

**THE IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 11930,
OR AN ACT PUNISHING ONLINE SEXUAL ABUSE OR EXPLOITATION OF
CHILDREN, PENALIZING THE PRODUCTION, DISTRIBUTION, POSSESSION AND
ACCESS OF CHILD SEXUAL ABUSE OR EXPLOITATION MATERIALS,
AMENDING REPUBLIC ACT NO. 9160, OTHERWISE KNOWN AS THE "ANTI-MONEY
LAUNDERING ACT OF 2001", AS AMENDED AND REPEALING REPUBLIC ACT NO.
9775, OTHERWISE KNOWN AS THE "ANTI-CHILD PORNOGRAPHY ACT OF 2009"**

**RULE I
GENERAL PROVISIONS**

**Article 1
Preliminary Provisions**

Section 1. *Title.* – These rules and regulations shall be known and cited as the “Implementing Rules and Regulations (IRR) of Republic Act (R.A.) No. 11930, otherwise known as the ‘Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act’”.

Section 2. *Objective.* – This IRR is hereby promulgated to prescribe the procedures and guidelines for the implementation of R.A. No. 11930, in order to facilitate compliance therewith and achieve the objectives thereof.

Section 3. *Declaration of Policy.* – The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, emotional, psychological and social well-being. Thus, it is the policy of the State to provide special protections to children from all forms of sexual violence, abuse and exploitation especially those committed with the use of information and communications technology (ICT), provide sanctions for their commission and carry out programs for the prevention, deterrence and intervention in all situations of online sexual abuse and exploitation of children in the digital and non-digital production, distribution or possession of child sexual abuse or exploitation material. Towards this end, the State shall:

- (a) guarantee the fundamental rights of every child from all forms of neglect, cruelty, and other conditions prejudicial to their development;
- (b) protect every child from all forms of abuse or exploitation, whether committed with or without the use of ICT, such as when the abuse or exploitation involves:
 - (1) performances and materials through online or offline means or a combination of both; and
 - (2) the inducement or coercion of a child to engage or be involved in child sexual abuse or exploitation materials through whatever means.
- (c) comply with international treaties concerning the rights of children to which the Philippines is a signatory or a State party which include, but is not limited to,

the United Nations (UN) Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, the International Labour Organization (ILO) Convention No. 182 on the Elimination of the Worst Forms of Child Labour, and the Convention against Transnational Organized Crime;

- (d) ensure the right of children to useful, meaningful, and safe access to digital technologies that will provide knowledge and develop their understanding of civil, political, cultural, economic, and social rights and help them achieve their potential to be empowered, responsible, law-abiding citizens, with the end in view of protecting them from any form of violence online; and
- (e) provide paramount consideration to the interests of children in all actions affecting them, whether undertaken by public or private social welfare institutions, courts of law, executive agencies, law enforcement agencies (LEAs), local government units (LGUs), legislative bodies, and private business enterprises especially those related to the online safety and protection of children.

Article 2

Definition of Terms

Section 4. Definition of Terms. – As used in this IRR, unless the context otherwise requires, the following terms shall be understood to mean:

- (a) *Act* refers to R.A. No. 11930, or the Anti-OSAEC and Anti-CSAEM Act;
- (b) *Child* refers to a person below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of physical, mental, intellectual, or sensory disability or condition. A child shall also refer to:
 - (1) a person regardless of age who is presented, depicted or portrayed as a child as defined herein; and
 - (2) computer-generated, digitally or manually crafted images, or graphics of a person who is represented or who is made to appear to be a child as defined herein.
- (c) *Child sexual abuse* refers to any form of communication through any platform or format, or any physical interaction between a child and any person when the child is being used for any act or activity inducing sexual stimulation or for the purpose of sexual gratification or in pursuit of the desire to have carnal knowledge of the child, regardless of the gender of the perpetrator or the victim, or the consent of the victim;
- (d) *Child sexual abuse or exploitation material (CSAEM) or child sexual abuse material (CSAM)* refers to any representation, whether offline, or by, through or with the use of ICT, by means of visual, video, audio, written, or any combination thereof, by

electronic, mechanical, digital, optical, magnetic or any other means, of a child engaged or involved in real or simulated sexual activities, or depicting acts of sexual abuse or exploitation of a child as a sexual object. It shall also include materials that focus on the genitalia or other private body parts of a child. CSAEM may interchangeably be referred to as CSAM;

- (e) *Child sexual exploitation* refers to any of the following acts even if consent appears to have been granted by the child:
 - (1) child sexual abuse with consideration, whether monetary or nonmonetary, favor, or benefit in exchange for the opportunity to perform such abusive or exploitative act;
 - (2) actual sexual intercourse with a child or children with or without consideration;
 - (3) employing fraud, machination, undue influence, intimidation, threat or deception by any person to commit sexual abuse of, or sexual intercourse with a child or children; or
 - (4) any other similar or analogous acts related to child abuse, cruelty or exploitation, or to be responsible for other conditions prejudicial to the development of the child;
- (f) *Child victim-survivor* refers to a child victim of OSAEC and CSAEM;
- (g) *Competent authority* refers to law enforcement authority, investigating authority, prosecutor, court, telecommunications/ICT regulator, cybercrime investigator/coordinator, data privacy regulator, or the National Coordination Center against OSAEC and CSAEM (NCC-OSAEC-CSAEM);
- (h) *Computer* refers to an electronic, magnetic, optical, electrochemical, or other data processing or communications device, or grouping of such devices, capable of performing logical, arithmetic, routing, or storage functions and which includes any storage facility or equipment or communications facility or equipment directly related to or operating in conjunction with such device. It covers any type of computer device including devices with data processing capabilities like mobile phones, smartphones, computer networks and other devices connected to the internet;
- (i) *Computer data* refers to any representation of facts, information, or concepts in a form suitable for processing in a computer system, including a suitable program that can enable a computer system to perform a function, and electronic documents or electronic data messages whether stored in local computer systems or online;
- (j) *Content data* refers to the content of the communication, the meaning or purport of the communication, or the message or information being conveyed by the communication, other than traffic data, or subscriber's information or registration information;

- (k) *Grooming* refers to predatory conduct, act, or pattern of acts, of establishing a relationship of trust, or emotional connection by another, with a child or someone who is believed to be a child, and/or the family, guardian, and/or caregivers, whether in person or via electronic and other similar devices, for the purpose of perpetrating sexual abuse or exploitation or the production of any form of CSAEM;
- (l) *Image-based sexual abuse (ISA)* refers to a form of technology-facilitated sexual violence. The term describes a pattern of behavior involving the nonconsensual creation, distribution, or threats to distribute nude or sexual images. It includes a diversity of behaviors including, but not limited to, "sextortion scams," the use of artificial intelligence to construct "deepfake" pornographic videos, threats to distribute photographs and videos; and the taking or sharing of sexual assault imagery;
- (m) *Information and communications technology (ICT)* refers to the totality of electronic means to access, create, collect, store, process, receive, transmit, present and disseminate information;
- (n) *Inter-Agency Council Against Trafficking (IACAT)* refers to the Council created under R.A. No. 9208 (Anti-Trafficking in Persons Act of 2003), as amended;
- (o) *Internet address* refers to the uniform resource locator or internet protocol address of an internet site;
- (p) *Internet asset* includes internet site and any device that is engaged in peer-to-peer sharing of OSAEC and CSAEM;
- (q) *Internet café or kiosk* refers to an establishment or any place or venue that offers or proposes to offer the use of its computer/s or computer system for the purpose of accessing the internet, computer games or related activities: *Provided*, That for purposes of this IRR, non-formal business establishments that provide internet services shall also be considered as internet café or kiosk;
- (r) *Internet hotspot* refers to an establishment or any place or venue that offers access to the internet. It includes hotels or motels, malls, restaurants, internet cafés or kiosks, public spaces, or other related/similar places;
- (s) *Internet intermediaries* refer to persons or entities that provide infrastructure, platforms, access to, and host, transmit and index content, products and services originated by third parties on the internet. These include, among others:
 - (1) internet service providers;
 - (2) web hosting providers including domain name registrars;
 - (3) internet search engines and portals;
 - (4) e-commerce intermediaries;
 - (5) internet payment system providers; and

- (6) participative network platform providers including social media intermediaries;
- (t) *Internet service provider (ISP)* refers to a public telecommunication entity (PTE) or value-added service (VAS) provider duly authorized by or registered with the National Telecommunications Commission (NTC) that provides users or other entities with data connection allowing access to the internet through physical transport infrastructure, and such access is necessary for internet users to access content and services on the internet, and for content providers to publish or distribute materials online;
- (u) *Internet site* refers to a website, bulletin board service, internet chat room, newsgroup, or any other internet or shared network protocol address;
- (v) *Local Social Welfare and Development Office (LSWDO)* refers to the social welfare and development office of an LGU;
- (w) *Luring* refers to the act of communicating, by means of a computer system, with a child or someone who the offender believes to be a child for the purpose of facilitating the commission of sexual activity or production of any form of CSAEM;
- (x) *NCC-OSAEC-CSAEM* refers to the National Coordination Center against OSAEC and CSAEM under the IACAT created under Section 30 of the Act;
- (y) *Online sexual abuse or exploitation of children (OSAEC)* refers to the use of ICT as a means to abuse and/or exploit children sexually, which includes cases in which offline child abuse and/or exploitation is combined with an online component. This can also include, but is not limited to, the production, dissemination and possession of CSAEM; online grooming of children for sexual purposes; sexual extortion of children; sharing image-based sexual abuse; commercial sexual exploitation of children; exploitation of children through online prostitution; and live-streaming of sexual abuse, with or without the consent of the victim: *Provided*, That OSAEC may be used interchangeably with online child sexual exploitation or abuse (OCSEA);
- (z) *Pandering* refers to the act of offering, advertising, promoting, representing or distributing through any means any CSAEM, or any material that purports to contain any form of CSAEM, regardless of its actual content;
- (aa) *Participative network platform provider* refers to any person or entity, including a social media intermediary, that facilitates social communication and information exchanges which is based on online technologies such as web, instant messaging, or mobile technologies, that enable users to contribute to developing, rating, collaborating and distributing internet content and developing and customizing internet applications or to conduct social networking. It may also refer to a person or an entity that provides a platform or site for blogging, video-sharing, picture-sharing, file-sharing sites, online gaming or instant messaging, among others;

- (bb) *Payment system provider (PSP)* refers to an entity engaged in any monetary transaction which includes banks, fiat or digital money service businesses including cryptocurrencies, credit card companies and other financial institutions;
- (cc) *Person* refers to any natural or juridical entity;
- (dd) *Protective custody* refers to the act of the Department of Social Welfare and Development (DSWD) of placing a person in a government facility, or licensed, or accredited Social Welfare Development Agency (SWDA) with a residential care facility, or a foster home, to protect that person from a dangerous person or situation;
- (ee) *Self-generated* refers to content that is produced by and feature children;
- (ff) *Sexual activity* includes the following acts, whether actually performed or simulated:
 - (1) sexual intercourse or lascivious act, including contact involving the genitalia, oral stimulation of the genitals or oral stimulation of the anus, whether between persons of the same or opposite sex;
 - (2) masturbation;
 - (3) sadistic or masochistic abuse;
 - (4) lascivious exhibition of the genitals, buttocks, breasts, pubic area and anus;
 - (5) bestiality;
 - (6) use of any object or instrument for lascivious acts; or
 - (7) any other analogous circumstance;
- (gg) *Sexualization of a child* refers to the act of using a child as an object for the sexual desire or satisfaction of another, even if there is no actual sexual intercourse or no private part of the body of the child has been shown;
- (hh) *Social Welfare Development Agency (SWDA)* refers to a non-stock, non-profit corporation, organization or association, implementing or intending to implement either directly or indirectly social welfare and development programs and services in the Philippines, and assessed as having the capacity to operate administratively, technically and financially, as defined under DSWD Memorandum Circular No. 17, Series of 2018;
- (ii) *Streaming* refers to the broadcasting or viewing through the use of ICT, whether the viewer is passively watching or actively directing the content. It is considered live-streaming when the broadcasting or viewing occurs in real-time;
- (jj) *Subscriber's information or Registration information* refers to any information contained in the form of computer data or any other form that is held by a service provider or internet intermediary, relating to subscribers or registrants of its services other than traffic or content data and by which identity can be established:
 - (1) the type of communication service used, the technical provisions taken thereto and the period of service;

- (2) the identity, postal or geographic address, telephone and other access numbers, assigned network address, billing and payment information of the subscriber that is available on the basis of the service agreement or arrangement; and
 - (3) any other available information on the site of the installation of communication equipment, available on the basis of the service agreement or arrangement;
- (kk) *Tourism establishments* refer to facilities, services and attractions involved in tourism, such as, but not limited to accommodation establishments, including, but not limited to, hotels, resorts, apartelles, tourist inns, motels, pension houses, and home stay operators;
- (ll) *Traffic data or non-content data* refers to any computer data other than the content of the communication including the origin, destination, route, time, date, size, duration, or type of communication of the underlying service; and
- (mm) *Web hosting provider* refers to a person that provides infrastructure for hosting, supplies web server space and internet connectivity that enables a user to post, upload, download and share user-generated content, or a content provider who supplies content to the internet. It shall also refer to a person that provides specialized hosting services such as streaming services or application hosting, domain name registration services, or services that enable users to create and manage their websites.

RULE II

REPORTING, INVESTIGATION, AND OTHER LAW ENFORCEMENT ACTION

Article 1

Reporting of Suspected/Alleged OSAEC or CSAEM Offense

Section 5. *Duty to Report.* – Any person who has direct knowledge of any form of the unlawful or prohibited acts defined under Section 4 of the Act shall immediately report the incident, either orally, in writing, or through other means, to the Barangay Council for the Protection of Children (BCPC) or the concerned barangay authorities, the LSWDO, the nearest police or other LEAs, the Local Council for the Protection of Children (LCPC), the School Child Protection Committee, the Regional Inter-Agency Committee Against Trafficking in Persons and Violence Against Women and their Children (RCAT-VAWC), the Local Committee Against Trafficking in Persons and Violence Against Women and Children (LCAT-VAWC), any member agency of the NCC-OSAEC-CSAEM, local anti-OSAEC and anti-CSAEM committees, or any member agency of the IACAT.

Section 6. *Receipt of a report.* – The person who receives the report shall act on it according to his/her mandate or that of the agency or unit he/she represents within twenty-four (24) hours from receipt of the report. If the case requires urgent action, it should be immediately referred to the appropriate agency. Agencies that receive complaints of

violations of the Act shall develop both online and face-to-face reporting mechanisms that are child-sensitive, gender-responsive, disability-inclusive, culture-sensitive, victim-centered, trauma-informed and safe to children.

The rules on the confidentiality of the reporter under the Protocol for Case Management of Child Victims of Abuse, Neglect, and Exploitation (Case Management Protocol) issued by the Committee for the Special Protection of Children (CSPC) created by Executive Order (E.O.) No. 275, series of 1995, as amended, shall be observed.

Section 7. Action on the reported OSAEC or CSAEM incident by barangay authorities and LSWDO. – The BCPC or the concerned barangay authorities, or the LSWDO to whom a report of a suspected or alleged OSAEC or CSAEM incident is made shall immediately get the pertinent details of the incident from the person who made the report, such as, but not limited to the:

- (a) name, address, age, sex, and gender of the child victim-survivor;
- (b) location of the child victim-survivor and/or where the OSAEC or CSAEM incident occurred;
- (c) name and address of the alleged or suspected offender;
- (d) manner of committing the alleged offense; and
- (e) names and addresses of witnesses, if any.

Such report and any available information obtained from the reporter shall be entered in a separate logbook or blotter of the *barangay*.

The BCPC or the concerned *barangay* authorities, or the LSWDO shall accompany the informant or refer the case to the nearest police station.

The BCPC or the concerned *barangay* authorities, and the LSWDO shall implement security measures pursuant to Section 20 of R.A. No. 10173 (Data Privacy Act of 2012) for the protection of personal data in the separate logbook and/or blotter containing the reports.

When the alleged OSAEC or CSAEM incident has just happened and it is likely that the offenders could be intercepted/arrested and/or the child victim-survivors could be rescued, the BCPC or the concerned *barangay* authorities, and the LSWDO shall immediately coordinate with the nearest police authorities.

Article 2

Law Enforcement Action on a Reported/Referred Case of OSAEC or CSAEM

Section 8. Action of LEAs on a reported case of OSAEC or CSAEM. – Any LEA, *motu proprio* or within ten (10) days, upon receipt of a report or a referral of a suspected OSAEC or CSAEM violation should immediately initiate investigation and counter-OSAEC and CSAEM-intelligence gathering upon receipt of statements or affidavits from child victim-survivors of OSAEC or CSAEM, or their families, and other persons who have knowledge or information about violations of the Act, including the private sector: *Provided, That,*

those who will receive statements or affidavits of the child victim-survivors shall be accompanied by a social worker or, in the absence of an available one, a law enforcement officer (LEO) or professional who is trained in child-friendly procedures. As much as possible, such person must be of the same sex as the child victim-survivor. At all stages of the investigation and proceedings, special attention shall be given in ensuring that the child victim-survivors are not re-victimized.

Section 9. *Taking of statements of persons in possession of information about a suspected OSAEC or CSAEM violation.* – The concerned LEA may invite any person who is a witness in possession of knowledge or information about the reported OSAEC or CSAEM violation. The information provided shall be evaluated by the LEA for the purpose of determining their sufficiency to support the filing of a case or the conduct of the necessary law enforcement operation.

Article 3

Conduct of Law Enforcement Operations and Protection of Rescued Persons During and After an Operation

Section 10. *Objectives of a law enforcement operation.* – A law enforcement operation should aim to:

- (a) rescue, protect, and assist the child victim-survivor;
- (b) arrest the suspects in the act of committing an offense;
- (c) seize evidence to support eventual prosecution of the suspects; and
- (d) ensure the best interest of the child during and after the rescue operation, including during the judicial process.

