

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

22 JUL 13 P5:25

SENATE

S. No. 557

RECEIVED BY: 

Introduced by Senator **PIA S. CAYETANO**

AN ACT
ADDRESSING THE SYSTEM OF PROSTITUTION, IMPOSING PENALTIES ON ITS PERPETRATORS, PROVIDING PROTECTIVE MEASURES AND SUPPORT SERVICES FOR ITS VICTIMS, REPEALING FOR THE PURPOSE ARTICLES 202 AND 341 OF THE PENAL CODE

EXPLANATORY NOTE

The United Nations on the Elimination of Discrimination Against Women (CEDAW Committee) affirms that the trafficking, exploitation, and prostitution of women and girls “is unequivocally a phenomenon rooted in structural sex-based discrimination, constituting gender-based violence”.¹ Locally, the Philippine Commission on Women takes the position that prostitution is “an exploitative system that commodifies, objectifies and dehumanizes [persons] who are being sold within it”.²

This proposed measure, which was left pending in the past Congresses, was first introduced by then Sen. Miriam Defensor-Santiago in the 14th Congress.

It seeks to address the root of the problem by shifting the accountability of prostitution from the prostituted person to the exploiters, including the traffickers, pimps, brothel owners, organized crime members, and corrupt officials. The bill likewise seeks to change the public perception and treatment of persons exploited in prostitution as victims of the system and not as criminals. It provides for mechanisms to ensure that the human rights of prostituted persons are upheld, and for them to be

¹ https://www.equalitynow.org/news_and_insights/a_significant_step_forward_cedaw_2020/

² <https://pcw.gov.ph/enacting-the-anti-prostitution/>

extracted out of the system and reintegrated into society through rehabilitation programs.

It is for these reasons that I earnestly seek the approval of this bill.

Pia S. Cayetano
PIA S. CAYETANO *PIA*

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

22 JUL 13 P5 25

SENATE

RECEIVED BY: 

S. No. 557

Introduced by Senator **PIA S. CAYETANO**

AN ACT
ADDRESSING THE SYSTEM OF PROSTITUTION, IMPOSING PENALTIES ON ITS PERPETRATORS, PROVIDING PROTECTIVE MEASURES AND SUPPORT SERVICES FOR ITS VICTIMS, REPEALING FOR THE PURPOSE ARTICLES 202 AND 341 OF THE PENAL CODE

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

1 Section 1. *Short Title.* – This Act shall be known as "*The Anti-Prostitution Act.*"

2 Sec. 2. *Declaration of policies.* – The State:

- 3 (a) Declares its commitment to end the continuing sexual exploitation of
4 women, men and children, and all forms of gender-based violence;
- 5 (b) Recognizes prostitution as a human rights violation that calls for
6 coordinated and sustained response from all agencies of
7 government;
- 8 (c) Recognizes that women and children are systematically victimized by,
9 and in, the system of prostitution and must therefore be given
10 protection and support by the State, instead of being treated as
11 criminals; and
- 12 (d) Recognizes that eliminating prostitution is essential for women, men
13 and children to genuinely and meaningfully participate in nation-
14 building.

15 Sec. 3. *Definition of Terms.* – As used in this Act:

- 16 (a) *Prostitution* means any act, transaction, scheme, or design involving
17 the use or exploitation of a person, whether woman, man or child,
18 for the sexual gratification or pleasure of another in exchange for

1 cash, profit or other consideration, or any act that promotes or
2 facilitates the accomplishment of the said act, transaction, scheme
3 or design.

4 (b) *Person Exploited in Prostitution* means any woman, man or child
5 used, employed or exploited for another person's sexual gratification
6 or pleasure, and for the monetary gain or profit of others, as defined
7 in Section 4 of this Act.

8 (c) *Child* means any person below eighteen (18) years of age or one who
9 is over eighteen (18) but is unable to fully take care of or protect
10 himself/herself from abuse, neglect, cruelty, exploitation or
11 discrimination because of a physical or mental disability or condition.

12 (d) *Sexual Exploitation* means the participation or engagement of a
13 person for any sexual act in exchange for cash, profit or other
14 consideration as a result of being subjected to a threat, deception,
15 coercion, abduction, force, abuse of authority, debt bondage, fraud
16 or through abuse of his/her vulnerability.

