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Prepared by the Committees on Women, Children, Family Relations and Gender Equality, Science and Technology, and Finance with Senators Marcos, Hontiveros, De Lima, Angara, Binay and Pangilinan as authors

AN ACT
STRENGTHENING PROTECTIONS AGAINST ONLINE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 9775 OR THE ANTI-CHILD PORNOGRAPHY ACT OF 2009; AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 9995, OR THE ANTI-PHOTO AND VIDEO VOYEURISM ACT OF 2009, PROVIDING PENALTIES FOR ITS VIOLATIONS, AND FOR OTHER PURPOSES

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

ARTICLE I
Title, Policy, Principles and Definition of Terms

1 **SECTION 1. Short Title.** – This Act shall be known as the “Special Protections
2 against Online Sexual Abuse and Exploitation of Children (OSAEC) Law” or the Anti-
3 OSAEC Law.

4 **SECTION 2. Declaration of State Policy and Principles.** It is the policy of the State to
5 provide special protections to children from all forms of sexual violence, abuse and
6 exploitation especially those committed with the use of information and
7 communications Technology, provide sanctions for their commission and carry out
8 programs for the prevention, deterrence and intervention in situations of all online
9 sexual abuse and exploitation of children. The State shall intervene on behalf of the
10 child when acts of online sexual abuse and exploitation are committed by the parent,

1 caregiver, guardian, teacher or person having care or custody of the child. It is also
2 the policy of the state to protect, rehabilitate and assist in the reintegration of
3 children who have been victimized and gravely affected by the violations committed
4 against them in a manner that is gender-responsive and age-appropriate. Cultural
5 sensitivity shall likewise be given due consideration, insofar as it does not contradict
6 the primary aim of protecting women and children.

7 The State recognizes the vital role of information and communications technology in
8 the education, skills and growth and development of Filipino children. The State also
9 recognizes the inherent right of children to freedom of expression which includes the
10 freedom to seek, receive, and impart information and ideas of all kinds, regardless of
11 frontiers in accordance with the rights of a child declared in the United Nations
12 Convention on the Rights of the Child. Further, the State is obligated to adopt the
13 protective measures provided in the signed Optional Protocol to the UN Convention
14 on the Rights of the Child (UNCRC) on the Sale of Children, Child Prostitution, and
15 Child Pornography. Finally, the best interests of children shall be the paramount
16 consideration in all actions concerning them whether undertaken by public or private
17 social welfare institutions, courts of law, executive agencies, law enforcement
18 agencies, local government units, legislative bodies and private business enterprises
19 especially those related to the online safety and protection of children.

20 **SEC. 3. *Definition of Terms.* –**

21 A. *Child* - refers to a person below eighteen (18) years of age or those over
22 but are unable to fully take care of themselves or protect themselves from
23 abuse, neglect, cruelty, exploitation or discrimination because of physical,
24 mental, intellectual or sensory disability or condition. For the purposes of
25 this act, a child shall also refer to:

26 1. A person regardless of age who is presented, depicted or portrayed
27 as a child as defined herein; and

1 2. Computer-generated, digitally or manually crafted images, or
2 graphics of a person who is represented or who is made to appear
3 to be a child as defined herein.

4 B. *Child Sexual Abuse* - refers to any form of communication through any
5 platform or format, or any physical interaction between a child and any
6 person when the child is being used for any act or activity inducing sexual
7 stimulation or for the purpose of sexual gratification, regardless of the
8 consent of the victim;

9 C. *Child Sexual Exploitation* - refers to child sexual abuse and/or other
10 sexualized acts using children that involve an exchange of some kind,
11 including but not limited to money, affection, food, drugs, shelter,
12 protection, favor or influence. It occurs where an individual or group takes
13 advantage or attempts to take advantage of an imbalance of power to
14 coerce, manipulate or deceive a child for sexual purposes or lewd designs,
15 or into participating in or witnessing a sexual activity, even if consent
16 appears to have been granted by the child;

17 D. *Child Sexual Abuse and Exploitation Materials (CSAEM)* - refers to any
18 representation, whether offline, or by, through, and with the use of
19 information and communications technology, whether visual, video, audio,
20 written, or any combination thereof, by electronic, mechanical, digital,
21 optical, magnetic, or any other means, depicting acts of sexual abuse or
22 exploitation;