Section 11. *General guidance in the conduct of law enforcement operations.* – To obtain maximum results and achieve the objectives mentioned in the previous section, the LEA conducting operations should:

- (a) carry-out a pro-active investigation, i.e., conduct prior intelligence work and information gathering, to ensure that the law enforcement operation will eventually result in the successful prosecution of the case and the protection of child victim-survivors;
- (b) obtain a search warrant or other court orders unless the interest of time, safety of the child victim-survivors and other analogous circumstances require otherwise;
- (c) obtain a cybercrime warrant or other court orders necessary for the disclosure, interception, search, seizure, and examination of computer data or other pieces of electronic evidence;
- (d) coordinate, when necessary, with other relevant agencies to facilitate the successful conduct of the operation;

- (e) cordon off and secure the place where the exploitation or abuse occurred or where the child victim-survivors are found to ensure the integrity of the evidence until the incident response conducted by the first responders has been completed;
- (f) inform the arrested person/s of the reason/s for the arrest and other rights prescribed under R.A. No. 7438 (An Act Defining Certain Rights of Persons Arrested, Detained or Under Custodial Investigation as well as The Duties of the Arresting, Detaining and Investigating Officers, and Providing Penalties For Violations Thereof);
- (g) in case of warrantless arrest, the arresting officer shall strictly observe the Rules on Warrantless Arrest as prescribed under Section 5 of Rule 113 of A.M. No. 00-5-03-SC (Revised Rules on Criminal Procedure);
- (h) issue subpoena against service providers or any person for the disclosure of subscriber's information or registration information and/or traffic data. The Director of the National Bureau of Investigation (NBI) and the Chief of the Philippine National Police (PNP) shall be authorized to issue subpoena in relation to the conduct of investigation involving violations under the Act;
- (i) conduct the law enforcement operation in a child-sensitive, gender-responsive, disability-inclusive, culture-sensitive, victim-centered, trauma-informed, and safe manner; and
- (j) ensure that during enforcement operations, media coverage shall be in accordance with the Department of Justice (DOJ) Guide for Media Practitioners on the Reporting and Covering of Cases Involving Children.

Section 12. *Coordination with the DSWD, LSWDO, SWDA and other relevant government agencies prior to the conduct of law enforcement operation.* – The team conducting a law enforcement operation shall coordinate with the DSWD, or the LSWDO of the place where the operation will be conducted, or an SWDA on children's rights and ensure their presence during the operation. The DSWD, LSWDO, or SWDA social worker shall provide protection and assistance to child victim-survivors as soon as they are in the custody of the authorities. In cases where there is a large number of child victim-survivors to be rescued, the attending social worker may, prior to, or after the rescue, request reinforcement from the nearest DSWD Field Office, LSWDO, or SWDA.

In case of unavailability of social workers from the DSWD, LSWDO, or SWDA, the law enforcement team shall continue with the operation and ensure the presence of social workers immediately upon their availability.

The team may coordinate with other relevant government agencies as the situation requires.

Section 13. *Treatment of child victim-survivors during a rescue operation.* – The members of the rescue team shall ensure the full protection and respect of the rights of child victim-survivors during an operation. Immediately after the rescue, the team shall

separate the child victim-survivor from the suspected offenders. The rescued child victim-survivor shall be removed from the scene and immediately endorsed to the care and assistance of the social workers.

Section 14. *Treatment of rescued child victim-survivors immediately after the rescue.* – The DSWD, LSWDO, or SWDA shall ensure that the immediate needs of the child victim-survivor are addressed after the rescue. The child victim-survivor shall be informed of the situation and the legal processes that will take place following the operation, such as the conduct of an investigation, the taking of his/her statement, and appearance before a prosecutor for inquest proceedings. The child victim-survivor shall likewise be informed of the assistance and the options available in the language known to him/her.

The LEOs, in coordination with the DSWD, LSWDO, or SWDA, shall likewise provide transportation and security services to the rescued child victim-survivor during inquest proceedings, preliminary investigation, and court hearings, when the need arises.

Section 15. *Taking of statement.* – The sworn statement of the rescued child victim-survivor shall be taken after he/she has been informed about, and is able to understand, the legal procedures and the value of the statement given. As much as possible, the statement shall be taken in a place conducive for conducting interviews, in the presence of a registered social worker, and in a child-sensitive, gender-responsive, disability-inclusive, culture-sensitive, victim-centered, trauma-informed, and safe manner. A joint interview by an investigator and a social worker should be enjoined to avoid repetitive interviews and the same may be documented by any available medium of recording with the consent of the guardian of the child victim-survivor, or any duly-licensed person or institution having protective custody of the child victim-survivor: *Provided*, That if this joint interview shall be recorded via video, that it be conducted in accordance with the requirements of Administrative Matter (A.M.) No. 004-07-SC (Rule on Examination of a Child Witness).

The transcript and the copy of the audio or video interview conducted by the investigator and/or social worker who are specially trained to conduct such interview, concerning the personal information of the child victim-survivor and manner by which the rescued child victim-survivor was abused or exploited can be utilized as evidence before the office of the prosecutor and before the court, in lieu of a sworn statement. The interviewer and/or the person who recorded the interview shall execute an affidavit stating as to the manner he/she conducted the interview and how the interview was recorded.

Section 16. *Documentation and processing after the rescue operation.* – The rescue team shall process and prepare the following:

- (a) for prosecutorial purposes, evidence such as, but not limited to, sworn statements of child victim-survivors and witnesses; affidavit of arrest, when a suspected offender has been arrested; the pieces of evidence obtained from the crime scene; electronic evidence gathered through initial response tools or forensic examination upon the approval of the court; and copy of the video of the body-worn camera or

alternative recording device during the arrest operation pursuant to A.M. No. 21-06-08-SC (Rules on the Use of Body-Worn Cameras in the Execution of Warrants);

- (b) for reportorial purposes, reports on the rescue operation, including the list of the rescued child victim-survivors, their genders, ages, and profiles. Such report shall be submitted to the NCC-OSAEC-CSAEM Secretariat within 15 days from rescue operation. The NCC-OSAEC-CSAEM shall prescribe the standard reporting template.

Section 17. Cooperation of LEAs in OSAEC and CSAEM Investigation. – Recognizing the transnational nature of OSAEC and CSAEM, and notwithstanding the immediately preceding section, the PNP, NBI, and Philippine Center on Transnational Crime (PCTC) shall endeavor to establish cooperation arrangements with foreign LEAs for the effective detection and investigation of OSAEC and CSAEM cases, which may include sharing of information, towards the apprehension of suspected offenders, in the Philippines and abroad.

Article 4 **Financial Investigation, Asset Identification and Freezing**

Section 18. Investigation on the assets and/or properties of OSAEC and CSAEM offenders. – When a person is arrested/investigated in relation to a violation of the Act, a parallel investigation may be conducted by the PNP, NBI, Anti-Money Laundering Council (AMLC), and other agencies authorized by law in order to determine whether or not such assets are subject of the offense, proceeds or fruits of the offense, or were used in the commission of the offense. Such investigation shall include, but is not limited to:

- (a) identifying and locating the property and/or asset;
- (b) determining the owner or the person who has control over the property; or
- (c) tracking other financial transactions and activities employed in connection with, or in furtherance of, any of the prohibited acts defined in the Act.

The concerned law enforcement or government agency may coordinate with the appropriate law enforcement or government agencies to obtain vital information or evidence.

For this purpose, LEAs, if appropriate, shall access bank information and other financial information in accordance with rules and regulations to be promulgated by the Department of the Interior and Local Government (DILG) and the AMLC implementing Section 9(c) of the Act.

Section 19. Requesting freeze orders through the AMLC. – LEA or the other agencies authorized by law may transmit such relevant information and/or evidence to the AMLC, which shall include, among others:

- (a) name and address, if known, of the account holder, or the owner, holder, or possessor of the property;

- (b) description of the monetary instrument, property, or proceeds and its location, if known;
- (c) evidence showing that the subject monetary instrument, property, or proceeds are in any way related to or involved in any of the prohibited activities defined in the Act.

The AMLC shall file the petition for the issuance of a freeze order, in accordance with Section 10 of R.A. No. 9160 (Anti-Money Laundering Act of 2001), as amended, Rule 10 of its 2018 IRR, and A.M. No. 05-11-04-SC (Rules on Civil Forfeiture).

Article 5

Blacklisting of Aliens

Section 20. *Creation of a Registry of Blacklisted Aliens.* – The NCC-OSAEC-CSAEM shall create and maintain an updated registry of Blacklisted Aliens based on the information from the Department of Foreign Affairs (DFA), Bureau of Immigration (BI) and DOJ.

Section 21. *Who may be included in the Blacklist.* – The following shall be included in the Blacklist:

- (a) all convicted offenders of OSAEC, CSAEM, or similar or equivalent crimes in other jurisdictions; or
- (b) those aliens reported to or being monitored by the NCC-OSAEC-CSAEM for conducting OSAEC or CSAEM activities.

The NCC-OSAEC-CSAEM, in coordination with the DFA, BI, PCTC, and DOJ, shall ensure that the abovementioned persons shall not be allowed entry in the Philippines.

Section 22. *Who may request for Blacklisting.* – The following may request for Blacklisting:

- (a) any member of the NCC-OSAEC-CSAEM, in cases involving those who are facing administrative, civil and/or criminal action, by attaching in the request a copy of the complaint duly docketed by the court or body having jurisdiction over the case; and
- (b) the Secretary of Justice (SOJ) or the Secretary of Social Welfare of Development (SSWD) or their authorized representatives, for persons or entities who are being monitored by Philippine LEAs for conducting OSAEC or CSAEM activities, accompanied by a detailed report on the monitoring operations naming and describing the involvement of such persons or entities.

Section 23. *Posting and updating of the Blacklist.* – The Blacklist shall be updated bi-monthly. The NCC-OSAEC-CSAEM through its Secretariat shall share the Blacklist to the DFA, BI, PCTC, DOJ, and other concerned government agencies, for purposes of the prevention of OSAEC and CSAEM activities in the Philippines, data verification, matching, and updating.

Article 6 Age Verification Protocols

Section 24. *Duty of providers of adult content.* – All online providers of adult content shall be required to adopt an anonymous age verification process (AVP) before granting access to adult content.

Section 25. *Implementation of the AVP.* – The Department of Information and Communications Technology (DICT) and NTC shall undertake the following:

- (a) complete a policy study into age-verification controls and protocols by internet intermediaries that may be put in place in order to restrict the access of children to materials within the purview of Section 3(c)(iv) of Presidential Decree (P.D.) No. 1986 (Creating the Movie and Television Review and Classification Board) not later than one (1) year after the passage of the Act; and
- (b) promulgate rules and regulations governing the adoption of an anonymous AVP not later than 18 months after the passage of the Act.

Section 26. *Data Privacy.* – Nothing in this Article shall be construed as an exemption from the provisions of the Data Privacy Act of 2012.

Article 7 Application for Cyber Warrants

Section 27. *Application for cyber warrants.* – The application for cyber warrants shall be governed by A.M. No. 17-11-03-SC (Rule on Cybercrime Warrants) and such other issuances by the Supreme Court.

Section 28. *Preservation of computer data; Period to preserve.* – A LEA may request service providers to keep, preserve, and maintain the integrity of the computer data subject of the investigation.

Subscriber's or registration information and traffic data shall be preserved by the internet intermediaries within six (6) months from the date of transaction. Content data shall be preserved by the internet intermediaries for one (1) year from the date of receipt of the order from the LEAs requiring its preservation.

LEAs may order a one-time extension for another six (6) months. If the computer data preserved by the internet intermediaries is used as evidence in a case, the receipt of the internet intermediaries of a copy of the transmittal document to the Office of the Prosecutor shall be deemed a notification to further preserve the computer data until the final termination of the case and/or as ordered by the court as the case may be.

Section 29. *Authority of LEAs to retain computer data.* – Notwithstanding the provisions of Sections 15 and 16 of R.A. No. 10175 (Cybercrime Prevention Act of 2012), whenever a cybercrime warrant is issued for OSAEC and CSAEM cases, LEAs shall be

authorized to retain a copy of the result of digital forensic examinations without need of any court intervention. The retained data shall include all computer data, including content and traffic data, for the purpose of identifying additional child victim-survivors and suspects, and carrying out a further investigation, or case build-up.

In depositing the digital forensic examination to the court in accordance with Section 16 of the Cybercrime Prevention Act of 2012, LEAs shall certify that a duplicate copy has been made and retained pursuant to Section 17 of the Act.

Moreover, after examination and analysis of the content data by LEAs and upon determination that there is nexus abroad, LEAs may provide the result of the digital forensic examination to foreign LEAs, on its own initiative, or upon request by the said foreign LEAs in accordance with cooperation arrangements as provided in Section 16 of the Act, for the conduct of a parallel investigation.

Article 8

Intercepted Communications

Section 30. *Application for the interception of communications; Requirements.* –

Any LEO may apply for an order before the Regional Trial Court (RTC) to track, intercept, view, monitor, surveil, listen to, and record any communications, information, or messages with the use of any technical or electronic means, including, but not limited to, the kind or type of intercepting devices mentioned in R.A. No. 4200 (An Act to Prohibit and Penalize Wire Tapping and Other Related Violations of the Privacy of Communication, and for Other Purposes).

The *ex parte* application, made under oath or affirmation, shall include the following information:

- (a) the identity, such as name and address, if known, of the charged or suspected person whose communications are to be intercepted. If the person suspected of the crime is not fully known, such person shall be subject to continuous surveillance provided there is a reasonable ground to do so;
- (b) identities of the intercepting LEOs, or identities of individuals or juridical persons who will assist the LEA in carrying out the interception;
- (c) the offense or offenses committed or being committed, or sought to be prevented;
- (d) that there are reasonable grounds to believe that any of the crimes enumerated under the Act has been committed, or is being committed, or is about to be committed;
- (e) that there are reasonable grounds to believe that evidence that will be obtained is essential to the conviction of any person for, or to the solution of, or to the prevention of any such crimes; and
- (f) that there are no other means readily available for obtaining such evidence.

Section 31. *Effective period of order to intercept communications.* – The order authorizing the interception of communications shall only be effective for the length of time as determined by the court, which shall not exceed ten (10) days from its issuance. The LEO may request for the extension of the effectivity of the order for a period not exceeding ten (10) days from the expiration of the original period based on justifiable reasons.

Section 32. *Exception from court order to intercept communications when offense involves use of computer systems and digital platforms.* – When the offense involves the use of computer systems and digital platforms, a court order shall not be required in order for a LEO, acting in an undercover capacity, to intercept communication with a person reasonably believed to have committed, is committing, or about to commit any of the violations under the Act.

Section 33. *Non-liability under R.A. No. 4200.* – In investigating violations of the Act involving the use of the internet and other digital platforms, LEOs acting in an undercover capacity who record their communications with a person or persons reasonably believed to have committed, is committing, or is about to commit any of the violations under the Act, shall not be considered as wiretapping or illegal interception. LEOs shall not be liable under the provisions of The Anti-Wiretapping Law.

Article 9

OSAEC and CSAEM Offenders Registry

Section 34. *Creation of the OSAEC and CSAEM Offenders Registry.* – An OSAEC and CSAEM Offenders Registry (OSAEC and CSAEM Registry) for both Filipino nationals and foreigners shall be created. The NCC-OSAEC-CSAEM shall create and maintain the OSAEC and CSAEM Registry, and shall develop the necessary guidelines for its use which shall include the process of registration and delisting of OSAEC and CSAEM offenders.

Section 35. *Exception from the OSAEC and CSAEM Registry.* – Children in conflict with the law shall not be recorded in the registry.

Section 36. *Required information from OSAEC and CSAEM offenders.* – The following information of adult individuals convicted of OSAEC, CSAEM, and other sexual offenses against children shall be part of the OSAEC and CSAEM Registry:

- (a) *Name, date of birth, and PhilSys number, if available;*
 - (1) the name of the offender, including any alias used by the offender;
 - (2) the offender's date of birth and any date that the offender uses as his purported date of birth; and

- (3) the PhilSys number of the offender and any number that the offender uses as his purported PhilSys number. In the event that the PhilSys number is not available, other government-issued identification numbers should be recorded.
- (b) *Remote communication identifiers.* All designations the offender uses for purposes of routing or self-identification in internet or telephonic communications or postings, including email addresses, telephone numbers, sim card registration number, and other similar mediums;
- (c) *Place of residence, temporary lodging, employment, school attendance;*
 - (1) the address of each residence at which the offender resides or will reside or, if the offender has no present or expected residence address, other information describing where the offender resides or will reside with whatever definiteness is possible under the circumstances;
 - (2) information about any place in which the offender is staying when away from his residence for seven (7) or more days, including the identity of the place and the period of time the offender is staying there;
 - (3) the name and address of any place where the offender is or will be an employee or, if the offender is or will be employed but with no fixed place of employment, other information describing where the offender works or will work with whatever definiteness is possible under the circumstances; and
 - (4) the name and address of any place where the offender is a student or will be a student.
- (d) *Vehicle information.* The license plate number and a description of any vehicle owned or operated by the offender, including watercraft and aircraft in addition to land vehicles. If a vehicle has no license plate but has some other type of registration number or identifier, then the registration number or identifier must be provided. Information must also be provided as to where any vehicle owned or operated by the offender is habitually parked, docked, or otherwise kept;
- (e) *Passports and immigration documents.* Information about each passport the offender has and, if the offender is an alien, information about any document/s establishing the offender's immigration status, including passport or immigration document type and number;
- (f) *International travel.* Information relating to intended travel outside the Philippines, including any anticipated itinerary, dates and places of departure from, arrival in, or return to the Philippines and each country visited, carrier and flight numbers for air travel, destination country/ies and address or other contact information therein, and means and purpose of travel;
- (g) *Recent photograph;*

- (h) *Fingerprints*;
- (i) *Distinguishing marks*. Details, preferably with photographs, of any tattoos, scars, or permanent distinguishing marks that the offender has, including those that have been removed;
- (j) *Professional licenses*. Information concerning all licenses of the offender that authorizes the offender to engage in an occupation or carry out a trade or business;
- (k) *Affiliation*. Details of the offender's affiliation with any organization that has a child membership or child participation in its activities; and
- (l) *Complete criminal history*.

Section 37. Updating of the OSAEC and CSAEM Registry. – The OSAEC and CSAEM Registry lodged in the NCC-OSAEC-CSAEM shall be regularly updated and shared with relevant national government authorities, and linked to international LEAs, through the PCTC.

The following procedure shall govern the updating of the OSAEC and CSAEM Registry:

- (a) *Initial Registration*. The offender must be registered following conviction for the offense giving rise to the registration requirement; and
- (b) *Periodic In-Person Verification*. The offender must appear in person, allow the authorities to take a current photograph, and verify the information in the OSAEC and CSAEM Registry. In carrying out the required verification of information in the OSAEC and CSAEM Registry, the offender must correct any information that has changed or is otherwise inaccurate and must report any new registration information.

Section 38. Sharing of information. – In accordance with the provisions of the Data Privacy Act of 2012, the NCC-OSAEC-CSAEM may release relevant information that is necessary to protect the public from imminent danger concerning a specific person required to register under this Article. Such relevant information may be shared to LEAs and other relevant agencies identified by the NCC-OSAEC-CSAEM in its guidelines.

RULE III

EXTRA-TERRITORIALITY AND INTERNATIONAL LEGAL COOPERATION

Article 1

Extra-territoriality Principle

Section 39. Extra-territorial jurisdiction; Requirements. – The Philippines shall exercise jurisdiction over any act defined and penalized under the Act, even if committed outside the Philippines and whether or not such act/s constitute an offense at the place

of commission, if the offense, being a continuing offense, was commenced in the Philippines.

The Philippines shall also exercise jurisdiction over any act defined and penalized under the Act if committed in another country: *Provided*, That the suspect or accused:

- (a) is a Filipino citizen;
- (b) is a permanent resident of the Philippines; or
- (c) has committed the act against a citizen of the Philippines.