17 (e) *Sexual Act* means lascivious conduct or sexual intercourse, including
18 genital-to-genital, oral-to-genital, anal-to-genital, or oral-to-anal
19 intercourse or contact, bestiality, masturbation, sadistic or
20 masochistic abuse, exhibition of the genitals or pubic area of any
21 person, and other acts of a sexual nature whether the same is made
22 between persons of the same or opposite sex.

23 (f) *Establishment* means any business, enterprise or establishment,
24 including, but not limited to, sauna, bath, massage parlor,
25 discotheque, bar, restaurant, resort, lodging house, motel, hotel,
26 theater, or any dwelling house, structure or building serving as a
27 cover or venue for prostitution, or any vehicle, including but not
28 limited to ship, vessel, automobile, cab, or taxi or any group,
29 association or organization that engages in prostitution activities as
30 defined in Section 4 of this Act.

1 (g) *Cult* refers to, but not limited to, fanatic groups that entice, recruit
2 or condition any person to become sexual offerings in organizational
3 rituals or in other circumstances as part of membership requirement.

4 Sec. 4. *Punishable Acts.* – Prostitution is a crime committed by:

5 (a) Any person who gives or delivers money or any other consideration
6 in exchange for the actual performance or mere demonstration of a
7 sexual act by a person exploited in prostitution, regardless of whether
8 the person giving or delivering money or any other consideration is
9 the recipient of such sexual act;

10 (b) Any person who is the recipient of a sexual act as defined in Section
11 3(e) of this Act, whether such a recipient has given or delivered
12 money or any other consideration for the procurement of a person
13 exploited in prostitution; *Provided, however,* that for purposes of this
14 Section, a recipient shall include any person or persons or a crowd
15 with whom a person exploited in prostitution has actually performed
16 or merely demonstrated such a sexual act;

17 (c) Any person who offers another person for sexual exploitation in
18 exchange for money or any other consideration;

19 (d) Any person who induces, persuades, entices, compels, kidnaps,
20 recruits or in any manner procures or causes a person to serve in an
21 establishment knowing that the same is involved in prostitution
22 activities or when he/she has reasonable cause to believe that such
23 establishment is involved in the said activities;

24 (e) Any person who uses information technology or any form of media
25 for the purpose of prostitution;

26 (f) Any person who organizes or arranges travel tours and/or tourism-
27 related activities that involve the sexual exploitation of any person or
28 the escort services of any person who is expected to perform the
29 sexual act;

30 (g) Any person who, as a part of cult or religious obligation, uses,
31 entices, recruits, or offers any person as sexual offering or favor to
32 other members of the cult or religious organization;

- 1 (h) Any person who derives profit or advantage from any of the
2 prohibited acts defined in this Section as owner, operator, manager,
3 head, director, officer, or agent of the establishment where any
4 prostitution activity defined in this Section takes place, or of the
5 establishment serving as a cover for any such prostitution activity, or
6 who aids another establishment or person involved in any
7 prostitution activity;
- 8 (i) Any person who leases, subleases, or in any manner allows the use
9 of any dwelling, house, structure, building, land or any other property
10 knowing that the lessee/sub lessee intends to use or uses it for
11 prostitution activities, as defined in this Section. For the purpose of
12 this paragraph, the owner of the dwelling, house, structure, building,
13 land or any other property used for prostitution and his/her agent
14 shall be presumed to have knowledge that the place is being used or
15 intended to be used for prostitution unless he/she disproves it;
- 16 (j) Any official or employee of any jail or detention center or any person
17 connected thereto who commits, causes, promotes, facilitates, allows
18 or tolerates the commission of any of the acts defined in this section
19 upon inmates, or who, in any manner, provides protection to the
20 perpetrators of the said act;
- 21 (k) Any member of the military or police establishment, or any
22 government official or employee, or any person in authority who
23 commits, causes, or promotes, facilitates, allows, or tolerates the
24 commission of any of the acts defined in this Section, or who, in any
25 manner, provides protection to the perpetrators of the said acts.

