



Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
17th City Council

PO2008-147

46th Regular Session

ORDINANCE NO. SP-1905, S-2008

AN ORDINANCE PROHIBITING THE PRODUCTION, PRINTING, PUBLICATION, DISTRIBUTION AND SALE OF PRINTED PORNOGRAPHIC MATERIALS WITHIN THE TERRITORIAL JURISDICTION OF QUEZON CITY.

Introduced by Councilors JESUS MANUEL C. SUNTAY, BERNADETTE HERRERA-DY, DOROTHY A. DELARMENTE, VICTOR V. FERRER, JR., RICARDO T. BELMONTE, JR., WINSTON "WINNIE" T. CASTELO, RAMON P. MEDALLA, VOLTAIRE GODOFREDO L. LIBAN III, EDEN "Candy" A. MEDINA, AIKO S. MELENDEZ, JORGE B. BANAL, JR., FRANZ S. PUMAREN, DANTE M. DE GUZMAN, DIORELLA MARIA G. SOTTO, JAIME F. BORRES, ANTONIO E. INTON, JR., BAYANI V. HIPOL and CONCEPCION S. MALANGEN.

WHEREAS, Section 17 paragraph "a" of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides, that local government units shall endeavor to be self-reliant and shall continue exercising the powers and discharging the duties and functions currently vested upon them. They shall also discharge the functions and responsibilities of national agencies and offices devolved to them pursuant to this Code. Local government units shall likewise exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provision of the basic services and facilities enumerated herein;

WHEREAS, under Article 99, paragraph "a" (1) (v) of the Implementing Rules and Regulations of Republic Act No. 7160, the Sangguniang Panlungsod, as the legislative body of the city, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and inhabitants. Enact ordinances intended to prevent, suppress and impose appropriate penalties for x x x the printing, distribution, or exhibition of obscene or pornographic materials or publications, such other activities inimical to the welfare and morals of the inhabitants of the city;

WHEREAS, the City Council adopted Resolution No. SP-2771, S-2005 on February 1, 2008, urging the Business Permits and Licensing Office (BPLO) to monitor all the business establishments operating internet cafes and the likes to protect children and young adults from the possible dangers posed by the internet's unlimited access to pornographic and x-rated materials, including those targeting the youth, and those "cyberpals or chatmates" who attempt to coax children to meet them for illicit purposes;

WHEREAS, the City Council also adopted Resolution No. SP-2000, S-2003 on February 18, 2003, urging the City Mayor to direct the authority to strictly enforce existing laws and local ordinances on pornography and smut in magazines, tabloids, comics and other publications, and prohibit their sale and distribution within the territorial jurisdiction of Quezon City, and cause their confiscation and destruction as offensive to morals and decency;

WHEREAS, pornography offends against chastity because it prevents the conjugal act, it does grave injury to the dignity of its participants (actors, vendors, the public), since each one becomes an object of base pleasure and illicit profit for others. It immerses all who are involved in the illusion of a fantasy world. It is a grave offense that should be prevented, thus, the production and distribution of pornographic materials should be prohibited by the City as the protector of its constituents;

WHEREAS, pornography unfairly portray women as mere objects, diminish the holy institution of marriage, undermine individual and family values, erode the minds and character of our youth - and ultimately invite judgment and destruction upon our suffering nation;

WHEREAS, the Sangguniang Panlungsod shall undertake concrete steps and sustain efforts to keep the City free from immoral materials pursuant to its solemn responsibility of looking after the welfare and well-being of their constituents.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY
IN REGULAR SESSION ASSEMBLED:

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Section 1. Declaration of Policy. – It is the policy of Quezon City Government to promote and safeguard the dignity, integrity, moral, spiritual and social well-being of its citizenry, especially the youth in general and women in particular, from the pernicious effects of obscenity and pornography.

To effectively enforce this policy the City Government shall wage a relentless campaign against the proliferation of obscene and pornographic printed materials. Likewise, the City shall see to it that the Police Officers and Barangay Officials are complying with their lawful mandate to strengthen ethical and spiritual values and to develop moral character and personal discipline within the local government unit.

Section 2. Definition of Terms. – As used in this Ordinance, the following terms shall mean:

- a. “Obscene” refers to anything that is indecent or offensive or contrary to good customs or religious beliefs, principles or doctrines, or tends to corrupt or deprave the human mind, or is calculated to excite impure thoughts or arouse prurient interest, or violates the properties of language and human behavior, regardless of the motive of the producer, printer, publisher, writer, seller, and distributor.
 - b. “Pornographic or pornography” refers to objects or subjects of pornography, illustrations, paintings, drawings, advertisements, writings, literature or narratives, contained in all forms of print which are calculated to excite, stimulate, or arouse impure thoughts and prurient interest, regardless of the motive of the author thereof.
 - c. “Materials” refers to all photographs, paintings, drawings, illustrations, advertisements, writings, literature or narratives, whether produced in the Philippines or abroad.
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- d. "Mass Media" refers to newspapers, tabloids, magazines, newsletters, books, comic books, billboards, calendars, posters and the like.
- e. "Sex" refers to the area of human behavior concerning sexual activity, sexual desires and instinct, and their expressions.