Section 40. *Prohibition.* – No prosecution may be commenced against a person under this Article if a foreign government, in accordance with jurisdiction recognized by the Philippines, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the SOJ.

Article 2

Extradition of an Accused or Convicted Person for OSAEC and CSAEM

Section 41. *Extradition.* – The extradition of an accused or a convicted person for an offense punishable under the Act shall be pursued in accordance with the provisions of P.D. No. 1069 (Philippine Extradition Law) and the applicable extradition treaty. Such person may only be extradited from a country which the Philippines has an extradition treaty, or is a state party to a multilateral treaty in which the Philippines is also a state party, or as may hereafter be allowed by law.

Section 42. *Who may request extradition and where the request should be made.* – A LEA, prosecution office, or any interested party seeking to extradite a person accused or convicted for violation of the Act, including those covered by the application of the extra-territoriality principle, may request the extradition of such person through the Legal Staff of the DOJ.

Section 43. *Request; Form and content.* – The request for extradition to the DOJ shall be in writing, signed by the head of the requesting agency or by the interested party, supported by relevant documentary evidence, and as much as possible, state therein the following information:

- (a) the fullest particulars as to the identity, nationality and location, if known, of the accused or convicted person;
- (b) statement of facts of the offense for which extradition is requested;
- (c) description of the acts or omissions constituting the alleged offense, including an indication of the time and place of the commission of these acts;
- (d) text of the relevant provisions of the law describing the essential elements of the offense, prescribed penalty, and any time limit on the prosecution or execution of punishment of the offense; and

- (e) such other documents or information that the DOJ may require pursuant to the extradition law and applicable treaties.

Article 3

Requests for Mutual Legal Assistance

Section 44. *Legal assistance from a foreign state.* – The DOJ shall be the central authority for all requests for mutual legal assistance.

The DOJ shall make and receive requests for mutual legal assistance in criminal matters from a foreign state relative to the investigation or prosecution of, related criminal proceedings to, any form of child sexual abuse or exploitation, including those covered by the application of the extra-territoriality principle, and execute or arrange for the execution of such request for assistance.

A request for legal assistance may be made with a foreign state on the basis of law, treaty and/or reciprocity. In case there is an existing mutual legal assistance treaty between the Philippines and a foreign state, the provisions of that treaty shall apply.

Section 45. *Types of assistance.* – Legal assistance as contemplated by the Act may include:

- (a) taking of evidence or obtaining voluntary statements from persons;
- (b) making arrangements for persons to give evidence or to assist in criminal matters;
- (c) effecting service of judicial documents;
- (d) executing searches and seizures;
- (e) examining objects and sites;
- (f) providing or obtaining original or certified true copies of relevant documents, records, and items of evidence;
- (g) identifying or tracing property derived from the commission of an offense under the Act and instrumentalities of such offense;
- (h) restraining of dealings in property or the freezing of property derived from the commission of an offense that may be recovered, forfeited or confiscated;
- (i) recovery, forfeiture, or confiscation of property derived from the commission of an offense under the Act;
- (j) locating and identifying witnesses and suspects;
- (k) effecting the temporary transfer of persons deprived of liberty to appear as witnesses; and
- (l) such other types of assistance consistent with the objective of the Act and the laws of the requested state.

Section 46. *Request; Where to be made.* – Any LEA or prosecution office desiring to seek the assistance of a foreign state regarding the investigation or prosecution of an offense under the Act may submit the request to the DOJ, through the Legal Staff, which shall in turn make the formal request pursuant to the law or applicable treaty, or on the basis of reciprocity. The request shall specifically detail the assistance to be requested.

Section 47. *Execution of requests for assistance; Limitations.* – A request for assistance shall be executed in accordance with Philippine laws. Where the request for assistance is made pursuant to a treaty, the provisions of the treaty shall be considered in the execution of the request. The DOJ may refuse to carry out a request for assistance if its execution would be inconsistent with Philippine laws or would likely prejudice the national interest of the Philippines.

Article 4 **Deportation, Forced Removal, or Return**

Section 48. *Request for deportation, forced removal, or return.* – The Philippines may request for the deportation, forced removal, or return to the country of any Filipino citizen or a permanent resident of the Philippines who is convicted, charged, or facing prosecution for an offense under the Act when the subject is in hiding, residing, or in a temporary sojourn in the territory of another country.

RULE IV PROSECUTION

Article 1 Filing of Cases

Section 49. *Who may file a complaint.* – Complaints on any offense punishable under the Act may be filed by the following:

- (1) offended party;
- (2) parents or guardians;
- (3) ascendant or collateral relative within the third (3rd) degree of consanguinity;
- (4) officer, social worker or representative of licensed child-caring institutions;
- (5) officer or social worker of the DSWD;
- (6) local social welfare development officer;
- (7) any *barangay* official;
- (8) any LEO;
- (9) at least three (3) concerned responsible citizens residing in the place where the violation occurred; or
- (10) any person who has personal knowledge of the circumstances of the commission of any offense under the Act.

Section 50. *Where to file complaint.* – A complaint for violation of the Act shall be filed where the offense was committed, or where any of its elements occurred, or where the child victim-survivor actually resides at the time of the commission of the offense. For purposes of inquest or preliminary investigation the complaint may be filed with the DOJ – Office of the Secretary of Justice Prosecution Staff (OSJPS), or Provincial/City Prosecution Office where the offense or any of its elements has been committed, is being committed, or is about to be committed.

Section 51. *Filing of complaint by LEO.* – A LEO who has personal knowledge of the commission of the offense, (i.e., member of the team that conducted the anti-OSAEC and CSAEM operations) may initiate a criminal complaint for violation of the Act by executing his/her own affidavit or sworn statement.

Section 52. *Commencement of the inquest proceedings.* – Where a person is lawfully arrested without a warrant, the complainant or arresting officer shall file a complaint with the DOJ or any of its local prosecution office.

The inquest proceedings shall be considered commenced upon receipt by the inquest prosecutor of the following documents:

- (a) the affidavit of arrest duly subscribed and sworn to before him by the arresting officer;
- (b) the investigation report;
- (c) the sworn statements of the complainant/s and witness/es;

- (d) copy of the video from the body-worn camera or alternative recording device pursuant to the Rules on the Use of Body-Worn Cameras in the Execution of Warrants showing the arrest of the respondent. In the absence thereof, any video would show how the respondent was arrested;
- (e) transcript of the audio or video forensic interview, if available;
- (f) affidavit of the interviewer; and
- (g) other supporting pieces of evidence gathered by the LEOs in the course of their investigation of the criminal incident involving the arrested or detained person.

Section 53. Commencement of preliminary investigation. – A preliminary investigation proceeding is commenced:

- (a) by the filing of a complaint directly with the DOJ or any of its local prosecution office;
- (b) by referral from or upon request of the LEA that investigated the incident involving any offense under the Act;
- (c) upon request of a person arrested or detained pursuant to an arrest without warrant who executes a waiver in accordance with Article 125 of the Revised Penal Code, as amended;
- (d) by an order or upon the directive of the court or other competent authority; or
- (e) upon the initiative of the NCC-OSAEC-CSAEM.

Section 54. Preferential attention to cases of OSAEC and CSAEM. – All cases of OSAEC and CSAEM shall be given preferential attention, and should, therefore, be investigated and resolved within the periods indicated in the Revised Rules on Criminal Procedure.

Section 55. Prescriptive period. – Violations penalized under the Act shall prescribe in accordance with Section 1 of Act No. 3326 (An Act to Establish Periods of Prescription for Violations Penalized by Special Acts and Municipal Ordinances and to Provide When Prescription Shall Begin to Run), as amended.

Section 56. Institution of criminal and civil actions. – Pursuant to the Revised Rules on Criminal Procedure, when a criminal action is instituted, the civil action arising from the offense charged shall be deemed instituted with the criminal action unless the offended party waives the civil action, reserves the right to institute it separately, or institutes the civil action prior to the criminal action.

Section 57. Exemption from filing fees. – The NCC-OSAEC-CSAEM will advocate for the exemption from the payment of filing fees, when the child victim-survivor of OSAEC or CSAEM institutes a separate civil action for the recovery of civil damages.

Section 58. Jurisdiction. – Jurisdiction over cases for the violation of the Act shall be vested in the Family Court which has territorial jurisdiction over the place where the offense or any of its essential elements was committed pursuant to R.A. No. 8369 (Family Courts Act of 1997).

In provinces or cities where there are no Family Courts, jurisdiction over cases for the violation of the Act shall be vested with the RTC.

Section 59. *Presentation of child's statement as evidence.* – The Rule on Examination of a Child Witness shall be observed whenever a child testifies in court or via video conferencing.

To the extent allowable under such Rule, prosecutors handling OSAEC and CSAEM cases shall make use of alternative means of presenting a child's statement as evidence, which means do not require the presence of the child, such as, but not limited to, a videotaped in-depth disclosure interview.

Section 60. *Venue.* – A criminal action arising from a violation of the Act shall be filed where the offense was committed, where any of its elements occurred, or where the child is found or actually resides at the time of the commission of the offense: *Provided*, That the court where the criminal action is first filed shall acquire jurisdiction to the exclusion of other courts.

Section 61. *Speedy disposition of OSAEC and CSAEM cases.* – Where practicable and unless special circumstance require otherwise, the procedures under SC Circular No. 38-98 implementing R.A. No. 8493 (Speedy Trial Act of 1998) and A.M. No. 15-06-10-SC (Revised Guidelines for Continuous Trial of Criminal Cases) may apply in cases involving the trial of cases for offenses under the Act.

Article 2 Prosecution of OSAEC and CSAEM Cases

Section 62. *Appointment of special prosecutors.* – The DOJ shall appoint or designate special prosecutors to prosecute cases for the violation of the Act.

Section 63. *Deputation of private prosecutors.* – Subject to the approval of the court, a private prosecutor may be authorized in writing by the Prosecutor General, or the head of the local prosecution office where the public prosecutor is assigned or appearing in the Family Court to prosecute the case. Once so authorized, the private prosecutor shall continue to prosecute the case up to the end of the trial unless the authority is revoked or otherwise withdrawn.

Article 3 Prohibitions during Investigation and Prosecution

Section 64. *Non-dismissal of cases on the basis of an affidavit of desistance.* – Cases involving OSAEC and CSAEM shall not be dismissed based on the affidavit of desistance executed by the child victim-survivors, or their parents or legal guardians. Public and private prosecutors are directed to oppose and manifest objections to motions for dismissal.

Article 4

Civil Forfeiture Proceedings

Section 65. *Provisional remedies under the Rules on Civil Forfeiture.* – Subject to the Rules on Civil Forfeiture and Rule 10 and Rule 12 of the 2018 IRR of the Anti-Money Laundering Act of 2001, when probable cause exists that a monetary instrument or property is related to an activity involving any of the prohibited acts defined in the Act, the IACAT or the handling public or private prosecutor, social worker, or representative of child-care institution, may request the assistance of the AMLC in filing –

- (a) an application/petition for issuance of freeze order;
- (b) an action for civil forfeiture; or
- (c) a petition for the issuance of provisional asset preservation order.

Section 66. *Effect of provisional asset preservation order.* – In accordance with the Rules on Civil Forfeiture, the provisional asset preservation order shall forbid any transaction, withdrawal, deposit, transfer, removal, conversion, concealment, or other disposition of the subject monetary instrument, property, or proceeds.

Article 5

Asset Forfeiture based on Conviction in a Criminal Action

Section 67. *Confiscation and forfeiture of the proceeds, tools and instruments used in OSAEC and CSAEM.* –

- (a) A.M. No. 21-03-13-SC (Rule on Asset Preservation, Seizure, and Forfeiture in Criminal Cases under Republic Act No. 9160), as amended, shall govern the procedure in the criminal forfeiture of monetary instruments or properties related to violations of Sections 4 and 5 of the Act.
- (b) If the offender is a public officer or employee, the forfeiture of his/her property found to be unlawfully acquired shall be governed by R.A. No. 1379 (An Act Declaring Forfeiture in Favor of the State Any Property Found to Have Been Unlawfully Acquired by Any Public Officer or Employee and Providing for the Proceedings Therefor).

Article 6

Confidentiality of all Proceedings

Section 68. *Confidentiality.* – The right to privacy of the child shall be ensured at any stage of the investigation, prosecution, and trial of an offense under the Act. Towards this end, the following rules shall be observed:

- (a) The judge, prosecutor, or any officer of the law to whom the complaint has been referred may, whenever necessary, ensure a fair and impartial proceeding and after considering all circumstances for the best interests of the child, conduct a closed-door investigation, prosecution, or trial;

- (b) The name and personal circumstances of the child, including the child's immediate family, or any other information tending to establish the identity of the child shall not be disclosed to the public;
- (c) Any record regarding a child shall be confidential and kept under seal. Except upon written request and order of the court, a record shall be released only to the following:
 - (1) members of the court staff for administrative use;
 - (2) the prosecuting attorney;
 - (3) defense counsel;
 - (4) the guardian *ad litem*;
 - (5) agents of investigating LEAs; and
 - (6) other persons as determined by the court;
- (d) Any form of OSAEC and CSAEM that is part of the court records shall be subject to a protective order that provides as follows:
 - (1) any form of OSAEC and CSAEM may be viewed only by the parties, their counsel, their expert witness, and guardian *ad litem*;
 - (2) neither form of OSAEC and CSAEM nor any portion thereof shall be divulged to any other person, except as necessary for investigation, prosecution, or trial; and
 - (3) no person shall be granted access to any form of OSAEC and CSAEM or any part thereof unless there is a written affirmation of the receipt of a copy of the protection order; that such person submits to the jurisdiction of the court with respect to the protective order; and that, in case of violation thereof, such person will be subject to the contempt power of the court;
- (e) It shall be unlawful for any editor, publisher, reporter or columnist in case of printed materials, announcer, producer or social media influencer or content creator, in case of television and radio broadcasting and digital media, and producer and director of the film in case of the movie industry, to cause any undue publicity that may result in the further suffering of the child victim-survivor. Any person or agency involved in the reporting, investigation or trial of cases under the Act shall refrain from any act or statement that may be construed as blaming the child victim-survivor or placing responsibility on the child victim-survivor for the offense committed against them; and
- (f) Any person or agency involved in the reporting of cases under the Act shall ensure that the DOJ Guide for Media Practitioners on the Reporting and Coverage of Cases Involving Children is observed.

LEOs, prosecutors, judges, court personnel, social workers, and medical practitioners shall be trained on the importance of maintaining confidentiality as a means to protect the right to privacy of the child and to encourage child victim-survivors to file complaints.

Any violation of this Section shall be penalized in accordance with the appropriate provisions under applicable laws.

RULE V PROTECTION AND ASSISTANCE

Article 1 Overall Policy

Section 69. *Overall policy on victim prevention, protection, and assistance.* – Measures shall be established to ensure that children are protected from exploitation and harm, and shall have access to adequate physical and psychosocial care. Responsible agencies, including the LGUs, shall ensure that protection and assistance services to children are provided in a child-sensitive, gender-responsive, disability-inclusive, culture-sensitive, victim-centered, trauma-informed, and safe manner.

Section 70. *Protective custody of the child.* – The child victim-survivor, upon assessment of the LSWDO/social worker, or any other child within the vicinity of the place where the crime was committed who may be at high risk of abuse or exploitation, shall be immediately placed under the protective custody of the LSWDO.

However, the DSWD shall provide support and assistance to the concerned LSWDO by assuming temporary protective custody over the child in the following cases:

- (a) the LSWDO has no registered social worker that can perform case management;
- (b) the LGU does not have any residential care facility that can afford center-based intervention and rehabilitation; or
- (c) it was assessed that there are safety and risk factors detrimental to the child's stay in the same locality.

In all instances, the needs of the child shall be provided for by the concerned LGU. For child victim-survivors who are adoptees, foster children, or children with a Certificate Declaring the Child Legally Available for Adoption, the *National Authority for Child Care (NACC)* shall be consulted and included in determining the best course of action for said child. The custody proceedings shall be in accordance with the provisions of P.D. No. 603 (The Child and Youth Welfare Code).

The DSWD and the DOJ shall extend all necessary legal assistance and support to the LSWDO for any legal impediment that may arise in performing their functions in assuming temporary protective custody as another form of technical assistance and resource augmentation. In the regular performance of this function, the LSWDO or the DSWD shall be free from any administrative, civil, or criminal liability.

Article 2 Legal Protection for Victims

Section 71. *No liability for wiretapping and/or illegal interception.* – Child victim-survivors of violations of the Act shall not be liable under the provisions of the Anti-Wire Tapping Law and the Cybercrime Prevention Act of 2012, if they record, transmit, or perform any other acts directly or indirectly related to the reporting of any violation of the Act committed against them.

Section 72. *Non-disclosure of personal circumstances.* – The name and personal circumstances of a child victim-survivor or any other information tending to establish the identity of the child victim-survivor and his/her family shall not be disclosed to the public.

Section 73. *Prohibition against victim-blaming.* – Persons, agencies, or organizations involved in the reporting, investigation, or trial of OSAEC and CSAEM cases and other cases arising therefrom shall refrain from any act or statement that may be construed as blaming or placing responsibility on the child victim-survivor for the offense committed against him/her.

Section 74. *Non-disclosure and privileged nature of the proceedings.* – All records and proceedings under the Act, from the initial contact until the final disposition of the case, shall be considered privileged and confidential.

LEOs, prosecutors, and judges to whom the complaint has been referred may, whenever necessary to ensure a fair and impartial proceeding, and after considering all circumstances for the best interest of the parties, order a closed-door investigation, prosecution, or trial.

The Rule on Examination of a Child Witness shall be observed whenever a child testifies in court.

Article 3 Witness Protection

Section 75. *Preferential entitlement under the Witness Protection Security and Benefits Program (WPSBP).* – Child victim-survivors and their family members shall be entitled to protection as well as preferential entitlement to the rights and benefits of witnesses under R.A. No. 6981 (Witness Protection, Security and Benefit Act): *Provided*, That they shall possess all the qualifications and none of the disqualifications under the said law.

Section 76. *Application for coverage.* – The LEO, SWDA handling the case of the child victim-survivor, a witness, or a family member of the child victim-survivor or witness, may file an application for coverage at the WPSBP Secretariat at the DOJ Office in Manila or the nearest local prosecution office through the handling prosecutor.

The handling prosecutor shall endorse the application to the WPSBP Secretariat, stating therein the urgency or necessity of such coverage.

Article 4

Compensation for Victims of OSAEC and CSAEM

Section 77. *Compensation for victims of OSAEC and CSAEM under R.A. No. 7309 and other laws and related policy measures.* – The child victim-survivor shall also be considered as a victim of a violent crime as defined under Section 3(d) of R.A. No. 7309 (An Act Creating a Board of Claims Under the Department of Justice for Victims of Unjust Imprisonment or Detention and Victim of Violent Crimes and for Other Purposes), and any amendments thereof, so that the child victim-survivor may claim compensation therefrom. The child victim-survivor may also claim compensation from other laws and related policy measures.