26 For purposes of this Section, the prohibited acts of prostitution may be
27 committed in any establishment as defined in Section 3(f) above or in any other place
28 not otherwise mentioned in Section 3(f). Furthermore, an attempt to commit any of
29 the acts defined in this Section is also prohibited.

30 *Sec. 5. Person Exploited in Prostitution as Victims.* - Any woman, man or child
31 used, or employed for another person's sexual gratification, pleasure or exploitation,
32 and for the monetary gain or profit of others, as defined in Section 4 of this Act, shall

1 be treated as victims of prostitution. As such, they shall not incur any criminal liability
2 under this Act, except to the extent referred to under Section 6 (b) hereof.

3 In addition, the consent of the person exploited in prostitution to the
4 commission of any of the acts defined in Section 4 of this Act shall not in any way
5 exempt the offender from, or mitigate, his/her criminal liability.

6 *Sec. 6. Penalties and Sanctions. –*

7 (a) Any person found guilty of the acts defined in Section 4 shall suffer
8 the penalty of imprisonment of twenty (20) years and a fine of not
9 less than One Million Pesos (P1,000,000.00) but not more than Two
10 Million Pesos (P2,000,000.00);

11 (b) Any person guilty of the acts defined in Section 4 who is also exploited
12 in prostitution or had been exploited in prostitution shall suffer the
13 penalty of imprisonment of ten (10) years for the first offense and
14 fifteen (15) years for the succeeding violations and a fine of not less
15 than Five Hundred Thousand Pesos (P500,000.00) but not more than
16 One Million Pesos (P1,000,000.00);

17 (c) Any person guilty of attempting to commit any of the prohibited acts
18 shall suffer the penalty of imprisonment of fifteen (15) years and a
19 fine of not less than Five Hundred Thousand Pesos (P500,000.00)
20 but not more than One Million Pesos (P1,000,000.00);

21 (d) When the offender is any establishment as defined in this Act, the
22 penalty shall be imposed upon the owner and operator, or manager,
23 or the directors and officers, or the responsible officers or agents of
24 the establishment, corporation, partnership, or association found to
25 be engaged in any of the acts defined in Section 4 of this Act.

26 In addition, the establishment, corporation, partnership or
27 association shall be immediately closed and its registration and/or
28 license to operate shall be revoked. A sign with the words "off limits"
29 shall be conspicuously displayed outside the establishment by the
30 Department of Social Welfare and Development (DSWD) for such
31 period as the DSWD may determine which shall not be less than one

1 (1) year. The unauthorized removal of such sign shall be punishable
2 by imprisonment of six (6) months;

3 (e) When the offender is a foreigner, he or she shall be deported
4 immediately after service of sentence and permanently barred from
5 entry into the country;

6 (f) Any person found guilty of committing or attempting to commit any
7 of the prohibited acts under Section 4 shall, in addition to the
8 penalties stated in this section, undergo counseling, rehabilitation
9 and mandatory education on the human rights situation of victims of
10 prostitution with DSWD or its accredited Non-Governmental
11 Organization (NGO) for a period of not less than three (3) months
12 but not longer than one (1) year. The DSWD shall submit to the court
13 a report on the rehabilitation of the offender.

14 *Sec. 7. Civil Liability for Prostitution.* – Persons exploited in prostitution may file
15 independent civil cases for damages against the persons, natural or juridical,
16 responsible for their exploitation.

17 Provinces, cities and municipalities shall be liable for damages, in addition to
18 any other criminal or administrative liability under existing laws, to persons exploited
19 in prostitution when it is proven that the responsible authorities had knowledge or
20 were informed of the activities constituting prostitution but did not take proper action
21 within a reasonable period of time. For purposes of this Section, the responsible
22 authorities shall be deemed to have knowledge of the production activities when the
23 same are of common knowledge in the community.

24 *Sec. 8. Prosecution of Cases.* – The person exploited in prostitution, his/her
25 parents, spouse, siblings, children or legal guardian, law enforcement agencies, or the
26 Inter-Agency Council Against Trafficking and Prostitution (IACATP) created under this
27 Act or any person who has personal knowledge of the commission of any offense
28 under this Act, may file a complaint for prostitution.

