) Act as conduit or middlemen in drug trafficking
24 or pushing; or

25 "(3) Conduct any illegal activities, shall suffer the
26 penalty of [*prison correccional* in its medium period]
27 *RECLUSION TEMPORAL* to *reclusion perpetua*."

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

3 "SEC. 16. *Penal Provisions.* –

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

13 "(b) Any person who violates the provision of Section
14 12-D of this Act or the employer of the subcontractor
15 who employs, or the one who facilitates the employment
16 of a child in hazardous work, shall suffer the penalty of
17 a fine of not less than [One hundred thousand pesos
18 (P100,000.00)] TWO HUNDRED THOUSAND PESOS
19 (P200,000.00) but not more than One million pesos
20 (P1,000,000.00), or imprisonment of not less than twelve
21 (12) years and one (1) day to twenty (20) years, or both
22 such fine and imprisonment at the discretion of the
23 court.

24 "(c) Any person who violates Sections 12-D(1) and
25 12-D(2) shall be prosecuted and penalized in accordance
26 with the penalty provided for by [R.A. 9208 otherwise

1 known as the 'Anti-trafficking in Persons Act of 2003']
2 SECTION 12 OF REPUBLIC ACT NO. 10364 OR THE
3 'EXPANDED ANTI-TRAFFICKING IN PERSONS ACT OF
4 2012': *Provided*, That such penalty shall be imposed in
5 its maximum period.

6 "(d) Any person who violates Section 12-D(3) shall
7 be prosecuted and penalized in accordance with R.A.
8 9165, otherwise known as the 'Comprehensive
9 Dangerous Drugs Act of 2002': *Provided*, That such
10 penalty shall be imposed in its maximum period.

11 "(e) If a corporation commits any of the violations
12 aforecited, the board of directors/trustees and officers,
13 which include the president, treasurer and secretary of
14 the said corporation who participated in or knowingly
15 allowed the violation, shall be penalized accordingly as
16 provided for under this Section.

17 "(f) Parents, biological or by legal fiction, and legal
18 guardians found to be violating Sections 12, 12-A, 12-B
19 and 12-C of this Act shall pay a fine of not less than
20 [Ten thousand pesos (P10,000.00)] ONE HUNDRED
21 THOUSAND PESOS (P100,000.00) but not more than
22 [One hundred thousand pesos (P100,000.00)] THREE
23 HUNDRED THOUSAND PESOS (P300,000.00), or be
24 required to render community service for not less than
25 [thirty (30) days] THREE (3) MONTHS but not more
26 than one (1) year, or both such fine and community
27 service at the discretion of the court: *Provided*, That

1 the maximum length of community service shall be
2 imposed on parents, [or] legal guardians OR ADULT
3 CAREGIVERS WHO HAVE CUSTODY OF THE CHILD AND
4 who have violated the provisions of this Act three (3)
5 times: *Provided, further,* That in addition to the
6 community service, the penalty of imprisonment of
7 [thirty (30) days] THREE (3) MONTHS but not more
8 than one (1) year or both at the discretion of the court,
9 shall be imposed on the parents or legal guardians who
10 have violated the provisions of this Act more than three
11 (3) times.

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

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

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

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

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

3 “SEC. 20. *Discrimination.* – Children of indigenous
4 cultural communities shall not be subjected to any and
5 all forms of discrimination.

6 “Any person who discriminates against children of
7 indigenous cultural communities shall suffer a penalty
8 of [*arresto mayor*] *PRISION CORRECCIONAL* in its
9 [maximum] MEDIUM period and a fine of not less than
10 [Five thousand pesos (P5,000)] FIFTY THOUSAND PESOS
11 (P50,000.00) nor more than [Ten thousand pesos
12 (P10,000)] ONE HUNDRED THOUSAND PESOS
13 (P100,000.00).

14 “THE OFFENDER SHALL LIKEWISE UNDERGO A
15 REEDUCATION AND REORIENTATION PROGRAM ON THE
16 INDIGENOUS PEOPLES CULTURE OF THE PHILIPPINES,
17 TO BE CONDUCTED BY THE NATIONAL COMMISSION ON
18 INDIGENOUS PEOPLES OR THE PHILIPPINE TASK
19 FORCE FOR INDIGENOUS PEOPLES RIGHTS.”

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

26 Such rules and regulations shall take effect upon their
27 publication in two (2) national newspapers of general circulation.

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

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

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

 Approved,

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