Article 5

Mandatory Services

Section 78. *Mandatory services to victims of OSAEC and CSAEM.* – To ensure recovery, rehabilitation and reintegration into the mainstream of society, concerned government agencies such as, but not limited to, the NCC-OSAEC-CSAEM, Department of Education (DepEd), Department of Health (DOH), and LGUs through its LSWDO and Women and Children Protection Units (WCPUs), shall make available the following services to child victim-survivors and their families, when applicable:

- (a) emergency shelter or appropriate housing;
- (b) counseling, in person or online;
- (c) free legal services, which shall include information about the child victim-survivor's rights and the procedure for filing of complaints, claims for compensation and such other legal remedies available to them in a language understood by the child;
- (d) medical or psychological services, which shall include referrals to the appropriate agencies and institutions for such services;
- (e) mental health and psychosocial support services, and access to free psychosocial health lines;
- (f) livelihood and skills training;
- (g) educational assistance, which shall include opportunities in the educational mainstream through the basic education and non-formal education curricula;
- (h) parenting support services;
- (i) after-care services; and
- (j) alternative parental care services.

Sustained supervision and follow-through mechanism that will track the progress of recovery, rehabilitation, and reintegration of the child victim-survivors shall be adopted and carried out.

The DSWD and other concerned national government agencies such as the DOH, DOJ, NACC, and concerned SWDAs, may provide the necessary technical assistance and resource augmentation to the LGUs or LSWDO, subject to availability of funds.

Section 79. *Information on available programs and services.* – All SWDAs shall immediately provide information to child victim-survivors about their rights, the nature of protection, and assistance and support available to them. Interviews, examination, and other forms of investigation shall be conducted by specially trained professionals in a suitable environment. In all stages of the proceedings, all officials involved shall ensure that the best interests of the child victim-survivors are upheld and protected.

Article 6

Recovery, Rehabilitation and Reintegration Programs

Section 80. *Programs for victims of OSAEC and CSAEM.* – The NCC-OSAEC-CSAEM shall, in consultation with children and child victim-survivors, develop, enhance, supplement, and implement the necessary programs that will prevent any form of OSAEC and CSAEM, as well as protect, heal, and reintegrate the child victim-survivors into the mainstream of society. Such programs shall include the:

- (a) provision of mandatory services including counseling, free legal services, operational expenses support, medical or psychological services, livelihood and skills training and educational assistance to the child or children and their families;
- (b) sponsorship of a national research program on OSAEC and CSAEM and the establishment of a data collection system for monitoring and evaluation purposes;
- (c) provision of necessary technical and material support services to appropriate government agencies, including LGUs, and SWDAs;
- (d) sponsorship of conferences and seminars to provide a venue for consensus building amongst the public, the academe, government, NGOs, and international organizations;
- (e) promotion of e-learning modules, information and education campaigns on OSAEC, CSAEM, and VAWC, including the safe and responsible use of the internet in relation to the violations of the Act, to educate the public, including children;
- (f) institutionalization of the observance of the “Safer Internet Day for Children Philippines” pursuant to Presidential Proclamation No. 417, Series of 2018, in the national agencies and LGUs; and
- (g) provision of programs developed for purposes of intervention and diversion, as well as rehabilitation of the child victim-survivor, for reintegration into the family of the child or community.

Section 81. *Reasonable accommodation for children with disabilities.* – The DOJ and the DSWD, in collaboration with the National Council on Disability Affairs (NCDA), shall develop guidelines, within ninety (90) days from the finalization of this IRR and pursuant to the UN Convention on the Rights of Persons with Disabilities (CRPD), for the provision, as far as practicable, of necessary and appropriate modification and adjustments across all stages of case management of OSAEC and CSAEM cases to ensure children with disabilities will have access to justice and all other mandatory services.

Likewise, pursuant to Section 29 of the Act, the Supreme Court shall, in accordance with its rules and the UN CRPD, issue guidelines for the provision, as far as practicable, of necessary and appropriate modification and adjustments across all stages of case management of OSAEC and CSAEM cases to ensure children with disabilities will have access to justice.

Section 82. *Case management procedures.* – All SWDAs shall be guided by a child-sensitive, gender-responsive, disability-inclusive, culture-sensitive, victim-centered, trauma-informed, safe, and multi-disciplinary case management manual for child victim-survivors of OSAEC and CSAEM developed by the NCC-OSAEC-CSAEM.

Section 83. *Case documentation and referrals.* – All DSWD social workers, LSWDO and SWDA case managers or social workers shall use the National Recovery and Reintegration Database (NRRD) for documenting and tracking delivery of services to child victim-survivors as well as the National Referral System (NRS) in facilitating and documenting referrals.

Section 84. *Continuing capability building of SWDAs.* – (a) The frontline agencies and the SWDAs, including LEAs, social workers, medical practitioners, and local mechanisms, must undergo training and other capability building activities to enhance their knowledge and skills in a child-sensitive, gender-responsive, disability-inclusive, culture-sensitive, victim-centered, trauma-informed, and safe manner of handling of cases of OSAEC and CSAEM to prevent further traumatic stress and facilitate more effective crisis interventions, recovery, and reintegration services.

(b) The DSWD shall likewise implement training programs for the utilization of the NRRD and NRS by case managers and social workers, in coordination with LGUs and SWDAs.

Section 85. *Documentation of good practices.* – The NCC-OSAEC-CSAEM shall conduct data banking, research, and documentation of good practices in rehabilitation and reintegration programs. It shall identify efficient and effective measures and services for child victim-survivors and their families. For this purpose, the NCC-OSAEC-CSAEM shall convene a periodic program review and sharing sessions.

Section 86. *Accreditation of residential facilities, alternative care services, community based programs and services, and recovery and reintegration program standards.* – The DSWD shall develop and/or continually evaluate accreditation and recovery and reintegration program standards for residential facilities, alternative care

services, and community based programs and services catering to child victim-survivors. It shall provide technical assistance to LGUs and SWDAs with such facilities and programs to ensure compliance with standards.

Section 87. *Harmonization of reintegration programs.* – The NCC-OSAEC-CSAEM shall harmonize the respective reintegration programs of IACAT member agencies for child victim-survivors.

RULE VI IMPLEMENTATION MECHANISMS

Article 1 The National Coordination Center against OSAEC and CSAEM

Section 88. *Creation of the National Coordination Center against OSAEC and CSAEM.* – There shall be a National Coordination Center against OSAEC and CSAEM (NCC-OSAEC-CSAEM) under the IACAT.

The IACAT shall retain its composition and functions as provided under the Anti-Trafficking in Persons Act of 2003, as amended, with the additional mandate of addressing cases falling under the Act.

As a sub-structure of the IACAT, and for efficient coordination, the NCC-OSAEC-CSAEM shall have the following composition:

(a) Members of the IACAT

- (1) Department of Justice;
- (2) Department of Social Welfare and Development;
- (3) Department of Foreign Affairs;
- (4) Department of Labor and Employment;
- (5) Department of the Interior and Local Government;
- (6) Department of Education;
- (7) Department of Health;
- (8) Department of Information and Communications Technology;
- (9) Department of Migrant Workers;
- (10) Department of Science and Technology;
- (11) Department of Tourism;
- (12) Department of Transportation;
- (13) Bureau of Immigration;
- (14) Philippine National Police;
- (15) Philippine Coast Guard;
- (16) Philippine Commission on Women;
- (17) Commission on Filipinos Overseas;
- (18) National Commission on Indigenous Peoples;
- (19) National Bureau of Investigation;
- (20) Philippine Center on Transnational Crimes;

- (21) Council for the Welfare of Children;
- (22) National Authority for Child Care;
- (23) Anti-Money Laundering Council;
- (24) League of Provinces of the Philippines;
- (25) League of Municipalities of the Philippines;
- (26) League of Cities of the Philippines;
- (27) representative from an NGO representing the children sector;
- (28) representative from an NGO representing the women sector; and
- (29) representative from an NGO representing the overseas Filipinos sector.

(b) Other relevant agencies and organizations

- (1) National Privacy Commission;
- (2) National Telecommunications Commission;
- (3) PNP - Anti-Cybercrime Group;
- (4) Cybercrime Investigation and Coordinating Center;
- (5) Optical Media Board;
- (6) Commission on Human Rights;
- (7) Philippine Information Agency;
- (8) National Council on Disability Affairs; and
- (9) Additional two (2) NGOs representing the children's sector.

The NCC-OSAEC-CSAEM may likewise coordinate with other children's committees or bodies for the convergence or harmonization of programs and initiatives on the protection of children.

The members of the IACAT and other relevant agencies or committees shall designate their permanent representatives to the NCC-OSAEC-CSAEM with a rank not lower than a Director level or its equivalents to meetings, and may receive emoluments as may be determined by the IACAT in accordance with existing budget, accounting, and auditing rules and regulations.

Section 89. *Qualifications, selection, appointment, termination and replacement of NGO members and its representatives under Section 88(b).* – The NGO members under Section 88(b) of this IRR shall have the following minimum qualifications:

- (a) organized in accordance with Philippine laws and registered, licensed, and accredited by the DSWD;
- (b) existing and operating for at least five (5) years at the time of nomination;
- (c) must have national and international networks or at least a member of an international or national NGO coalition or federation; and
- (d) must have a proven track record of involvement in the advocacy against, prevention and suppression of OSAEC and CSAEM, or the protection of child victim-survivors.

Each NGO member shall designate one (1) representative to the NCC-OSAEC-CSAEM, who must have the following qualifications:

- (a) a Filipino citizen;
- (b) heads or manages the NGO mentioned in the first paragraph for at least two years; and
- (c) of proven integrity and probity.

The NGO members shall be nominated by any of the government agency representatives of the NCC-OSAEC-CSAEM and shall be selected, upon the recommendation of NCC-OSAEC-CSAEM, by a majority vote of the IACAT member agencies. The NGO members shall have a term of two (2) years, and may be re-appointed for another two-year term: *Provided*, That the NGO members may be replaced or their appointment terminated by a majority vote of the IACAT member agencies if the NGO member no longer complies with any of the above-stated qualifications.

Section 90. *Functions of the NCC-OSAEC-CSAEM.* – The NCC-OSAEC-CSAEM, under the direction of the IACAT, shall develop and implement the necessary programs that will prevent the commission of OSAEC and CSAEM, as well as protect, heal, and reintegrate the child into the mainstream of society. Such programs shall include the following:

- (a) provision of mandatory services including emergency shelter or appropriate housing including foster care or kinship care arrangements, counseling, free legal services, medical and/or psychological services, as well as support services including community-based rehabilitation, livelihood and skills training, educational assistance to the child, sustained supervision, and follow-through mechanisms that will track the progress of recovery, rehabilitation, and reintegration of the child;
- (b) sponsorship of a national research program on OSAEC and CSAEM and the establishment of a data collection system for monitoring and evaluation purposes;
- (c) development and implementation of a sustained, gender-responsive and effective communication, social and behavioral change communications, education and information campaigns at the national, local, and community levels using all forms of media, aimed at promoting a working understanding of the law and situating it in the larger context of women and children's rights;
- (d) development and implementation of a costed multi-year gender responsive, disability-inclusive, strategic action plan that details the plans, programs, and activities of the NCC-OSAEC-CSAEM within the multi-year planning horizon;
- (e) undertake the monitoring and evaluation of all matters relative to the implementation of the Act;
- (f) development of a monitoring and data collection system or database, for purposes of ensuring efficient collection and storage of data on all OSAEC and CSAEM cases, including:
 - (1) the number of cases being investigated, submitted for prosecution, dropped,

- filed or are pending before the courts, as well as the number of convictions and acquittals;
 - (2) the profile or information on each case;
 - (3) the number of child victim-survivors referred to the agency by countries or area and by area of origin; and
 - (4) disaggregated data on child victim-survivors and the accused or defendants as to sex, gender, age, disability, if any, nationality, and family's economic status.
- (g) establishment of a point-of-contact and coordination system with international organizations for the receipt of reports on OSAEC and CSAEM;
- (h) promotion of information, awareness, education campaigns, and e-learning modules regarding safe and responsible use of the internet in relation to OSAEC and CSAEM to educate the public, including children; and
- (i) institutionalization of the observance of the Safer Internet Day for Children Philippines.

Section 91. *Reportorial Functions.* – The NCC-OSAEC-CSAEM Secretariat shall submit to the IACAT Secretariat its annual report on the policies, plans, programs, and activities relative to the implementation of the Act every 10th of January of each year. It may also be required to submit semestral reports to the IACAT Secretariat every 15th of July or as often as may be required by the latter.

Members of the NCC-OSAEC-CSAEM shall submit a quarterly report to the NCC-OSAEC-CSAEM Secretariat on their respective programs and initiatives for consolidation. The said report shall be submitted every 15th day of the month after each quarter. The NCC-OSAEC-CSAEM shall prescribe a common reporting template for all the agencies.

Section 92. *Meetings of the NCC-OSAEC-CSAEM.* – The Executive Director of the NCC-OSAEC-CSAEM Secretariat shall convene meetings on a quarterly basis. Special meetings may be called as the need arises.

Article 2

Secretariat

Section 93. *Organization.* – The NCC-OSAEC-CSAEM Secretariat shall be established pursuant to Section 31 of the Act to assist it in the performance of its functions. The SOJ, as Chair of the IACAT, shall determine the organizational structure and staffing pattern, and appoint the organic personnel of the Secretariat. Such organizational structure and staffing pattern shall be submitted to the Department of Budget and Management (DBM) for its approval.

Section 94. *Functions.* – The Secretariat shall provide support for the functions and projects of the NCC-OSAEC-CSAEM and shall have the following functions:

- (a) coordinate and monitor the implementation of the programs, policies, and guidelines promulgated by the IACAT through the NCC-OSAEC-CSAEM;
- (b) maintain and manage the database of OSAEC and CSAEM cases, and designate a Data Protection Officer (DPO) to ensure compliance with the Data Privacy Act of 2012;
- (c) provide secretariat, records keeping, and other services to NCC-OSAEC-CSAEM; and
- (d) perform such other functions as may be directed by the IACAT, through the NCC-OSAEC-CSAEM.

Section 95. *Head of the Secretariat.* – The NCC-OSAEC-CSAEM Secretariat shall be headed by an Executive Director and shall be appointed by the SOJ, upon the recommendation of the IACAT. The Executive Director shall be under the supervision of the IACAT, through the SOJ.

Section 96. *Qualifications of the Executive Director of the Secretariat.* – The Executive Director must have adequate knowledge of issues involved in OSAEC and CSAEM and training and experience in the field of law, law enforcement, ICT, social work, and child protection.

Section 97. *Functions of the Executive Director of the Secretariat.* – The Executive Director shall perform the following functions:

- (a) act as the administrative officer of the Secretariat;
- (b) advise and assist the IACAT Co-Chairpersons in formulating and implementing the objectives, policies, plans, and programs of the NCC-OSAEC-CSAEM, including those involving mobilization of government offices as well as other relevant government offices, task forces, and mechanisms;
- (c) oversee the referral pathway protocols;
- (d) oversee all operational activities;
- (e) provide assistance to LEAs in the investigation and prosecution of OSAEC and CSAEM cases;
- (f) ensure the security of the database of OSAEC and CSAEM cases;
- (g) ensure effective and efficient performance of functions and prompt implementation of objectives, policies, plans, and programs;
- (h) propose effective allocations of resources for implementing objectives, policies, plans, and programs;

- (i) submit periodic reports to the IACAT members on the progress of objectives, policies, plans, and programs;
- (j) coordinate with the DOJ Office of Cybercrime (OOC) to monitor compliance of internet intermediaries pursuant to the latter's obligations under the Act;
- (k) attend meetings convened by the IACAT; and
- (l) perform other duties as the IACAT Co-Chairpersons may assign.

Article 3

Referral Pathway for OSAEC and CSAEM Cases

Section 98. *Development of protocols.* – There shall be an organized and unified referral pathway for reporting, detecting, investigating, prosecuting, and providing aftercare assistance and support in OSAEC and CSAEM cases. The NCC-OSAEC-CSAEM shall develop a system and a set of child-sensitive, gender-responsive, disability-inclusive, culture-sensitive, victim-centered, trauma-informed, and safe protocols, including appropriate manual or guidelines, for referring OSAEC and CSAEM cases.

Section 99. *Feedback mechanism.* – The NCC-OSAEC-CSAEM shall, in consultation with the child victim-survivors, develop a child-sensitive, gender-responsive, disability-inclusive, culture-sensitive, victim-centered, trauma-informed, and safe feedback mechanism, for child victim-survivors who have accessed its services via this pathway. It shall be treated with confidentiality. A similar feedback mechanism for referrals between government agencies/offices shall also be developed and implemented.

Article 4

OSAEC and CSAEM Database

Section 100. *Database guidelines.* – The NCC-OSAEC-CSAEM shall develop guidelines for recording and maintaining a unified database for the purpose of tracking and updating the status and stages of investigation and prosecution of the cases, consistent with laws on the protection of the welfare of children.

Section 101. *Data Privacy.* – The NCC-OSAEC-CSAEM shall implement security measures pursuant to Section 20 of the Data Privacy Act of 2012 for the protection of personal data in the database.

Section 102. *Structures and mechanism for reporting of cases of OSAEC and CSAEM.* –

- (a) Each Member of the NCC-OSAEC-CSAEM shall submit a quarterly report to the NCC-OSAEC-CSAEM Secretariat on cases or incidents of OSAEC and CSAEM handled by their respective agencies for consolidation by the Secretariat, and shall form part of the yearly report of the NCC-OSAEC-CSAEM to the IACAT Secretariat. The quarterly report shall be submitted every 15th day of the month after each quarter.

- (b) For member agencies whose report will come from their local offices, such as, but not limited to, the PNP, NBI, DOJ, and the DSWD, the quarterly report shall be submitted every 15th of the month after each quarter to the NCC-OSAEC-CSAEM Secretariat and the following reporting mechanism shall be observed:
 - (1) PNP – The Women and Children Protection Desk (WCPD) in all city and municipal police stations shall be responsible for the reporting of the incidence of OSAEC and CSAEM to the Women and Children Protection Center (WCPC) in Camp Crame, who shall be in charge of consolidating the data. The PNP Regional Anti-Cybercrime Units (RACU) and local Anti-Cybercrime Teams (ACT) shall also submit their reports to the PNP Anti-Cybercrime Group (ACG), who shall be in charge of consolidating the data.
 - (2) NBI – The Cybercrime Division, Anti-Human Trafficking Division, and Anti-Violence Against Women and Children Division of the NBI shall prepare their respective reports on a quarterly basis, or as often as necessary.
 - (3) DSWD – The LSWDO in all cities and municipalities shall be responsible for the reporting of the cases of OSAEC and CSAEM to the Field Offices of the DSWD, every quarter, or as often as may be required by the latter. The DSWD shall consolidate the data in its Database of Cases.
 - (4) DOJ – All local prosecution offices shall be responsible for the reporting of the OSAEC and CSAEM cases to the DOJ, every quarter, or as often as may be required by the latter. The DOJ shall consolidate the data.
 - (5) Other concerned agencies shall likewise submit their reports on the OSAEC and CSAEM incidents or cases reported to them.
- (c) The NCC-OSAEC-CSAEM Secretariat shall consolidate all reports in a unified database. For uniformity of data or information that will be submitted pursuant to this Section, the NCC-OSAEC-CSAEM shall develop a standard reporting template.