29 *Sec. 9. Venue.* – A criminal action arising from a violation of this Act shall be
30 filed where the offense was committed, or where any of its elements occurred, or
31 where the person exploited in prostitution actually resides at the time of the

1 commission of the offense; *Provided*, that the court where the criminal action is first
2 filed shall acquire jurisdiction to the exclusion of other courts.

3 *Sec. 10. Prescriptive Period.* – Cases under this Act shall prescribe in twenty
4 (20) years. The prescriptive period shall commence to run from the day on which the
5 person exploited in prostitution is delivered or released from the situation of
6 exploitation and shall be interrupted by the filing of the complaint or information. It
7 shall commence to run again when such proceedings terminate without the accused
8 being convicted or acquitted or are unjustifiably stopped for any reason not imputable
9 to the accused

10 *Sec. 11. Exemption from Filing Fees.* – When the victim of prostitution institutes
11 a separate civil action, he or she shall be exempt from the payment of filing fees.

12 *Sec. 12. Confiscation and Forfeiture of the Proceeds and Instruments Derived*
13 *from Prostitution.* – In addition to the penalty imposed for the violation of this Act, the
14 Court shall order the confiscation and forfeiture, in favor of the government, of all the
15 proceeds and properties derived from the commission of the crime, unless they are
16 the property of a third person not liable for the unlawful act; *Provided, however*, that
17 all awards for damages shall be taken from the personal and separate properties of
18 the offender; *Provided, further*, That if such properties are insufficient, the balance
19 shall be taken from the confiscated and forfeited properties.

20 When the proceeds, properties and instruments of the offense have been
21 destroyed, diminished in value or otherwise rendered worthless by any act or omission,
22 directly or indirectly, of the offender, or it has been concealed, removed, converted or
23 transferred to prevent the same from being found or to avoid forfeiture or confiscation,
24 the offender shall be ordered to pay the amount equal to the value of the proceeds,
25 property or instruments of the offense.

26 *Sec. 13. Trust Fund.* – All fines imposed under this Act and the proceeds and
27 the properties forfeited and confiscated pursuant to Section 12 hereof, shall accrue to
28 a Trust Fund to be administered by the IACATP to be used exclusively for programs
29 that will prevent prostitution and protect, heal, and reintegrate prostituted persons
30 into the mainstream of society. Such programs shall include, but are not limited to,
31 those provided for under Section 19 sub-paragraph (1) of this Act.

1 Sec. 14. *Human Rights of Persons Exploited in Prostitution.* – Persons exploited
2 in prostitution have human rights that must be respected, protected and promoted by
3 all branches, agencies and instrumentalities of the government, in law enforcement
4 drives, criminal prosecution, civil suits, service provision, and program development
5 and implementation. These rights include, but are not limited to:

- 6 (a) The right to be treated as human beings;
- 7 (b) The right to dignity and security of person;
- 8 (c) The right against any form of discrimination;
- 9 (d) The right to equal protection of the law;
- 10 (e) The right to be protected from abuse or exploitation,
- 11 (f) The right to seek redress for violations of their rights and to have their
12 complaints appropriately addressed;
- 13 (g) The right to fair and humane treatment;
- 14 (h) The right to sensitive and appropriate legal, health, and other social
15 services;
- 16 (i) The right to organize themselves and fight for their legitimate concerns;
17 and
- 18 (j) The right to be consulted on any government initiative affecting them.

19 Persons exploited in prostitution shall not be detained on the occasion of, or by
20 reason of, a raid, or in the name of law enforcement. There shall be at least one (1)
21 social worker or one (1) representative from an NGO known to be working with women
22 exploited in prostitution present during raids.

23 During raids of establishment, and at any stage of the investigation, prosecution
24 and trial of complaints for violation of this Act, law enforcers, prosecutors and judges
25 shall not disclose to the public the name, personal circumstances and other
26 information that will establish the identity of the person exploited in prostitution,
27 unless the latter consents thereto in writing.

28 It shall also be the duty of the law enforcers to ensure that persons exploited
29 in prostitution are not exposed to the media on the occasion of a raid. Law enforcers
30 who allow or facilitate the exposure to the media of persons exploited in prostitution
31 shall suffer the penalty of six (6) months imprisonment, without prejudice to the filing
32 of other criminal, civil and administrative charges under applicable laws.