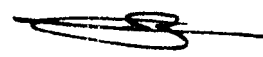

Section 3. Prohibited Acts. – The following acts are declared illegal and prohibited:

- a. Producing, printing, selling, advertising or distributing obscene or pornographic materials in all forms of mass media.
- b. Causing the distribution, publication, printing, advertising and selling of obscene and pornographic materials.
- c. Writing any obscene or pornographic article in any print or electronic medium.

Section 4. Penalties – The following penalties shall be imposed upon any person found guilty of committing any of the prohibited acts under Section 3 of this Ordinance:

Imprisonment of not less than six (6) months nor more than one (1) year and a fine of not less than One Thousand Pesos (Php1000.00) nor more than Five Thousand Pesos (Php5000.00) or both, shall be imposed;

In any case, if the offender is a juridical person, the president, general manager, members of the board of directors, editor-in-chief and the managers or heads of the sales, marketing and advertising departments or sections thereof, as the case may be, shall be liable for violation of this Ordinance.

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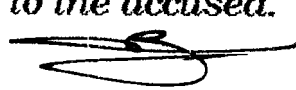
Section 5. Duties of Local Agencies Concerned. – The following local government agencies are hereby mandated to provide assistance and support to ensure the effective implementation of this Ordinance:

- a. Quezon City Police*
- b. Barangay Officials*
- c. City Legal Department and Sub-Unit Public Assistance and Legal Aid Office (PALAO)*
- d. Business Permits and Licensing Office (BPLO)*

The said agencies shall, in addition to their regular functions, exercise the following duties:

- a. Monitor all mass media that fall within their respective jurisdiction;*
- b. Initiate the prosecution of all persons involved in violation of this Ordinance;*
- c. Receive complaints from the general public anent the proliferation of obscene materials within its jurisdiction and act accordingly on such complaints;*
- d. Recommend the cancellation of business permits of those found violating this Ordinance; and*
- e. Perform such acts necessary to carry out the objectives this Ordinance.*

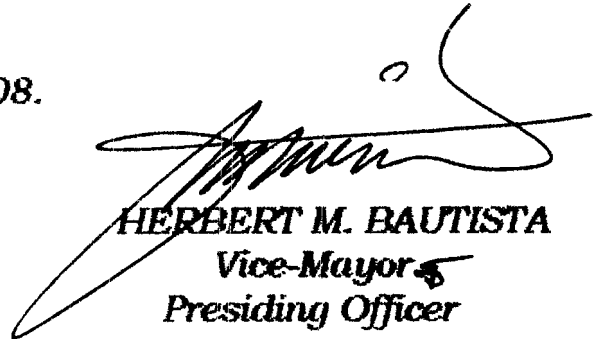
Section 6. Implementation – Any material used in the production of obscene and pornographic materials shall, after lawful seizure and final conviction of the offender, be forfeited in favor of the City Government and destroyed accordingly. Provided, however, that when the accused is acquitted, the material seized shall nevertheless be forfeited in favor of the City and destroyed: Provided, further, that if the acquittal results from a finding that the materials seized are not obscene or pornographic under this Ordinance, the materials shall be returned to the accused.

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Section 7. Separability Clause - If any section of this Ordinance is declared invalid or unconstitutional, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 8. Effectively Clause. - This Ordinance shall take effect immediately upon its approval.

ENACTED: December 15, 2008.



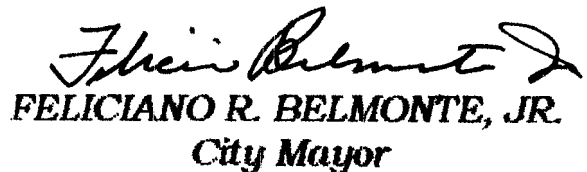
HERBERT M. BAUTISTA
Vice-Mayor &
Presiding Officer

ATTESTED:



DOROTHY D. LAGRADA, DPA
City Secretary

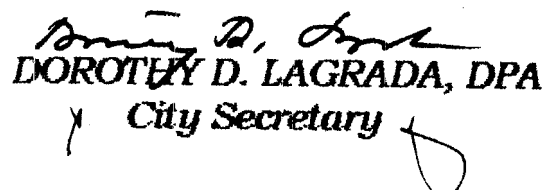
APPROVED: Jan. 23, 2009



FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading under Suspended Rules on December 15, 2008 was finally PASSED on Third/Final Reading on the same date.



DOROTHY D. LAGRADA, DPA
City Secretary