Section 103. Harmonization and standardization of databases. – To ensure efficient data collection, the NCC-OSAEC-CSAEM through the Secretariat shall undertake measures to harmonize and standardize relevant databases, especially as regards minimum data requirements, definitions, reporting formats, data collection systems, and data verification systems. It shall make sure that such databases shall have, at the minimum, the following information:

- (a) the number of OSAEC and CSAEM cases, sorted according to status, including the number of cases being investigated, submitted for prosecution, dropped, filed and/or pending before the courts, and the number of convictions and acquittals;
- (b) the number of reported OSAEC and CSAEM incidents received by the agencies that are not yet investigated;
- (c) the profile or information on each case; and

- (d) data on OSAEC and CSAEM child victim-survivors and the accused or defendants, disaggregated by age, sex, gender, nationality, ethnicity, and type of disability, if any.

To facilitate compliance with the requirements of the Data Privacy Act of 2012 and other applicable laws and regulations, the member agencies of the NCC-OSAEC-CSAEM shall designate the specific unit and the accountable officer for their respective databases on OSAEC and CSAEM.

Section 104. *Agency-based monitoring and data collection system.* – All government agencies tasked under the law to undertake programs and render assistance to address OSAEC and CSAEM shall develop their respective monitoring and data collection systems, and databases, for purposes of ensuring efficient collection and storage of data on OSAEC and CSAEM cases under investigation by the DOJ or LEAs, and OSAEC and CSAEM incidents reported to or received by other agencies. Concerned agencies shall designate the unit or office accountable for such data collection systems and submit data to the NCC-OSAEC-CSAEM Secretariat for integration.

Article 5

Roles and Responsibilities of NCC-OSAEC-CSAEM Members

Section 105. *Common roles and responsibilities.* – Consistent with their mandates, all NCC-OSAEC-CSAEM member agencies and other relevant agencies shall perform their roles and responsibilities in a child-sensitive, gender-responsive, disability-inclusive, culture-sensitive, victim-centered, trauma-informed, and safe manner. They shall also have the following additional common roles and responsibilities:

- (a) include or formulate policies and develop programs, including a multi-year costed strategic action plan, supportive of and consistent with the objectives of the Act;
- (b) enhance the capability of its officers and personnel involved in OSAEC and CSAEM issues through appropriate training and staff support programs;
- (c) undertake information, education, and advocacy campaigns against OSAEC and CSAEM, in coordination with the DepEd and DILG, whenever appropriate;
- (d) coordinate with, and tap existing structures and resources for addressing children's welfare and concerns;
- (e) ensure sufficient appropriations for the effective implementation of the Act and provision of mandatory services; and
- (f) document best practices as basis for policy formulation, research agenda, and program development.

Section 106. *Specific roles and responsibilities of NCC-OSAEC-CSAEM member agencies.* – The following government agencies shall have the following specific roles and responsibilities, among others:

(a) *Department of Justice (DOJ)*

- (1) ensure the immediate investigation and prosecution of persons for violation of the Act, in accordance with the Revised Rules of Criminal Procedure and other applicable laws, rules and regulations;
- (2) develop and/or enhance appropriate procedural rules and/or guidelines for the handling and prosecution of OSAEC and CSAEM cases;
- (3) designate and train prosecutors who shall investigate and prosecute OSAEC and CSAEM cases;
- (4) conduct capability-building activities in all levels of the National Prosecution Service (NPS) so as to ensure as far as practicable that there are prosecutors at the national level and in each provincial and city level of the NPS who have specialized training in the investigation and prosecution of OSAEC and CSAEM cases;
- (5) establish a mechanism for free legal assistance and medico-legal services for OSAEC and CSAEM child victim-survivors, in coordination with the DSWD, Commission on Human Rights (CHR), Integrated Bar of the Philippines (IBP), DOH, local government hospitals, and SWDAs;
- (6) provide witness protection and benefit to child victim-survivors of OSAEC and CSAEM, their families, and their witnesses, subject to the qualifications and requirements prescribed by existing laws;
- (7) conduct, in coordination with other concerned stakeholders, training and continuing education programs, specifically for DOJ prosecutors, state counsels, lawyers, public attorneys, NBI agents, and other LEOs on the proper investigation and prosecution of OSAEC and CSAEM cases and related topics such as the use of electronic and/or digital evidence in trial and computer forensics;
- (8) receive, evaluate, process, and investigate claims for compensation of child victim-survivors of OSAEC and CSAEM through the Board of Claims subject to existing laws, rules and regulations;
- (9) conduct, as the Central Authority of the Republic of the Philippines, and in coordination with the DFA, negotiations for mutual legal assistance and extradition treaties with other countries to address cases of OSAEC and CSAEM and related crimes;
- (10) provide legal and technical advice to LEAs and facilitate international cooperation on the preservation and production of computer data and collection of electronic evidence; and
- (11) coordinate with and/or seek assistance from the AMLC on cases of OSAEC and CSAEM with possible money laundering underpinnings.

(b) *Department of Social Welfare and Development (DSWD)*

- (1) assist and augment the LSWDOs in the conduct of rescue operations in cooperation with LEAs;

- (2) provide, through its Field Offices, psychosocial counseling, temporary shelter and other support services to child victim-survivors of OSAEC and CSAEM and their families, in the absence or unavailability of such services at LSWDO;
 - (3) develop and/or enhance programs and other support interventions, such as skills training and livelihood service, whenever appropriate, to facilitate the recovery and reintegration of OSAEC and CSAEM child victim-survivors into their families and communities;
 - (4) provide technical assistance and conduct capability building activities for social welfare officers/social workers of LGUs, Local Chief Executives, Local Legislators, and SWDAs;
 - (5) accredit SWDAs that provide programs and services to ensure that they meet the standards set by the DSWD;
 - (6) provide temporary shelter and psychosocial services to foreign nationals who are child victim-survivors of OSAEC and CSAEM, as confirmed by the BI; and
 - (7) review existing programs on the protection of OSAEC and CSAEM child victim-survivors and their families and recommend to the NCC-OSAEC-CSAEM, whenever appropriate, the institution of new policies and measures for their enhancement.
- (c) *Department of Foreign Affairs (DFA)*
- (1) make available its resources and facilities overseas to provide appropriate services for Filipino child victim-survivors of OSAEC and CSAEM;
 - (2) explore means to further enhance its assistance in eliminating OSAEC and CSAEM activities through closer networking with government agencies, NGOs, and other institutions in the country and overseas, particularly in the formulation of policies and implementation of relevant programs;
 - (3) actively participate in bilateral, regional and international initiatives, and cooperative arrangements aimed at suppressing OSAEC and CSAEM, tracking, arresting, and prosecuting offenders, and assisting child victim-survivors of OSAEC and CSAEM;
 - (4) further improve and enhance the security and reliability of Philippine-issued passports, visas and travel documents in order to curtail OSAEC and CSAEM perpetrated through the use of fraudulent identification; and
 - (5) integrate into the training and pre-departure orientation seminars for Foreign Service personnel a training module on anti-OSAEC and CSAEM.
- (d) *Department of Labor and Employment (DOLE)*
- (1) ensure the strict implementation of and compliance with existing laws, rules, and guidelines relative to local employment;
 - (2) report cases of OSAEC and CSAEM involving employers and labor recruiters;
 - (3) make available existing livelihood programs to qualified families of OSAEC and CSAEM child victim-survivors; and
 - (4) conduct public awareness programs and activities among employers and employees in the private sector to prevent and suppress OSAEC and CSAEM.

(e) *Department of the Interior and Local Government (DILG)*

- (1) conduct systematic information dissemination, advocacy, and prevention campaigns against OSAEC and CSAEM in coordination with pertinent national government agencies and SWDAs;
- (2) advocate and encourage the LGUs to issue directives, guidelines or ordinances regulating the establishments within their jurisdictions, and in coordination with the DSWD, develop model ordinances to prevent and suppress OSAEC and CSAEM;
- (3) assist the NCC-OSAEC-CSAEM in monitoring the implementation of the Act by LGUs;
- (4) assist the LGUs in strengthening, activating, mobilizing, and monitoring existing child-focused committees (LCPC and LCAT-VAWC), councils, including BCPCs, similar organizations, and special bodies at the local level to prevent and suppress OSAEC and CSAEM;
- (5) institutionalize a comprehensive, child-sensitive, gender-responsive, disability-inclusive, culture-sensitive, victim-centered, trauma-informed, and safe curriculum in the Philippine Public Safety College on the investigation and handling of OSAEC and CSAEM cases;
- (6) integrate the indicators on OSAEC and CSAEM within the Child-Friendly Local Governance Audit (CFLGA); and
- (7) direct LGUs to submit quarterly reports on OSAEC and CSAEM cases to the DSWD Field Offices.

(f) *Department of Education (DepEd)*

- (1) ensure the implementation of anti-OSAEC and CSAEM policy in schools through its Learner Rights and Protection Office (LRPO);
- (2) integrate in the appropriate subject areas, core messages on OSAEC and CSAEM in the elementary and secondary levels, by providing lesson exemplar, with emphasis on their implications and social costs to persons and country;
- (3) issue directives to the schools and related organizations to ensure strict implementation of the law by including anti-OSAEC and CSAEM preventive and responsive measures in the Child Protection Policy;
- (4) conduct seminar workshops for teaching and non-teaching personnel for the effective implementation of the Act and its integration in the Child Protection Policy;
- (5) immediately report OSAEC and CSAEM cases to proper authorities in line with the Child Protection Policy;
- (6) provide opportunities for child victim-survivors of OSAEC and CSAEM in the educational mainstream through the basic education, curricula, or alternative learning systems; and
- (7) develop a social and behavior change toolkit that will support in the implementation of the Child Protection Policy and its supplemental plans.

(g) *Department of Health (DOH)*

- (1) make available its resources and facilities in providing free medical, mental, and psychosocial services to child victim-survivors of OSAEC and CSAEM which shall, at all times, be held confidential;

- (2) conduct capability-building activities for health service professionals in handling OSAEC and CSAEM cases; and
 - (3) activate or assist in the establishment of Child Protection Units (CPUs) in government hospitals.
- (h) *Department of Information and Communications Technology (DICT)*
- (1) issue set standards, including standards on child online safeguarding policies, to institutionalize the monitoring and periodic reporting mechanisms of ISPs and Online Content Host (OCHs);
 - (2) formulate and implement plans and programs to encourage the use of ICT in support of efforts and initiatives of the NCC-OSAEC-CSAEM;
 - (3) assist LEAs and prosecution agencies in the investigation of OSAEC and CSAEM cases;
 - (4) disseminate guidelines to all its network members on policies and programs addressing issues on OSAEC and CSAEM;
 - (5) provide cybersecurity assistance to NCC-OSAEC-CSAEM in the development of systems and applications related to the implementation of the Act;
 - (6) provide assistance to the NCC-OSAEC-CSAEM in the development and harmonization of databases; and
 - (7) provide support to the NCC-OSAEC-CSAEM in developing internet control measures and cyberspace regulations.
- (i) *Department of Migrant Workers (DMW)*
- (1) provide assistance to families of Overseas Filipino Workers (OFWs) with child victim-survivors; and
 - (2) provide social welfare services to families of OFWs with child victim-survivors in other countries, through the Migrant Workers and Overseas Filipinos Resource Center (MWOFRRC) and the officials of the Philippine Embassy and Consular Offices, which services shall include, but is not limited to, stress management, repatriation, and other appropriate psychosocial interventions for their protection and welfare.
- (j) *Department of Science and Technology (DOST)*
- (1) foster and promote the development of online-safety and knowledge-based product technologies to deter OSAEC and CSAEM and help provide software and hardware support in coordination with other funding agencies (international and local) for the development of education/information modules for children/students, teachers, parents, and the general public; and
 - (2) provide technical assistance in the interconnection, sharing of database, and other cooperative action of government agencies in handling OSAEC and CSAEM cases.
- (k) *Department of Tourism (DOT)*
- (1) formulate and implement, in coordination with LGUs and other relevant government agencies, measures to prevent and stop sex tourism and other activities of tourism establishments that might contribute to OSAEC and CSAEM; and

- (2) provide training, in coordination with the NCC-OSAEC-CSAEM, to tourist security officers on detection strategies of OSAEC and CSAEM cases.
- (l) *Department of Transportation (DOTr)*
- (1) develop a comprehensive program and awareness campaign to assist all transportation sectors, including Transport Network Vehicle Services (TNVS), and transportation personnel, such as airline flight attendants, airport agents, taxi and bus drivers, and passenger boat crew in identifying child victim-survivors, and reporting OSAEC and CSAEM incidents; and
 - (2) provide training, in coordination with the NCC-OSAEC-CSAEM, for the land, sea, and air transport providers on OSAEC and CSAEM matters.
- (m) *Bureau of Immigration (BI)*
- (1) administer and enforce immigration and alien administration laws;
 - (2) disallow entry of foreign nationals who have been blacklisted or placed in watchlist status for having committed OSAEC and CSAEM in any jurisdiction;
 - (3) adopt measures for the blacklisting and apprehension of suspected OSAEC and CSAEM offenders, both at the place of arrival and departure;
 - (4) assist the NCC-OSAEC-CSAEM in the creation and maintenance of an updated Registry of Blacklisted Aliens; and
 - (5) establish networks with LGUs for the effective apprehension of foreign nationals suspected to be OSAEC and CSAEM offenders and their cohorts.
- (n) *Philippine National Police (PNP)*
- (1) undertake surveillance and investigation of persons suspected to be engaged in OSAEC and CSAEM, upon its own initiative or when public interest may require, and file appropriate charges against OSAEC and CSAEM offenders;
 - (2) file the appropriate cybercrime warrant and implement the same to include rescue and other appropriate law enforcement operations in coordination with the LGUs and their LSWDOs, or DSWD offices whenever applicable;
 - (3) conduct capability-building activities specifically for PNP-ACG personnel on handling OSAEC and CSAEM cases to include the continuous strengthening of the capability of digital forensic examiners through participation in internationally accredited trainings and certifications and procurement of updated software licenses, hardware, and networking services; and
 - (4) provide technical assistance and support in the investigation of cases which covers regional and international borders and to foster cooperation and coordination with other local or foreign LEAs.
- (o) *Philippine Coast Guard (PCG)*
- (1) conduct regular inspections, surveillance, investigation, and arrest of individuals or persons suspected to be engaged in OSAEC and CSAEM at sea;
 - (2) coordinate with other LEAs to secure concerted efforts for effective investigation and apprehension of suspected OSAEC and CSAEM offenders; and

- (3) establish a system to receive complaints to assist OSAEC and CSAEM child victim-survivors and conduct rescue operations.
- (p) *Philippine Commission on Women (PCW)*
- (1) assist the NCC-OSAEC-CSAEM in the formulation and monitoring of gender-responsive policies addressing the issue of OSAEC and CSAEM, in coordination with relevant government agencies;
 - (2) assist in the development of gender-responsive documentation system, in coordination with other agencies and the Philippine Statistics Authority (PSA), through its monitoring of the situation of women and girls particularly on OSAEC and CSAEM; and
 - (3) assist the NCC-OSAEC-CSAEM in the formulation and/or enhancement of prevention and reintegration policies and/or programs.
- (q) *Commission on Filipinos Overseas (CFO)*
- (i) include in the pre-departure services for Filipinos in intermarriages and bi-national couples, and in the Community Education Program (CEP) the orientation on the Act and the IRR;
 - (ii) include in the pre-departure program module relevant information on the reporting mechanisms on OSAEC and CSAEM and services available to the child victim-survivor;
 - (iii) maintain the CFO watch list database of foreign nationals with a history of domestic violence, involvement in OSAEC and/or CSAEM, child abuse, and sexual abuse; and
 - (iv) supervise the Actionline operated by the IACAT, including the facility against OSAEC and CSAEM that responds to emergency or crisis calls from child victim-survivors, their families, and the general public.
- (r) *National Commission on Indigenous Peoples (NCIP)*
- (1) develop a program for the prevention and suppression of OSAEC and CSAEM cases in Indigenous Peoples (IPs) and Indigenous Cultural Communities (ICCs), in coordination with the NCC-OSAEC-CSAEM;
 - (2) educate IPs and ICCs about OSAEC and CSAEM, which cannot be the subject of settlement in accordance with their customs;
 - (3) assist in the investigation of individuals, organizations, or establishments within the Ancestral Domains/Ancestral Lands (ADs/ALs) with regard to IP child victim-survivors;
 - (4) engage the IPs and ICCs in the monitoring and reporting of OSAEC and CSAEM cases with due regard to the 11 Building Blocks for the resilient, responsive, and relevant IPs and ICCs in their ancestral domains;
 - (5) integrate in the NCIP Quick Response (Validation, Monitoring, and Database or Case build-up of Indigenous Peoples Rights Violations) measures specific to responding to OSAEC and CSAEM cases;
 - (6) provide culture-sensitivity trainings for the DSWD, LSWDOs, and SWDAs who will assist IP child victim-survivors;
 - (7) develop a culturally-sensitive handling procedure module for child victim-survivors; and

- (8) actively participate in the information education campaign to prevent and eliminate harmful traditional practices in social media, to prevent and stop OSAEC and CSAEM, and to possibly source funding for child victim-survivors.
- (s) *National Bureau of Investigation (NBI)*
- (1) investigate persons suspected to be engaged in OSAEC and CSAEM activities, upon its own initiative and as public interest may require, and file appropriate charges against OSAEC and CSAEM offenders;
 - (2) file the appropriate cybercrime warrant and implement the same to include rescue and other appropriate law enforcement operations in coordination with the LGUs and their LSWDOs, or DSWD offices whenever applicable;
 - (3) conduct raid and rescue operation in coordination with the appropriate LGUs and their LSWDOs;
 - (4) strengthen the capability of NBI personnel, and upgrade the facilities of the units handling OSAEC and CSAEM;
 - (5) provide technical assistance and capability building support on the gathering, preservation, and chain of custody of electronic and digital evidence, whenever properly requested in investigation and prosecution of OSAEC and CSAEM cases;
 - (6) coordinate with all the NCC-OSAEC-CSAEM member agencies, and share intelligence information when necessary; and
 - (7) foster cooperation and coordination with international police organizations and LEAs of other countries in the detection and apprehension of OSAEC and CSAEM offenders, within or across national borders.
- (t) *Philippine Center on Transnational Crime (PCTC)*
- (1) serve as the focal point in international law enforcement coordination on OSAEC and CSAEM, particularly with the International Criminal Police Organization (INTERPOL);
 - (2) share information with LEAs gathered from the INTERPOL Child Sexual Exploitation (ICSE) Database for investigation and case build-up of OSAEC and CSAEM cases;
 - (3) liaise with INTERPOL for the provision of technical assistance in the conduct of investigation of OSAEC and CSAEM cases with transnational dimension; and
 - (4) undertake strategic researches on the structure and dynamics of OSAEC and CSAEM with transnational crime dimension, predict trends and analyze given factors for the formulation of individual and collective strategies for the prevention and detection of OSAEC and CSAEM and for the apprehension of criminal elements involved.
- (u) *Council for the Welfare of Children (CWC)*
- (1) integrate in the national action plans for children, strategies to address OSAEC and CSAEM, and ensure the adoption of such frameworks by the national government agencies, LGUs, and other stakeholders;
 - (2) integrate the indicators on OSAEC and CSAEM within the macro monitoring system for children; and