1 Sec. 15. *Confidentiality.* – It shall be the responsibility of any journalist,
2 reporter, editor, publisher or producer of print and broadcast media to protect the
3 identity and privacy of persons exploited in prostitution, most particularly on the
4 occasion of a raid or rescue operation. Any journalist, reporter, editor, publisher or
5 producer of print and broadcast media who exposes to the public the identity of any
6 person exploited in prostitution without her or his consent thereto in writing, or causes
7 the publication of any picture or video that violates the dignity and other human rights
8 of the person exploited in prostitution, shall suffer the penalty of one (1) year
9 imprisonment. In addition, the owner or publisher of the print or broadcast media
10 found guilty of the violation shall pay a fine of Five Hundred Thousand Pesos
11 (P500,000.00). This shall be without prejudice to the right of persons exploited in
12 prostitution to file a civil action for damages for the violation of their human rights or
13 for any injury caused them by the publication.

14 Sec. 16. *Entrapment Prohibited.* – Law enforcers shall not use entrapment as a
15 method in law enforcement activities when the same will involve the sexual
16 exploitation of persons as defined in Section 3(b) of this Act. A law enforcement officer
17 who resorts to this method shall suffer the penalty of eight (8) years imprisonment.

18 Sec. 17. *Requirements for Hotels, Motels and Lodging Houses.* –
19 Notwithstanding any legislation, ordinance, or rule to the contrary, every hotel, motel
20 or lodging area shall:

- 21 (a) Maintain a reception and registration area for guests and patrons that
- 22 is readily within the public view;
- 23 (b) Maintain open garages, or those that do not have doors or any closing
- 24 mechanism; and
- 25 (c) Maintain good lighting in all its entrances, exits, driveways and
- 26 garages.

27 No hotel, motel or lodging house shall be allowed to operate in any part of the
28 Philippines without complying with the preceding requirements.

29 For the purpose of this Section, hotels, motels, and lodging houses already
30 operating shall have six (6) months from the effectivity of this Act to comply with this
31 provision. Failure of any hotel, motel and lodging house to comply with this Section
32 shall result in the cancellation of their license or permit to operate.

1 Sec. 18. *Mechanisms for Implementation and Monitoring.* – To effectively
2 implement and monitor the provisions of this Act, the Inter-Agency Council Against
3 Trafficking (IACAT) created under Republic Act No. 9208 or the Anti-Trafficking in
4 Persons Act of 2003, shall be expanded and renamed as the Inter-Agency Council
5 Against Trafficking and Prostitution (IACATP).

6 The Secretary of Department of Justice (DOJ) will continue to serve as the
7 Chairperson and the Secretary of DSWD as Co-Chairperson. The membership of the
8 IACAT shall be amended to include the following:

- 9 (a) Secretary, Department of the Interior and Local Government
- 10 (b) Secretary, Department of Health
- 11 (c) Secretary, Department of Tourism
- 12 (d) Director, National Bureau of Investigation
- 13 (e) Director General, Technical Education and Skills Development Authority
- 14 (f) Additional NGO Representative of persons exploited in prostitution.

15 Sec. 19. *Functions of the IACATP.* – The following additional functions shall be
16 performed by the IACATP:

- 17 (a) Develop a program addressing prostitution and the needs of persons
18 exploited in prostitution and those vulnerable to be exploited in
19 prostitution. The program shall include public information and
20 education campaign against prostitution, crisis intervention service,
21 education assistance, socio-economic assistance such as sustainable
22 livelihood skills training and financial support for small-scale
23 businesses, and integration and complete after-care programs for
24 persons exploited in prostitution, among others;
- 25 (b) Identify and, if necessary, create centers in strategic places all over
26 the Philippines that will provide health services, including counseling
27 and therapy, temporary shelter and other crisis intervention services
28 to persons exploited in prostitution. The rape crisis centers
29 established under Republic Act No. 8505 and the hospital-based
30 prosecution units for women and children may also serve as centers
31 servicing persons exploited in prostitution.

