



HOUSE OF REPRESENTATIVES

H. No. 137

BY REPRESENTATIVES ROMAN, PALMA, ROMERO, GONZALES (A.),
LEACHON, RODRIGUEZ, OLIVAREZ, ROMUALDEZ (Y.M.),
DE VENECIA, RADAZA, VILLARAZA-SUAREZ, AGUINALDO,
SALIMBANGON, CABOCHAN, SY-ALVARADO, TAMBUNTING,
SUANSING (E.), LACSON-NOEL, DALIPE, NIETO, ROBES,
TORRES-GOMEZ, FERRER (J.M.), CRISOLOGO, CASTELO,
GORRICETA, VILLARICA, DEL MAR, ATIENZA, ESCUDERO, ACOP,
LIM AND CUEVA

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 as
4 follows:

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

1 materials or to sell or distribute the said materials shall
 2 suffer the penalty [of *prision mayor* in its medium
 3 period] FROM FOURTEEN (14) YEARS, EIGHT (8)
 4 MONTHS AND ONE (1) DAY TO SEVENTEEN (17) YEARS
 5 AND FOUR (4) MONTHS.

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

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

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

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

24 "(a) Any person who shall commit any other
 25 acts of child abuse, cruelty or exploitation or be
 26 responsible for other conditions prejudicial to the

1 child's development including those covered by
2 Article 59 of Presidential Decree No. 603, as amended,
3 but not covered by the Revised Penal Code, as amended,
4 shall suffer the penalty [of *prision mayor* in its medium
5 period] FROM TWELVE (12) YEARS, AND ONE (1) DAY TO
6 FOURTEEN (14) YEARS AND EIGHT (8) MONTHS.

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

24 " (c) Any person who shall induce, deliver or
25 offer a minor to any one prohibited by this Act to
26 keep or have in his company a minor as provided

1 in the preceding paragraph shall suffer the penalty
2 [of *prision mayor* in its medium period] FROM TEN (10)
3 YEARS AND ONE (1) DAY TO TWELVE (12) YEARS and a
4 fine of not less than [Forty thousand pesos (P40,000)]
5 FOUR HUNDRED THOUSAND PESOS (P400,000.00):
6 *Provided, however,* That should the perpetrator be an
7 ascendant, stepparent or guardian of the minor, the
8 penalty to be imposed shall be [*prision mayor* in its
9 maximum period] FROM FOURTEEN (14) YEARS, EIGHT
10 (8) MONTHS AND ONE (1) DAY TO SEVENTEEN (17)
11 YEARS AND FOUR (4) MONTHS, a fine of not less
12 than [Fifty thousand pesos (P50,000)] FIVE HUNDRED
13 THOUSAND PESOS (P500,000.00), and the loss of
14 parental authority over the minor.

15 "THE OFFENDER SHALL LIKEWISE UNDERGO
16 A REEDUCATION AND REORIENTATION PROGRAM
17 ON CHILD PROTECTION TO BE CONDUCTED
18 BY THE DEPARTMENT OF SOCIAL WELFARE AND
19 DEVELOPMENT.

20 "(d) Any person, owner, manager or one
21 entrusted with the operation of any public or private
22 place of accommodation, whether for occupancy, food,
23 drink or otherwise, including residential places, who
24 allows any person to take along with him to such place
25 or places any minor herein described shall be imposed
26 a penalty [of *prision mayor* in its medium period] FROM
27 TEN (10) YEARS AND ONE (1) DAY TO TWELVE (12)

1 YEARS and a fine of not less than [Fifty thousand pesos
2 (P50,000)] FIVE HUNDRED THOUSAND PESOS
3 (P500,000.00), and the loss of the license to operate
4 such a place or establishment.

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

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

8 “(2) Act as conduit or middlemen in drug
9 trafficking or pushing: or

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

14 “X X X.”

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

17 “SEC. 16. *Penal Provisions.* –

18 “a) Any employer who violates Sections 12,
19 12-A, and Section 14 of this Act, as amended, shall be
20 penalized by imprisonment of [six (6) months] ONE (1)
21 YEAR and one (1) day to six (6) years or a fine of not
22 less than [Fifty thousand pesos (P50,000.00)] ONE
23 HUNDRED THOUSAND PESOS (P100,000.00) but not
24 more than [Three hundred thousand pesos P300,000.00]
25 FOUR HUNDRED THOUSAND PESOS (P400,000.00) or
26 both at the discretion of the court.

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

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

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

25 “e) If a corporation commits any of the violations
26 aforecited, the board of directors/trustees and officers,
27 which include the president, treasurer and secretary of

1 the said corporation who participated in or knowingly
2 allowed the violation, shall be penalized accordingly as
3 provided for under this Section.

4 "f) Parents, biological or by legal fiction, and legal
5 guardians found to be violating Sections 12,
6 12-A, 12-B and 12-C of this Act shall pay a fine
7 of not less than [Ten thousand pesos (P10,000.00)]
8 ONE HUNDRED THOUSAND PESOS (P100,000.00)
9 but not more than [One hundred thousand pesos
10 (P100,000.00)] THREE HUNDRED THOUSAND PESOS
11 (P300,000.00), or be required to render community
12 service for not less than [thirty (30) days] THREE (3)
13 MONTHS but not more than one (1) year, or both
14 such fine and community service at the discretion
15 of the court: *Provided*, That the maximum length of
16 community service shall be imposed on parents, [or]
17 legal guardians OR ADULT CAREGIVERS WHO HAVE
18 CUSTODY OF THE CHILD AND who have violated the
19 provisions of this Act three (3) times: *Provided*,
20 *further*, That in addition to the community service,
21 the penalty of imprisonment of [thirty (30) days] THREE
22 (3) MONTHS but not more than one (1) year or both
23 at the discretion of the court, shall be imposed on the
24 parents or legal guardians who have violated the
25 provisions of this Act more than three (3) times.

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

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

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

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

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

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

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

1 thousand pesos P10,000)] ONE HUNDRED THOUSAND
2 PESOS (P100,000.00).

3 "THE OFFENDER SHALL LIKEWISE UNDERGO A
4 REEDUCATION AND REORIENTATION PROGRAM ON THE
5 INDIGENOUS PEOPLES CULTURE OF THE PHILIPPINES,
6 TO BE CONDUCTED BY THE NATIONAL COMMISSION ON
7 INDIGENOUS PEOPLES OR THE PHILIPPINE TASK
8 FORCE FOR INDIGENOUS PEOPLES RIGHTS."

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

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

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

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

 Approved,

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