- (3) actively advocate and participate in international and regional discussion and initiatives on OSAEC and CSAEM, and include the same in all of its international commitments and policy pronouncements.
- (v) *National Authority for Child Care (NACC)*
- (1) advocate for and protect the rights of children under alternative child care programs and/or adoption against OSAEC and CSAEM;
 - (2) determine the best course of action for child victim-survivors who are adoptees, foster children, or children with a Certificate Declaring the Child Legally Available for Adoption;
 - (3) designate a social worker who shall be involved in the monitoring and supervision of child victim-survivors who are adoptees, foster children, or children with a Certificate Declaring the Child Legally Available for Adoption, to ensure that the mandatory services are extended to them;
 - (4) train NACC social workers and develop capable, responsive and trauma-informed counseling services for children under the jurisdiction of the NACC who are victims of OSAEC and CSAEM;
 - (5) extend training and programs on OSAEC and CSAEM to the personnel of child-caring agencies and other facilities extending care to children, including local, city, and municipal social workers;
 - (6) conduct information dissemination programs to educate the public on alternative child care programs as an intervention for child victim-survivors; and
 - (7) encourage cooperation and coordination between and among local and international authorities for the protection of children under the jurisdiction of NACC against OSAEC and CSAEM.
- (w) *Anti-Money Laundering Council (AMLC)*
- (1) share the results of the investigation as may be allowed under Anti-Money Laundering Act of 2001, as amended, and its IRR to assist the NCC-OSAEC-CSAEM for the purpose of prosecuting offenders alleged to have committed such activities; and
 - (2) assist in the investigation of money laundering related to OSAEC and CSAEM cases, including in the freezing or confiscation of properties related thereto.
- (x) *National Privacy Commission (NPC)*
- (1) assist the NCC-OSAEC-CSAEM in the formulation of policies in the campaign against OSAEC and CSAEM that ensure data privacy and protection;
 - (2) advise government agencies on data privacy and protection in the formulation and implementation of policies against OSAEC and CSAEM;
 - (3) provide training on data privacy and protection for the NCC-OSAEC-CSAEM and government agencies when necessary; and
 - (4) set standards for data privacy and protection of NCC-OSAEC-CSAEM databases.

- (y) *National Telecommunications Commission (NTC)*
 - (1) issue directives, set standards, and promulgate rules and regulations to institutionalize the monitoring and periodic reporting mechanisms against OSAEC and CSAEM by the ISPs;
 - (2) protect consumers against the misuse of telecommunications facilities that promote the proliferation of OSAEC and CSAEM, and incorporate appropriate prevention measures in the service standards for the information and telecommunications providers;
 - (3) issue directives, set standards, and promulgate necessary procedural rules for the preservation of computer data and/or log retention in coordination with the DOJ; and
 - (4) enlist the assistance of the telecommunication, broadcast, and ICT sectors in the effective monitoring, reporting, and investigation of OSAEC and CSAEM cases.
- (z) *Cybercrime Investigation and Coordinating Center (CICC)*
 - (1) share information to assist LEAs in investigation of OSAEC and CSAEM cases;
 - (2) undertake strategic research on trends related to OSAEC and CSAEM;
 - (3) provide technical assistance available in the National Cybercrime Hub with the members of NCC-OSAEC-CSAEM and other concerned stakeholders; and
 - (4) assist the NCC-OSAEC-CSAEM in facilitating international cooperation on intelligence gathering, investigations, training and capacity building related to OSAEC and CSAEM.
- (aa) *Optical Media Board (OMB)*
 - (1) integrate the provisions of the Act in regulating optical media establishments including the process of granting or renewal of licenses for specific periods, or to deny, suspend, or cancel the same, for violations of the Act;
 - (2) conduct inspections, by itself or in coordination with other concerned agencies, of establishments or entities under its jurisdiction for the detection of optical media-related activities that would constitute OSAEC and CSAEM;
 - (3) apply for or obtain search warrants from any court of law, or take into preventive custody any optical media and/or material or equipment, including parts, accessories and paraphernalia used for the mastering, manufacture or replication of optical media containing OSAEC and CSAEM, including those media that are pandered as OSAEC and CSAEM;
 - (4) hear and resolve administrative cases, impose administrative sanctions including but not limited to the imposition of fines and penalties; confiscation of optical media; and suspension, non-renewal or cancellation of the license to operate and/or closure of establishments or entities that violate the provisions of the Act in relation to R.A. No. 9239 (Optical Media Act of 2003); and
 - (5) share data on OSAEC and CSAEM with other LEAs.
- (bb) *Commission on Human Rights (CHR)*
 - (1) conduct advocacy and training programs relating to anti-OSAEC and CSAEM, among the AFP, PNP, and the academic institutions;

- (2) recommend the prosecution of violations of the Act;
 - (3) provide legal and financial assistance to child victim-survivors;
 - (4) integrate anti-OSAEC and CSAEM efforts in the Barangay Human Rights Action Center (BHRAC); and
 - (5) monitor government compliance to international human rights treaty obligations related to the suppression or elimination of OSAEC and CSAEM.
- (cc) *Philippine Information Agency (PIA)*
- (1) intensify public awareness on OSAEC and CSAEM by developing effective communication advocacy plans, as well as facilitate the printing and distribution of appropriate information materials; and
 - (2) facilitate the conduct of technical knowledge and skills trainings for media practitioners while ensuring that the privacy rights of the child victim-survivors and their family members are protected.
- (dd) *National Council on Disability Affairs (NCDA)*
- (1) collaborate with the DOJ and DSWD in the formulation of guidelines for the reasonable accommodation for child victim-survivors with disabilities;
 - (2) provide technical assistance to pertinent agencies to ensure that all stages of management of OSAEC and CSAEM cases are disability-inclusive; and
 - (3) monitor OSAEC and CSAEM cases involving child victim-survivors with disabilities, and cases wherein child victim-survivors develop psychosocial and/or other types of disabilities as a result of OSAEC or CSAEM.

Section 107. Roles of Non-Government Organizations. – The NGOs, which are members of the NCC-OSAEC-CSAEM, shall have the following roles:

- (a) assist government agencies in formulating and implementing policies, programs, and advocacy campaigns against OSAEC and CSAEM;
- (b) develop and disseminate information, education and communication (IEC) materials against OSAEC and CSAEM;
- (c) conduct capability-building activities for stakeholders in handling OSAEC and CSAEM cases;
- (d) coordinate with concerned government agencies and local officials whenever they undertake programs and activities for the prevention, investigation, and prosecution of OSAEC and CSAEM cases;
- (e) coordinate with concerned government agencies and local officials whenever they undertake programs and activities for the rescue, recovery, and reintegration of the child victim-survivors and for provision of support services for their families;
- (f) document best practices and models in combating OSAEC and CSAEM;
- (g) conduct researches and studies related to OSAEC and CSAEM;

- (h) disseminate information guidelines to all its network members, local and international, on policies and programs addressing issues on OSAEC and CSAEM;
- (i) consult and coordinate anti-OSAEC and CSAEM efforts of other SWDAs and report the same to the NCC-OSAEC-CSAEM Secretariat; and
- (i) perform such other tasks as may be assigned by the IACAT.

Section 108. Assistance of other agencies and institutions. – In implementing the Act and this IRR, the NCC-OSAEC-CSAEM may coordinate with and seek the assistance of SWDAs and other volunteer groups.

Section 109. Roles and responsibilities of LGUs. – The LGUs in all levels, consistent with their respective mandates under the Local Government Code, shall have the following duties and responsibilities:

- (a) monitor and regulate the establishment and operation of internet cafés and kiosks or similar establishments in order to prevent violations of the Act;
- (b) monitor and document cases of OSAEC and CSAEM in their areas of jurisdiction, through their respective LSWDOs, and ensure the regular submission of reports to the DSWD Field Offices;
- (c) effect the cancellation of licenses of establishments which violate the provisions of the Act;
- (d) undertake education and information campaigns to prevent and suppress OSAEC and CSAEM;
- (e) assist, coordinate, and partner with SWDAs within their jurisdiction to support LGUs in enhancing their resources or technical capabilities to implement anti-OSAEC and CSAEM programs;
- (f) establish and support community-based initiatives and prevention programs that aim to educate families against OSAEC and CSAEM;
- (g) provide basic social services for the prevention, rescue, recovery, rehabilitation, and reintegration under the LSWDO, including after care support services to child victim-survivors;
- (h) assist and refer families of child victim-survivors for local employment, whether private or public, through the Public Employment Service Office (PESO), in coordination with the DOLE, as part of the reintegration programs of the government;

- (i) enact and implement ordinances to localize efforts against OSAEC and CSAEM, taking into account local culture and norms;
- (j) coordinate with the NCC-OSAEC-CSAEM and the DILG to ensure uniformity and consistency between the local ordinances or issuances, the Act, and this IRR;
- (k) ensure the participation of the Sangguniang Kabataan (SK), and the allocation of sufficient funds from the SK funds and resources for the initiatives against OSAEC and CSAEM at the barangay level;
- (l) strengthen, activate, and mobilize existing child-focused committees (BCPCs, LCPCs and LCAT-VAWCs), councils, similar organizations, and LGUs at the provincial, city, municipal and barangay levels to prevent and suppress OSAEC and CSAEM;
- (m) assist and support in the filing of cases; and
- (n) coordinate with, refer, and endorse to the DSWD and/or other relevant agencies of government all cases of OSAEC and CSAEM depending on the child victim-survivor's needs.

The Leagues of Provinces, Municipalities, and Cities shall recommend measures to prevent and suppress OSAEC and CSAEM and ensure the implementation of the LGUs' roles and responsibilities.

LGUs may seek and enlist the assistance of SWDAs and other volunteer groups and ensure the provision or inclusion of funds in their annual budget/appropriation for the implementation of programs and initiatives against OSAEC and CSAEM.

Article 6

Duties and Responsibilities of the Private Sector

Section 110. *Duties of internet intermediaries.* – Internet intermediaries shall:

- (a) adopt in their terms of service or service agreements with third-party users or creators of contents, products, and services the prohibition of any form or any conduct of streaming or live-streaming of OSAEC and CSAEM in the use of their website, platform, server or facility; *Provided*, That internet intermediaries which already have in their existing terms of service or service agreements substantially similar prohibitory provisions on contents, products, and services relating to OSAEC and CSAEM, shall be deemed compliant under this provision;
- (b) preserve within six (6) months from the date of the transaction extendible for another six (6) months, upon notice by the competent authority or during the pendency of the case, all subscriber's or registration information and traffic data in its control and possession: *Provided*, That in the case of content data, the same shall be preserved within one (1) year from the date of the transaction, and upon notice by the

competent authority, the preservation shall be extendible for another six (6) months: *Provided, however*, That the competent authority shall expressly identify and specify such relevant evidence that needs preservation: *Provided, further*, That the integrity of all computer data such as subscriber's information, traffic data and content data relating to communication services provided by a service provider shall be protected for the purpose of investigation and prosecution of cases under the Act: *Provided, finally*, That the preservation period provided under the law governing foreign corporations doing business in the Philippines or the period provided under the Act, whichever is longer, shall prevail.

"Notice" herein shall mean a written preservation request from the competent authority, which states the following:

- (1) that it is issued pursuant to Section 9 of the Act and Section 110 of this IRR;
 - (2) name of the issuing competent authority;
 - (3) profile Uniform Resource Locator (URL) of the account under investigation, whenever appropriate;
 - (4) Internet Protocol (IP) Address used by the account under investigation for the commission of OSAEC or CSAEM, as the case may be;
 - (5) e-mail address, username, and/or registered name used by the account under investigation, whenever appropriate and available;
 - (6) estimated period or range of date as to when the account under investigation was allegedly used for the commission of OSAEC or CSAEM, as the case may be;
 - (7) time and/or Time Zone when the account under investigation was allegedly used for the commission of OSAEC or CSAEM, as the case may be;
 - (8) reference to the specific provision of the Act alleged to be violated;
 - (9) name and signature of the authorized official in accordance with the rules of the concerned competent authority;
 - (10) date on which the Notice was signed; and
 - (11) such other facts as may be necessary to show the relevance of the request to the investigation and/or prosecution;
- (c) immediately block access to, remove, or take down the internet address, URL, websites or any content thereof containing CSAEM or involving streaming or live-streaming of OSAEC, within twenty-four (24) hours from receipt of notice from a competent authority or notice containing sufficient information to identify the content and its source: *Provided*, That this period may be extended to another twenty-four (24) hours upon submission of a written justification if the notice was made by any private citizen or by a competent authority without sufficient information to identify the content and its source: *Provided, however*, That the period provided in the preceding paragraph on the period of preservation of subscriber's or registration information, traffic or content data shall apply: *Provided, further*, That the competent authority shall, as far as practicable, expressly identify and specify such relevant evidence that needs preservation; *Provided finally*, That the period may be extended further, at a single instance, by another twenty-four (24) hours, upon the written request of the internet intermediary when: (a) the information in the Notice provided

to the internet intermediary is incomplete, in such a case the additional period shall run upon submission of the complete information; or (b) for valid and reasonable cause, as when additional time is essential to enable the internet intermediary to complete a review of the report due to high volume and/or considerable length of the subject content/ pieces of content.

“Notice” herein shall mean written notice from any competent authority or private citizen, which states the following:

- (1) If the Notice is issued by a competent authority:
 - (i) that it is issued pursuant to Section 9 of the Act and Section 110 of this IRR;
 - (ii) name of the issuing competent authority;
 - (iii) specific internet addresses, URLs, websites, or any contents to be blocked/removed/taken down;
 - (iv) date and time, including Time Zone, when the specific internet addresses, URLs, websites, or any contents to be blocked/removed/taken down was last accessed by the competent authority;
 - (v) reference to the specific provision of the Act alleged to be violated;
 - (vi) name and signature of the authorized official in accordance with the rules of the concerned competent authority;
 - (vii) date on which the Notice was signed; and
 - (viii) such other facts as may be necessary to justify the request for blocking/removal/take down.
- (2) If the Notice is issued by a private citizen:
 - (i) specific internet addresses, URLs, websites, or any contents to be blocked/removed/taken down;
 - (ii) date and time, including Time Zone, when the specific internet addresses, URLs, websites, or any contents to be blocked/removed/taken down was last accessed by the private citizen who issued the Notice; and
 - (iii) such other facts as may be necessary to justify the request for blocking/removal/take down.

Internet intermediaries may adopt and implement automated systems and dedicated channels where they can receive the subject Notices for Blocking/Removal/Take Down;

- (d) report to the DOJ-OOC and NCC-OSAEC-CSAEM Secretariat, within three (3) days, the internet address, URLs, or websites blocked, removed or taken down, or any form of unusual data activity using its server or facility: *Provided*, That in cases when a foreign internet intermediary is prohibited by its country to share data, the reports filed by such foreign internet intermediary to the corresponding entity tasked

by its government to receive cybercrime reports shall be deemed in compliance with this provision: *Provided, however*, That the said foreign internet intermediary shall inform the DOJ-OOC and NCC-OSAEC-CSAEM Secretariat of such reporting: *Provided, further*, That whatever relevant evidence otherwise not prohibited by law to be shared shall nevertheless be reported to the DOJ-OOC and NCC-OSAEC-CSAEM Secretariat.

“Report” herein shall mean written notice from internet intermediaries, which states the following:

- (1) that the report is pursuant to Section 9 of the Act and Section 110 of this IRR;
- (2) specific internet addresses, URLs, websites, or any contents blocked/removed/taken down;
- (3) date when the specific internet addresses, URLs, websites, or any contents were blocked/removed/taken down;
- (4) date and time when the Notice, which includes the specific internet addresses, URLs, websites, or any contents, was submitted to the internet intermediaries for blocking/removal/take down;
- (5) name of the competent authority or private citizen who reported the specific internet addresses, URLs, websites, or any contents for blocking/removal/take down to the internet intermediaries;
- (6) for foreign internet intermediaries, that appropriate reports had already been filed with the corresponding entity tasked by its government to receive cybercrime, OSAEC and/or CSAEM reports, if applicable;
- (7) name and signature of the internet intermediaries’ authorized official executing the Report; and
- (8) the date on which the Report was signed.

The internet intermediaries shall also furnish the DICT and NTC with copies of reports for submission under this Section;

- (e) provide, pursuant to a subpoena issued by the PNP in accordance with R.A. No. 6975 (Department of the Interior and Local Government Act of 1990), as amended, or by the NBI in accordance with R.A. No. 10867 (National Bureau of Investigation Reorganization and Modernization Act) or by the prosecutor in accordance with the Rules of Court; and notwithstanding the provisions of the Cybercrime Prevention Act of 2012 and in accordance with the Data Privacy Act of 2012, the subscriber’s or registration information and/or traffic data of any person who:
 - (1) gained or attempted to gain access to an internet site, internet asset or internet application which contains any form of CSAEM; or
 - (2) facilitated the violations of the Act; or
 - (3) conducted the streaming or live-streaming of child sexual exploitation.

The subpoena addressed to the internet intermediary concerned must state the following:

- (i) that it is issued pursuant to Section 9(a)(5) of the Act and Section 110(e) of this IRR;
 - (ii) name of the issuing authority/agency;
 - (iii) that it is issued pursuant to investigation/prosecution of a person who gained or attempted to gain access to an internet site, internet asset or internet application which contains any form of CSAEM, facilitated the violations of the Act, or conducted the streaming or live-streaming of child sexual exploitation, as the case may be;
 - (iv) profile link of the IP address, e-mail address, username, and/or registered name used by the account under investigation, whenever appropriate and available;
 - (v) estimated period or range of date when the account under investigation was allegedly used for the commission of OSAEC or CSAEM, as the case may be;
 - (vi) time and Time Zone when the account under investigation was allegedly used for the commission of OSAEC or CSAEM, as the case may be;
 - (vii) type of requested computer data (i.e., subscriber's or registration information and/or traffic data);
 - (viii) facts necessary to show the relevance of the request to the prosecution/investigation or on violations of the Act;
 - (ix) name and signature of the authorized official in accordance with the rules of the competent authority; and
 - (x) date when the subpoena is signed;
- (f) continuously develop, establish, and install mechanisms or measures designed to prevent, detect, respond, or report violations of the Act within their websites, platforms, applications, servers or facilities, compatible with the products and services they offer that may be in accordance with the global best practices and guidelines to counter violations of the Act which may include the installation of available technology, program, or software to ensure that access to or streaming of violations of the Act will be removed, blocked, or filtered.

