

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



SENATE

S. B. No. 277

Introduced by Senator FRANCIS G. ESCUDERO

AN ACT
TO PROVIDE A CIVIL ACTION FOR A MINOR INJURED BY EXPOSURE TO AN
ENTERTAINMENT PRODUCT CONTAINING MATERIAL THAT IS HARMFUL
TO MINORS

EXPLANATORY NOTE

Everyday, hundreds of children access the internet and other interactive entertainment products. This poses an actual danger to the children as they are inevitably exposed to the harmful material contained therein such as pornography and violence.

In view of this, the attached bill provides the parents the means to protect their children from harmful material by allowing the parent, or the legal guardian of the minor, to sue any person who knowingly sells or distributes a material deemed harmful to minors.

Consequently, this bill aims to deter any unscrupulous person from engaging in a business of selling or distributing products containing harmful material to minors from selling the same to minors.

Accordingly, the approval of this bill is earnestly sought.

FRANCIS G. ESCUDERO



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

1 **SECTION 1. Title.** - This Act shall be known and cited as the "Parents'
2 Empowerment Act"

3 **SEC. 2. Civil Action for A Minor Injured By Exposure To An Entertainment**
4 **Product Containing Material That Is Harmful To Minors.** - A minor, through a person
5 duly authorized to act on behalf of the minor may, in a civil action obtain relief against
6 any person, natural or juridical, who knowingly sells, shows or distributes an
7 entertainment product containing material that is harmful to minors, if:

8 (1) a reasonable person would expect a substantial number of minors to be
9 exposed to the material; and

10
11 (2) the minor as a result of exposure to that material is likely to suffer
12 personal or emotional injury or injury to mental or moral welfare.

13 **SEC. 3. Relief.** - If the minor is the prevailing party:

14 (1) the minor shall recover compensatory damages of not less than P10,000
15 for each instance of any such material in any such product to which such minor
16 was so exposed;

17
18 (2) the minor may recover exemplary damages;

19
20 (3) the court, in its discretion, may allow the minor a reasonable attorney's
21 fee (including expert fees) as part of the costs; and

22 (4) the court may order any other appropriate relief.

23 **SEC. 4. Affirmative Defense.** - It is an affirmative defense to an action under this
24 section that a parent or guardian of the minor owned or possessed the entertainment
25 product containing the material to which the minor was exposed, and an act of that
26 parent or guardian was the proximate cause of the minor's exposure to that material.

1 **SEC. 5. Definition of terms. -**

2 1. "Entertainment Product" means a picture, photograph, image, graphic image
3 file, drawing, video game, motion picture film, or similar visual representation or
4 image, book, pamphlet, magazine, printed matter, or sound recording.

5 2. "Material that is harmful to minors" means any pornographic communication,
6 picture, image, graphic image file, article, recording, writing, or other pornographic
7 matter of any kind that is obscene or that, taken as a whole, lacks serious literary,
8 artistic, political, and scientific value for minors sufficient to overcome the pernicious
9 effect of that material.

10 3. "Minor" means an individual under the age of 18.

11 **SEC. 6. Separability Clause. -** In the event that any provision or part of this Act
12 shall be declared unconstitutional by the courts, the remaining provisions shall remain
13 valid and in full force and effect.

14 **SEC. 7. Repealing Clause. -** All laws, orders, rules and regulations or part thereof
15 inconsistent with the provisions of this Act are hereby repealed or amended
16 accordingly.

17 **SEC. 8. Date of Effectivity. -** This Act shall take effect fifteen (15) days after its
18 publication in the Official Gazette or in at least two (2) national newspapers of general
19 circulation whichever comes earlier

20 *Approved,*