1 Each center shall establish a network of health care and other service
2 providers to address the needs of persons exploited in prostitution;

3 (c) Ensure that units are created or identified within relevant government
4 agencies, particularly those composing the IACATP which shall focus
5 on addressing prostitution and the needs of persons exploited in
6 prostitution.

7 This shall include units within the National Prosecution Service Offices in
8 local government units (LGUs) that shall specifically focus on the
9 prosecution of offenders under this Act;

10 (d) Ensure that relevant government agencies work in close coordination
11 with each other in addressing prostitution and the needs of persons
12 exploited in prostitution;

13 (e) Develop and implement a training program for law enforcers, public
14 prosecutors, judges, government lawyers, government health care
15 providers, social workers and *barangay* officials that aims to increase
16 their understanding of prostitution as a system, and equip them with
17 the perspective and skills to appropriately address the needs of
18 persons exploited in prostitution, respect, protect and promote their
19 human rights, and pursue the prosecution of offenders;

20 (f) Ensure that local counterparts of the IACATP are created in every
21 municipality, city and provinces;

22 (g) Undertake to lead the prosecution of any violation of this Act; and

23 (h) Promulgate, when necessary, rules and regulations for the effective
24 implementation and enforcement of this Act.

25 *Sec. 20. Responsibilities of Local Government Agencies in Anti-Prostitution*
26 *Efforts.* – Local government units (LGUs) shall exercise their powers to curb
27 prostitution within their respective jurisdictions. LGUs shall create a local IACATP that
28 shall combat and prevent any act of prostitution in their area. The local IACATP shall
29 be responsible for the monitoring and documentation of cases on prostitution within
30 their areas of jurisdiction and shall submit an annual report to the national IACATP. If
31 a local committee dealing with issues related to prostitution such as trafficking and
32 violence against women and children had already been established, the LGU shall

1 ensure that programs and services for prostituted persons are integrated in the plan
2 of action of the said committee. It shall be unlawful for any LGU to issue licenses or
3 permits for the operation of any establishment that is used or intended to be used for
4 any prostitution activity. Any such license or permit already issued prior to the
5 effectivity of this Act shall be deemed automatically revoked or cancelled and shall not
6 be renewed.

7 Other responsibilities of LGUs shall include conducting public information
8 campaign against prostitution, carrying out rescue operations and ensuring the safety
9 or security of victims of prostitution. LGUs may employ elements of the National
10 Bureau of Investigation (NBI) or the Philippine National Police (PNP) as provided for
11 under Republic Act No. 6975, as amended by Republic Act No. 8551.

12 *Sec. 21. Immunity of Government and DSWD-Accredited NGOs from Undue*
13 *Interference.* – Members of the national and local IACATP and DSWD-accredited NGOs
14 that are involved in the implementation of anti-prostitution programs are granted
15 immunity from suit and other legal proceedings in connection with the enforcement
16 of said programs.

17 *Sec. 22. Appropriations.* – The amount necessary to carry out the provisions of
18 this Act is hereby authorized to be appropriated in the General Appropriations Act of
19 the year following the enactment of this law and every year thereafter. All LGUs are
20 likewise mandated to allot not less than five percent (5%) of their gender and
21 development (GAD) budget and not less than five percent (5%) of the local
22 development fund of LGUs for programs, project and activities aimed to control and
23 eliminate prostitution activities within their jurisdiction, including the development and
24 conduct of deterrent information campaigns directed to potential and actual buyers of
25 prostitution sex.

26 *Sec. 23. Separability Clause.* – If any provision of this Act is declared invalid or
27 unconstitutional, the remaining provisions shall not be affected thereby and shall
28 continue to be in full force.

29 *Sec. 24. Suppletory Application.* – The provisions of Republic Act No. 9208 or
30 the Anti-Trafficking in Persons Act shall have suppletory application to this Act.

1 *Sec. 25. Repealing Clause.* – Article 202 and 341 of the Revised Penal Code are
2 hereby repealed. All other laws, decrees, ordinances and rules inconsistent with the
3 provisions of this Act are hereby modified or repealed accordingly.

4 *Sec. 26. Effectivity Clause.* – This Act shall take effect fifteen (15) days following
5 the completion of its publication in the Official Gazette or in any two (2) newspapers
6 of general circulation.

Approved,