The internet intermediaries shall consult with the NTC, DICT, and DOJ-OOC in updating, developing, establishing, and installing OSAEC and CSAEM mechanisms and measures herein;

- (g) coordinate with the DOJ-OOC to define the standard upon which an internet intermediary is measured, in order to fairly assess if an internet intermediary has reasonably complied with its duties under the Act. The DOJ-OOC, NTC, AMLC, BSP, and DICT shall, in coordination with the internet intermediaries, collectively determine the criteria through which the latter can be fairly assessed if they have reasonably complied with its duties under the Act without prejudice to other duties and responsibilities under other laws;
- (h) adopt the child online safeguarding policy by the DICT under R.A. No. 10929 (Free Internet Access in Public Spaces Act) in creating a policy on notifying their community to ensure that their policy has a provision on delaying or dispensing with notification to an account holder, subscriber or customer of the internet intermediary

who is stated to be a suspected offender of an act of OSAEC in an ongoing criminal investigation, of the existence of a subpoena, warrant, court order, or other governmental request directing the internet intermediary to disclose information about the said account holder, subscriber or customer for the purposes of the criminal investigation.

Nothing in this Section may be construed to require internet intermediaries to engage in the monitoring of any user, subscriber, or customer, or the content of any communication of any such person.

These duties and obligations shall be without prejudice to other duties and obligations that may be imposed upon internet intermediaries in other laws.

The foregoing undertakings shall form part of the requirements for all internet intermediaries when applying for the necessary registration, permits, and/or licenses before the concerned government agency in the Philippines.

Any person who violates this Section, which is penalized under Section 9 of the Act, shall suffer the penalty of *prision mayor* in its medium period and a fine of not less than One Million and Two Hundred Thousand Pesos (P1,200,000.00) but not more than Two Million Pesos (P2,000,000.00) for the first offense. In case of subsequent offense, the penalty shall be a fine of not less than Two Million Pesos (P2,000,000.00) but not more than Three Million Pesos (P3,000,000.00) and revocation of its license or franchise to operate and the immediate closure of the establishment, when applicable.

Section 111. Duties of Internet Service Providers (ISPs). – In addition to the above duties and responsibilities, all ISPs shall:

- (a) notify the PNP or the NBI within forty-eight (48) hours from receipt of information that any form of child sexual abuse or exploitation is being committed using its server or facility, or is likely being committed using its server or facility based on, among others, traffic analysis and observed sudden surges in usage;
- (b) block CSAEM or the streaming or live-streaming of a child sexually abused or exploited within twenty-four (24) hours from receipt of notice containing sufficient information to identify the content and its source: *Provided*, That if the information contained in the notice points to a legitimate website where the blocking thereof may result to blocking of legitimate contents therein, the ISPs shall have the obligation to inform the PNP or NBI within the same period of such fact: *Provided, further*, That failure of the ISPs to block any form of CSAEM or the streaming and/or live-streaming of child sexual exploitation within twenty-four (24) hours from receipt of notice as described above, shall be *prima facie* evidence of knowledge, as punished under Section 4 (d) of the Act.

“Notice” herein shall mean the same Notice described under Section 110(c) of this IRR;

- (c) maintain logs of each and every subscriber and the IP address assigned to each and every subscriber at a given date and time, within the retention period prescribed in Section 28 of this IRR or the particular ISP's latest internal protocols, whichever is longer. To accomplish this purpose, ISPs shall within six (6) months from the effectivity of this IRR, upgrade their existing internet protocols or install or adopt the necessary technology that shall allow them to specifically identify individual subscribers and the IP addresses that correspond to each of them;
- (d) develop and adopt a set of systems and procedures for preventing, blocking, detecting, and reporting of OSAEC and CSAEM committed within their platforms, which are compatible with the services and products they offer, including the maintenance and management of an updated list of URLs containing CSAEM by partnering with organizations that maintain the most comprehensive list of URLs with CSAEM, and those with hashes of the same;
- (5) adopt and integrate child protection standards in their corporate governance practice and processes; and
- (6) establish high privacy setting as default safety and privacy settings for children, and where practicable and necessary, adopt age-verification controls and protocols to restrict their access to materials within the purview of Section 3(c)(iv) of the P.D. Creating the Movie and Television Review and Classification Board.

Nothing in this Section may be construed to require internet intermediaries to engage in the monitoring of any user, subscriber, or customer, or the content of any communication of any such person.

These duties and obligations shall be without prejudice to other duties and obligations that may be imposed upon internet intermediaries in other laws.

The foregoing undertakings shall form part of the requirements of all ISPs when applying for the necessary registration, permits, and/or licenses before the concerned government agency in the Philippines.

Any person who violates this Section, which is penalized under Section 9 of the Act, shall suffer the penalty of *prision mayor* in its medium period and a fine of not less than One Million and two Hundred Thousand Pesos (P1,200,000.00) but not more than Two Million Pesos (P2,000,000.00) for the first offense. In case of subsequent offense, the penalty shall be a fine of not less than Two Million Pesos (P2,000,000.00) but not more than Three Million Pesos (P3,000,000.00) and revocation of its license or franchise to operate and the immediate closure of the establishment, when applicable.

Section 112. Duties of PSPs. – In addition to the duties specified for internet intermediaries as applicable to internet PSPs, any person who has direct knowledge of any OSAEC and CSAEM financial activity shall have the duty to report any suspected OSAEC and CSAEM-related activity or suspicious transaction to the DOJ-OOC within twenty-four (24) hours and they shall also have the duty to report to the AMLC, within five

(5) days from discovery thereof, in accordance with the suspicious transaction reporting mechanism, under the Anti-Money Laundering Act of 2001, as amended.

LEAs investigating violations of the Act may require financial intermediaries, internet PSPs, and other financial facilitators to provide financial documents and information upon order of any competent court when it has been established that there is reasonable ground to believe that the transactions to be examined involve prohibited activities under the Act.

The term “financial intermediaries” shall mean persons or entities whose principal functions include the lending, investing or placement of funds or evidence of indebtedness or equity deposited with them, acquired by them, or otherwise coursed through them either for their own account or for the account of others.

Notwithstanding the provisions of R.A. No. 1405 (An Act Prohibiting Disclosure of or Inquiry into, Deposits with any Banking Institution and Providing Penalty Therefor), as amended, R.A. No. 6426 (Foreign Currency Deposit Act of the Philippines), as amended, R.A. No. 8791 (The General Banking Law of 2000), as amended, and other pertinent laws, the LEAs investigating cases under the Act may inquire into or examine any particular deposit or investment, including related accounts, with any banking institution or any non-bank financial institution upon order of any competent court when it has been established that there is reasonable ground to believe that the deposit or investments, including related accounts involved, are related to violations of the Act.

Violations under Sections 4 and 5 of the Act shall be considered as "unlawful activity" under Section 3(i) of the Anti-Money Laundering Act of 2001, as amended, and shall be punishable under the said Act.

Money transfer and remittance centers shall require individuals transacting with them to present valid government identification cards.

The AMLC and the DILG shall promulgate the necessary rules and regulations for the implementation of this provision in accordance with the Act, which shall include, among others, the guidelines to determine suspicious activity and indicators that OSAEC and CSAEM-related activities are being conducted.

Any person who violates this Section, which is penalized under Section 9 of the Act, shall suffer the penalty of *prision mayor* in its medium period and a fine of not less than One Million and Two Hundred Thousand Pesos (P1,200,000.00) but not more than Two Million Pesos (P2,000,000.00) for the first offense. In case of subsequent offense, the penalty shall be a fine of not less than Two Million Pesos (P2,000,000.00) but not more than Three Million Pesos (P3,000,000.00) and revocation of its license or franchise to operate and the immediate closure of the establishment, when applicable.

Section 113. Responsibility of all internet hotspots, cafés or kiosks. – Internet hotspots, cafés or kiosks shall:

- (a) notify the NCC-OSAEC-CSAEM, through its Secretariat, within twenty-four (24) hours from obtaining facts and circumstances, of any violation of the Act that are being committed within their premises: *Provided*, That there is a *prima facie* knowledge that a violation of the Act is being committed if such act or omission has been committed within the premises of such internet hotspot, café or kiosk;
- (b) install and update programs and software designed to detect sexually explicit activities involving children and ensure that access to or transmittal of such materials will be blocked or filtered; and
- (c) promote awareness against OSAEC and CSAEM through clear and visible signages in both English and the local dialect, with local and national hotlines posted within their facilities, including participation in the Safer Internet Day for Children Philippines.

The foregoing undertakings shall form part of the requirements of all internet hotspots, cafés or kiosks when applying for the necessary permits before the concerned LGU.

Any person who violates this Section, which is penalized under Section 9 of the Act, shall suffer the penalty of *prision mayor* in its medium period and a fine of not less than One Million and Two Hundred Thousand Pesos (P1,200,000.00) but not more than Two Million Pesos (P2,000,000.00) for the first offense. In case of subsequent offense, the penalty shall be a fine of not less than Two Million Pesos (P2,000,000.00) but not more than Three Million Pesos (P3,000,000.00) and revocation of its license or franchise to operate and the immediate closure of the establishment, when applicable.

Section 114. Hotels, Motels, Transient Dwellings, or any Analogous Living Spaces.

– Pursuant to Section 9(d)(1) in relation to Section 3(o) of the Act, all owners, lessors, sub-lessors, operators, and managers of hotels, motels, residential homes, condominiums, dormitories, apartments and dwellings offered for transient use, or any analogous living spaces shall notify the NCC-OSAEC-CSAEM, through its Secretariat, within twenty-four (24) hours from obtaining facts and circumstances, of any violations of the Act that are being committed in their premises.

They shall develop a reporting and referral pathway for OSAEC and CSAEM incidents within their establishments.

The foregoing undertakings shall form part of the requirements of all hotels, motels, transient dwellings, or any analogous living spaces when applying for the necessary permits before the concerned LGU and shall be the basis of the DOT accreditation.

Any person who violates this Section, which is penalized under Section 9 of the Act, shall suffer the penalty of *prision mayor* in its medium period and a fine of not less than One Million and Two Hundred Thousand Pesos (P1,200,000.00) but not more than Two Million Pesos (P2,000,000.00) for the first offense. In case of subsequent offense, the penalty shall be a fine of not less than Two Million Pesos (P2,000,000.00) but not more than

Three Million Pesos (P3,000,000.00) and revocation of its license or franchise to operate and the immediate closure of the establishment, when applicable.

Article 7

Implementation at Sub-National and Local Levels

Section 115. *Additional function of sub-national and local bodies.* – The existing RCAT-VAWC as well as the LCAT-VAWC established at the provincial and city/municipality levels shall have the additional function of coordinating and monitoring policy and programs against OSAEC and CSAEM at the regional and local levels: *Provided, That* the BCPC through the local social workers and in coordination with the *barangay* officials shall identify communities and families that are vulnerable to OSAEC for purposes of providing appropriate interventions. They shall also recommend the passage of ordinances to implement local programs and interventions on anti-OSAEC and CSAEM.

Section 116. *Preparation and submission of reports.* – The existing sub-national structures shall prepare and submit annual reports on local initiatives against OSAEC and CSAEM according to the following schedule:

- (a) from the Municipal/City Committee Against Trafficking in Persons and Violence Against Women and Children (M/CCAT-VAWC) to the Provincial Inter-Agency Committee Against Trafficking in Persons and Violence Against Women and Children (PCAT-VAWC), if present; or from municipal/city social welfare and development office (M/CSWDO) to provincial social welfare and development office (PSWDO): Every 15th of November;
- (b) from PCAT-VAWC to the RCAT-VAWC; or PSWDO to the DSWD Field Office: Every 30th of November; and
- (c) from RCAT-VAWC or DSWD Field Office to the NCC-OSAEC-CSAEM Secretariat: Every 15th of December.

The NCC-OSAEC-CSAEM, in coordination with the Inter-Agency Council on Violence Against Women and their Children (IACVAWC) Secretariat, shall develop standard annual report templates and additional guidelines to ensure timely compliance.

Section 117. *Technical assistance and functionality of local structures.* – The DSWD and DILG shall provide technical assistance to LGUs in strengthening the LCAT-VAWC, BCPC, and other similar local structures in combating OSAEC and CSAEM.

The other member agencies and NGOs of NCC-OSAEC-CSAEM shall likewise extend technical assistance to LGUs in strengthening sub-national and LCAT-VAWCs, especially in building local capacity on developing programs against OSAEC and CSAEM. They shall report to the NCC-OSAEC-CSAEM Secretariat such assistance and support to LGUs for inclusion in the annual and other reports to the IACAT and ensure to provide or include in their annual budget/appropriation funds for the implementation of programs and initiatives against OSAEC and CSAEM.

Article 8

Anti-OSAEC and Anti-CSAEM Task Forces and Special Law Enforcement Units

Section 118. *Specialized Anti-OSAEC and Anti-CSAEM Task Forces and/or Units.* –

- (a) The IACAT, upon the recommendation of the NCC-OSAEC-CSAEM, may establish specialized anti-OSAEC and CSAEM task forces or units. These specialized units shall:
 - (1) exclusively handle cases or reports involving OSAEC and CSAEM;
 - (2) develop expertise of its respective members through the conduct of capacity-building and continuous review and updating of training programs for its members;
 - (3) coordinate with the other task forces; and
 - (4) assist in the establishment of similar units in local areas, as may be necessary, and coordinate with these local task forces.
- (b) The member agencies shall continually assess and review the operations of these task forces. The amount necessary for the operation of these specialized units shall be funded by the concerned member agencies and may be supplemented by the NCC-OSAEC-CSAEM.

Section 119. *Sharing of information and conduct of typology workshops.* – These specialized task forces and units shall periodically conduct sharing of information sessions, typology workshops and similar activities to allow the exchange of experiences and practices in the conduct of surveillance, interdiction, arrest, investigation and prosecution of OSAEC and CSAEM cases among the members of various task forces, specialist units and prosecutors toward enhancing strategies and mechanisms to combat OSAEC and CSAEM.

Article 9

Capacity Building

Section 120. *Capacity building framework and human resource development program.* – The NCC-OSAEC-CSAEM shall develop and implement an integrated human resource development program for all government officials and personnel dealing with OSAEC and CSAEM. Such plan shall be pursued within the human rights based approach and in a child-sensitive, gender-responsive, disability inclusive, culture-sensitive, victim-centered, trauma-informed, and safe framework. For this purpose, the NCC-OSAEC-CSAEM shall allocate resources to implement the program.

Section 121. *Continuous development and updating of manuals, guidelines, and other similar instruments.* – The NCC-OSAEC-CSAEM, in coordination with other relevant agencies, LGUs, and SWDAs shall continuously develop manuals, guidelines, and other similar instruments as may be necessary to enhance child victim-survivor identification procedures, protection and assistance to child victim-survivors, investigation and prosecution of cases, and strengthen inter-agency collaboration.

RULE VII PROHIBITED ACTS AND PENALTIES

Article 1 Prohibited Acts and Penalties

Section 122. *Unlawful or prohibited acts.* – Regardless of the consent of the child, it shall be unlawful for any person to commit the following acts through online or offline means or a combination of both:

- (a) to hire, employ, use, persuade, induce, extort, engage, or coerce a child to perform or participate in whatever way in the creation or production of any form of OSAEC and CSAEM;
- (b) to produce, direct, manufacture, facilitate, or create any form of CSAEM, or participate in the production, direction, manufacture, facilitation, or creation of the same;
- (c) to offer, sell, distribute, advertise, promote, export, or import, by any means, any form of CSAEM;
- (d) to knowingly publish, transmit and broadcast, by any means, any form of CSAEM;
- (e) to permit or influence the child to engage, participate or assist in any form of CSAEM;
- (f) to produce, direct, create, hire, employ or pay a facilitator to stream or livestream acts of child sexual abuse or exploitation;
- (g) to stream or live-stream acts of, or any form of, child sexual abuse and exploitation;
- (h) to recruit, transport, transfer, harbor, provide, or receive a child or to induce or influence the same, for the purpose of violating the Act;
- (i) to introduce or match a child to a foreign national or to any person for the purpose of committing any of the offenses under the Act;
- (j) for film distributors, theaters, and ICT services by themselves or in cooperation with other entities, to distribute any form of CSAEM or to facilitate the commission of any of the offenses under the Act;
- (k) to knowingly benefit from, financial or otherwise, the commission of any of the offenses of the Act;
- (l) to provide a venue for the commission of prohibited acts under this section such as dens, private rooms, cubicles, cinemas, houses, private homes, or other establishments;

- (m) to engage in the luring or grooming of a child: *Provided*, That grooming taking place offline as a prelude to violations under the Act shall also be penalized;
- (n) to sexualize children by presenting them as objects of sexual fantasy, or making them conversational subjects of sexual fantasies, in any online or digital platform;
- (o) to engage in pandering as defined under the Act;
- (p) to willfully subscribe, join, donate to, or support an internet site that hosts OSAEC or the streaming or live-streaming of child sexual abuse and exploitation;
- (q) to advertise, publish, print, broadcast or distribute, or cause the advertisement, publication, printing, broadcasting, or distribution by any means of any brochure, flyer, or any material that promotes OSAEC and child sexual abuse or exploitation;
- (r) to possess any form of CSAEM: *Provided*, That possession of three (3) or more CSAEMs is *prima facie* evidence of the intent to sell, distribute, publish or broadcast;
- (s) to willfully access any form of CSAEM; and
- (t) to conspire to commit any of the prohibited acts stated in this Section.

The investigation or prosecution of offenses under the Act shall be without prejudice to appropriate investigation and prosecution mechanisms under the Anti-Trafficking in Persons Act of 2003, as amended, and other related laws.

Section 123. Penalties. – Per Section 10 of the Act, the following offenses shall be penalized as follows:

- (a) Any person who violates Section 4, paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i) and (j) of the Act shall suffer the penalty of life imprisonment and a fine of not less than Two Million Pesos (P2,000,000.00).
- (b) Any person who violates Section 4, paragraphs (k) and (l) of the Act shall suffer the penalty of *reclusion temporal* in its maximum period to *reclusion perpetua* and a fine of not less than One million pesos (P1,000,000.00) but not more than Two Million Pesos (P2,000,000.00).
- (c) Any person who violates Section 4, paragraphs (m), (n), and (o) of the Act shall suffer the penalty of *reclusion temporal* in its maximum period and a fine of not less than Eight Hundred Thousand Pesos (P800,000.00) but not more than One Million Pesos (P1,000,000.00).
- (d) Any person who violates Section 4, paragraph (p) of the Act shall suffer the penalty of *reclusion temporal* in its medium period and a fine of not less than Five Hundred

Thousand Pesos (P500,000.00) but not more than Eight Hundred Thousand Pesos (P800,000.00).

- (e) Any person who violates Section 4, paragraph (q) of the Act shall suffer the penalty of *reclusion temporal* in its minimum period and a fine of not less than Three Hundred Thousand Pesos (P300,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00).
- (f) Any person who violates Section 4, paragraph (r) of the Act shall suffer the penalty of *reclusion temporal* and a fine of not less than Three Hundred Thousand Pesos (P300,000.00).
- (g) Any person who violates Section 4, paragraph (s) of the Act shall suffer the penalty of *prision mayor* in its maximum period and a fine of not less than Two Hundred Thousand Pesos (P200,000.00) but not more than Three Hundred Thousand Pesos (P300,000.00).
- (h) Any person who violates Section 4, paragraph (t) of the Act shall suffer the penalty of *prision mayor* in its medium period and a fine of not less than One Hundred Thousand Pesos (P100,000.00) but not more than Two Hundred Thousand Pesos (P200,000.00).
- (i) Any person who violates Section 6 of the Act shall suffer the penalty of life imprisonment and a fine of not less than Five Million Pesos (P5,000,000.00) but not more than Twenty Million Pesos (P20,000,000.00).

In addition to the above penalties, the following offenders shall be ineligible for parole:

- (1) An offender who is a recidivist;
- (2) An offender who is a step-parent or collateral relative within the third (3rd) degree of consanguinity or affinity having control or moral ascendancy over the child; and
- (3) Any offender whose victim died or suffered permanent mental, psychological or physical disability.

Except for the violations of the Act that are penalized with life imprisonment, the frustrated commission of the acts prohibited under Section 4 of the Act shall be punishable with the penalty one degree lower than that prescribed under the Act. Attempted commission of the acts prohibited under Section 4 of the Act shall be punishable with the penalty two (2) degrees lower than that prescribed under the Act.

Any person found guilty of violating Section 9 of the Act shall suffer the penalty of *prision mayor* in its medium period and a fine of not less than One million two hundred thousand pesos (P1,200,000.00) but not more than Two million pesos (P2,000,000.00) for the first offense. In case of subsequent offense, the penalty shall be a fine of not less than Two million pesos (P2,000,000.00) but not more than Three million pesos (P3,000,000.00) and

revocation of its license or franchise to operate and the immediate closure of the establishment, when applicable.

Any government official or employee or agent who abuses the authority provided for under Sections 9 and 23 of the Act shall be penalized with imprisonment of *prision mayor* in its maximum period and perpetual disqualification to hold public office, the right to vote and participate in any public election, and a fine of not less than Five hundred thousand pesos (P500,000.00). All the benefits due from service in the government of such public officer or employee shall also be forfeited.

Article 2

Application of Penalties and Other Sanctions

Section 124. *Juridical Persons.* – If the offender is a juridical person, the penalty shall be imposed upon the owner, manager, partner, member of the board of directors and/or any responsible officer of an enterprise who participated in the commission of the crime or shall have knowingly permitted or failed to prevent its commission. In addition, the corporation shall be fined a minimum of ten percent (10%) but not more than thirty percent (30%) of its net worth and its respective license or permit to operate may be revoked.

Section 125. *Alien Offenders.* – If the offender is a foreigner, the offender shall be criminally prosecuted immediately. The trial prosecutor shall apply for a precautionary hold departure order (PHDO) to prevent the foreigner from leaving the country, if necessary. Thereafter, the offender shall be deported after serving sentence and will be permanently barred from re-entering the Philippines.

Section 126. *Applicability of Juvenile Justice and Welfare Act, as amended.* – (a) In cases where the offender is a child, the prosecution of the offense shall be in accordance with R.A. No. 9344 (Juvenile Justice and Welfare Act of 2006), as amended, and the child shall be accorded the appropriate treatment and services under the said law.

(b) In cases of self-generated CSAEMs, the child producing the sexualized materials shall be considered as a child victim-survivor and not as an offender. The child victim-survivor shall be accorded the necessary treatment and services under the Act and in existing laws. The law enforcers shall conduct further investigation to determine the persons responsible in the grooming of the child victim-survivor and/or the persons who received the CSAEMs.

Section 127. *Effect of consent of the child victim-survivor.* – The consent of the child victim-survivor is not material or relevant and shall not be available as a defense in the prosecution of the unlawful acts prohibited under the Act.

Section 128. *Syndicated and large-scale violations of R.A. No. 11930.* – Any violation of the Act shall be deemed to have been committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. If the

crime was committed against three (3) or more persons, it shall be considered as large-scale violation of the Act.

Section 129. *Protection of a Good Samaritan.* – Any person who has the responsibility of reporting cases under the Act and this IRR, blocking an internet address, removing a website or domain, taking down of shared videos, pictures, or messages for the services provided by an internet intermediary, and providing information for the purpose of an investigation or prosecution of a case involving acts of OSAEC shall not be held civilly, criminally, or administratively liable: *Provided*, That the action was:

- (a) done in good faith;
- (b) necessary to prevent access or dissemination of CSAEMs; and
- (c) reported to the DOJ-OOC within twenty-four (24) hours from the act of blocking an internet address, removing a website or domain, or taking down of shared video, picture or messages.

Section 130. *Safe Harbor Exception.* – Access, possession, and recording of any CSAEM of any person for the purpose of complying with the duties under the Act, the reporting to government authorities, legitimate investigation and administration of the criminal justice system; and legitimate policy, scholarly, and academic purposes with requisite ethical clearance, shall not be subject to any civil, criminal, or administrative liability.

RULE VIII FINAL PROVISIONS

Article 1 Appropriations and Other Funding Sources

Section 131. *Appropriations.* – The amount necessary to implement the provisions of the Act shall be included in the annual General Appropriations Act.

Section 132. *Establishment of an Endowment Fund.* – The IACAT shall establish an Endowment Fund which shall be self-sustaining and shall consist of contributions, donations, grants, or loans from domestic and foreign sources to develop and implement the necessary programs that will prevent any form of OSAEC and CSAEM, and for the protections, healing, and reintegration of the child victim-survivor into the mainstream of society.

It shall be managed by the NCC-OSAEC-CSAEM.

The use and disbursement of the Endowment Fund shall be subject to the approval of at least two-thirds (2/3) of the members of the IACAT and shall be governed by existing government accounting and auditing rules and regulations.

Section 133. *Development of a Trust Fund.* – The IACAT shall develop a Trust Fund which shall be sourced from all fines imposed under the Act to be used exclusively for

programs that will prevent any form of OSAEC and CSAEM, and for the protections, healing, and reintegration of the child victim-survivor into the mainstream of society.

It shall be managed by the NCC-OSAEC-CSAEM.

The use and disbursement of the Trust Fund shall be subject to the approval of at least two thirds (2/3) of the members of the IACAT and shall be governed by existing government accounting and auditing rules and regulations.

Section 134. *Special account of the DSWD.* – Pursuant to Section 13 of the Act, all proceeds derived from the sale of properties used for the commission of any form of OSAEC and CSAEM shall be exclusively used for the purpose of child-rearing programs under the special account of the DSWD.

Section 135. *Inclusion in agency appropriations.* – The heads of departments, agencies concerned, and LGUs shall include in their annual appropriations the funding necessary to implement programs and services required by the Act and this IRR.

National government agencies and LGUs may include the programs, projects, and activities required to carry out their mandate under the law and this IRR in their annual Gender and Development (GAD) Plan and Budget, in accordance with the GAD Planning and Budgeting Guidelines issued by the PCW with concerned agencies.

Section 136. *Funding for Mandatory Services.* – The LGUs shall include funds in the Local Investment Plan to ensure the full implementation of the Mandatory Services for child victim-survivors of OSAEC and CSAEM and their families. Likewise, the LGUs are further mandated to integrate the Mandatory Services in their annual GAD Plan.

Article 2 Miscellaneous

Section 137. *Congressional Oversight Committee.* – A Congressional Oversight Committee composed of five (5) members from the Senate of the Philippines and five (5) members from the House of Representatives shall be created. The members of the Senate shall be composed of the Chairperson of the Senate Committee on Women, Children, Family Relations and Gender Equality and the remaining four (4) members shall be appointed by the Senate President. The members of the House of Representatives shall be composed of the Chairpersons of the Committees on Welfare of Children, Revision of Laws, and Information and Communications Technology and the remaining two (2) members shall be appointed by the Speaker of the House of Representatives.

The oversight committee shall monitor and ensure the effective implementation of the Act, recommend the necessary remedial legislation or administrative measures, and perform such other duties and functions as may be necessary to attain the objectives of the Act.

Section 138. *Transitory provisions.* – The mandates, office, and funding of the existing Inter-Agency Council Against Child Pornography (IACACP) under R.A. No. 9775 (Anti-Child Pornography Act of 2009) shall remain until the effectivity of the Act.

Upon the effectivity of the Act, all the powers, functions, offices, personnel, assets, information, and database of the IACACP shall be transferred to the NCC-OSAEC-CSAEM without the need of conveyance or order, as the case may be.

Within one (1) year from the effectivity of the Act, the existing budget or funds of the IACACP shall be utilized by the NCC-OSAEC-CSAEM.

The Secretariat or employees of the IACACP shall continue to exercise their respective functions, duties and responsibilities with the corresponding benefits and privileges. As far as practicable, all personnel of the affected offices, agencies, and units shall be absorbed by the NCC-OSAEC-CSAEM.

Section 139. *Suppletory application of relevant laws and rules.* – The Anti-Trafficking in Persons Act, as amended, and its IRR, the Revised Penal Code, as amended, the Rules of Court, and other laws and IRRs, shall be suppletorily applicable to this IRR.

Section 140. *Saving Clause.* – All judicial decisions and orders issued, as well as pending actions relative to the implementation of the Anti-Child Pornography Act of 2009 prior to its repeal shall remain valid and effective.

Section 141. *Amendment.* – This IRR may be amended, modified, or supplemented by the IACAT when necessary for effective implementation and enforcement of the Act.

Section 142. *Separability Clause.* – If any part of this IRR is declared unconstitutional or invalid, the other provisions not affected thereby shall continue to be in full force and effect.

Section 143. *Repealing Clause.* – Pertinent provisions of rules, regulations, and resolutions contrary to or inconsistent with the provisions of the Act and this IRR are hereby repealed or modified accordingly.

Section 144. *Effectivity.* – This IRR shall take effect immediately after the completion of its publication in two (2) newspapers of general circulation.

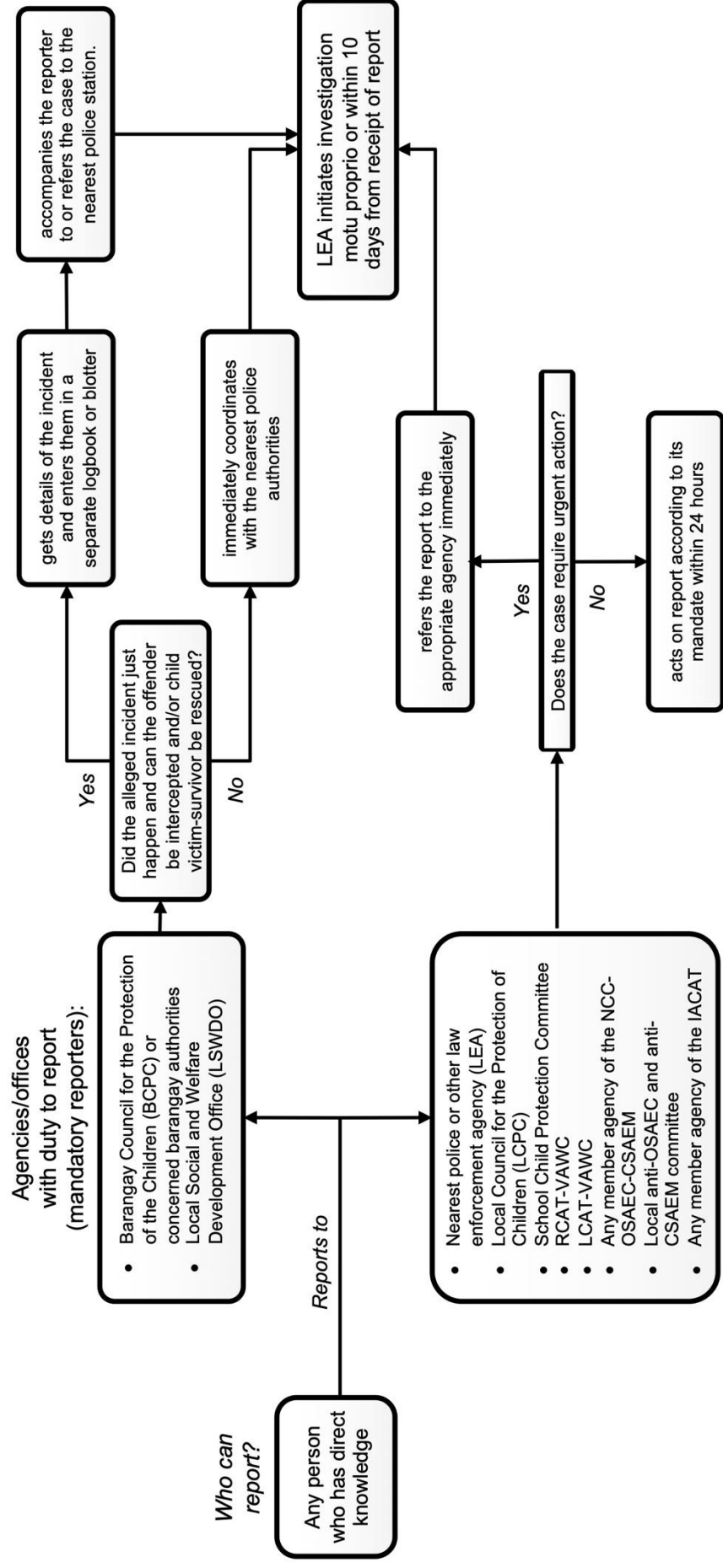
Annex “A”
Table of Offenses and Penalties

Offense	Penalty	
	Imprisonment	Fine
Sec. 4(a)–(j), Sec. 10 par. 1(a) To hire, employ, use, persuade, induce, extort, engage, or coerce a child to perform or participate in whatever way in the creation or production of any form of OSAEC and CSAEM. To produce, direct, manufacture, facilitate, or create any form of CSAEM, or participate in the production, direction, manufacture, facilitation or creation of the same. To offer, sell, distribute, advertise, promote, export, or import, by any means, any form of CSAEM. To knowingly publish, transmit and broadcast, by any means, any form of CSAEM. To permit or influence the child to engage, participate or assist in any form of CSAEM. To produce, direct, create, hire, employ or pay a facilitator to stream or livestream acts of child sexual abuse or exploitation. To stream or live-stream acts of, or any form of, child sexual abuse and exploitation. To recruit, transport, transfer, harbor, provide, or receive a child or to induce or influence the same, for the purpose of violating this Act. To introduce or match a child to a foreign national or to any person for the purpose of committing any of the offenses under this Act. For film distributors, theaters, and ICT services by themselves or in cooperation with other entities, to distribute any form of CSAEM or to facilitate the commission of any of the offenses under this Act.	Life imprisonment	Not less than P2,000,000

Offense	Penalty	
	Imprisonment	Fine
Sec. 4(k)–(l), Sec. 10 par. 1(b) To knowingly benefit from, financial or otherwise, the commission of any of the offenses of this Act. To provide a venue for the commission of prohibited acts under this section such as dens, private rooms, cubicles, cinemas, houses, private homes, or other establishments.	Reclusion temporal in its maximum period (<i>17 years and 4 months and 1 day to 20 years</i>) to Reclusion Perpetua (<i>20 years to 40 years</i>)	Not less than P1,000,000 but not more than P2,000,000
Sec. 4(m)–(o), Sec. 10 par. 1(c) To engage in the luring or grooming of a child: Provided, That grooming taking place offline as a prelude to violations under this Act shall also be penalized. To sexualize children by presenting them as objects of sexual fantasy, or making them conversational subjects of sexual fantasies, in any online or digital platform. To engage in pandering as defined under this Act.	Reclusion temporal in its maximum period (<i>17 years and 4 months and 1 day to 20 years</i>)	Not less than P800,000 but not less than P1,000,00
Sec. 4(p), Sec. 10 par. 1(d) To willfully subscribe, join, donate to, or support an internet site that hosts OSAEC or the streaming or live-streaming of child sexual abuse and exploitation.	Reclusion temporal in its medium period (<i>14 years, 8 months and 1 day to 17 years and 4 months</i>)	Not less than P500,000 but not more than P800,000
Sec. 4(q), Sec. 10 par. 1(e) To advertise, publish, print, broadcast or distribute, or cause the advertisement, publication, printing, broadcasting or distribution by any means of any brochure, flyer, or any material that promotes OSAEC and child sexual abuse or exploitation.	Reclusion temporal in its minimum period (<i>12 years and 1 day to 14 years and 8 months</i>)	Not less than P300,000 but not more than P500,000
Sec. 4(r), Sec. 10 par. 1(f) To possess any form of CSAEM: Provided, That possession of three (3) or more CSAEMs is prima	Reclusion temporal (<i>12 years and 1 day to 20 years</i>)	Not less than P300,000

Offense	Penalty	
	Imprisonment	Fine
facie evidence of the intent to sell, distribute, publish or broadcast.		
Sec. 4(s), Sec. 10 par. 1(g) To willfully access any form of CSAEM.	<i>Prision mayor</i> in its maximum period (10 years and 1 day to 12 years)	Not less than P200,000 but not more than P300,000
Sec. 4(t), Sec. 10 par. 1(h) To conspire to commit any of the prohibited acts stated in Sec. 4 of this Act.	<i>Prision mayor</i> in its medium period (8 years and 1 day to 10 years)	Not less than P100,000 but not more than P200,000
Sec. 6, Sec. 10 par. 1(i) To commit syndicated and large-scale violations of this Act	Life imprisonment	Not less than P5,000,000 but not more than P20,000,000
Sec. 9, Sec. 10 par. 4 For internet intermediaries, ISPs, PSPs, internet hotspots, cafés, kiosks, to violate their respective duties and responsibilities	<i>Prision mayor</i> in its medium period (8 years and 1 day to 10 years)	<i>1st offense:</i> Not less than P1,200,000 but not more than P2,000,000 <i>Subsequent offense:</i> Not less than P2,000,000 but not more than P3,000,000 and revocation of its license or franchise to operate and the immediate closure of the establishment, when applicable.

Annex “B” **Reporting Process Flowchart** **Rule II, Article 1, Secs. 5-8**



Annex “C”
Filing of Cases Flowchart
Rule IV, Article 1, Secs. 49-54