23 E. *Content data* – refers to the communication content of the communication,
24 the meaning or purport of the communication, or the message or
25 information being conveyed by the communication, other than traffic data
26 and subscriber's information;

27 F. *Electronic money issuers* – entities issuing electronic money supervised by
28 the Bangko Sentral ng Pilipinas (BSP);

29 G. *Financial intermediaries* – entities that facilitate financial transactions
30 between two parties, whether via electronic means or over-the-counter;

31 H. *Grooming* – refers to the act of adults preparing a child or someone the
32 adult believes to be a child, for sexual activity, sexual relationship,

1 romantic relationship, or the production of any form of child sexual abuse
2 or exploitation material;

3 I. *Image-based sexual abuse* – a form of technology-facilitated sexual
4 violence. The term describes a pattern of behavior involving the
5 nonconsensual creation, distribution, or threats to distribute, nude or
6 sexual images. It includes a diversity of behaviors including but not limited
7 to 'sextortion scams', the use of artificial intelligence to construct
8 'deepfake' pornographic videos, threats to distribute photographs and
9 videos; and the taking or sharing of sexual assault imagery;

10 J. *Information and Communications Technology* - shall mean the totality of
11 electronic means to access, create, collect, store, process, receive,
12 transmit, present, and disseminate information;

13 K. *Internet café or kiosk* – refers to an establishment or any place or venue
14 that offers or proposes to offer services to the public for the use of its
15 computer/s or computer system for the purpose of accessing the internet,
16 computer games or related activities, including non-formal business
17 establishments that provide internet or wifi, as well as business
18 establishments that provide internet or wifi as a secondary or additional
19 service such as hotels, restaurants, and public spaces;

20 L. *Internet hotspot* – refers to a physical location where people may obtain
21 Internet access, typically using Wi-Fi technology;

22 M. *Internet intermediaries* – refers to a person or entity that provides
23 infrastructure, platforms, access to, and host, transmit and index content,
24 products and services originated by third parties on the internet. It
25 includes among others:

- 26 1. Internet Service Providers (ISPs);
- 27 2. Data processing and web hosting providers including domain name
28 registrars;
- 29 3. Internet search engines and portals;
- 30 4. E-commerce intermediaries;
- 31 5. Internet payment system providers; and
- 32 6. Participative network platform providers

- 1 N. *Internet payment system provider* - refers to payment systems provided
2 by banks, money service business, credit card companies and other non-
3 bank institutions operating in the internet or any other electronic means,
4 whether supervised by the BSP or not;
- 5 O. *Internet service provider* – refers to a public telecommunication entity
6 (PTE) or value-added service (VAS) provider duly authorized by or
7 registered with the National Telecommunications Commission (NTC) that
8 provides users or other entities with data connection allowing access to
9 the internet through physical transport infrastructure, and such access is
10 necessary for internet users to access content and services on the
11 internet, and for content providers to publish or distribute materials online;
- 12 P. *Online Sexual Abuse and Exploitation of Children* - refers to the use of
13 the digital or analog communication, and information and communications
14 technology, as a means to abuse and exploit children sexually, which
15 includes cases in which contact child abuse and/or exploitation offline is
16 combined with an online component. This can also include but not limited
17 to the production, dissemination and possession of CSAEM; online
18 grooming of children for sexual purposes; sexual extortion of children,
19 sharing image-based sexual abuse; commercial sexual exploitation of
20 children; exploitation of children through online prostitution; and live
21 streaming of sexual abuse, with or without the consent of the victim;
- 22 Q. *Pandering* – refers to the act of offering, advertising, promoting,
23 representing or distributing through any means any child sexual abuse or
24 exploitation material, or any material that purports to contain any form of
25 child sexual abuse or exploitation material, regardless of its actual content;
- 26 R. *Participative network platform provider/ social media intermediary* –
27 refers to any person or entity that facilitates social communication and
28 information exchange which are based on online technologies such as
29 web, instant messaging, or mobile technologies, that enable users to
30 contribute to developing, rating, collaborating and distributing internet
31 content and developing and customizing internet applications or to
32 conduct social networking. It may also refer to a person or an entity that

1 provides a platform or site for blogging, video-sharing, picture-sharing,
2 flesharing sites, online gaming or instant messaging, among others;

3 S. *Streaming* - refers to the viewing of the broadcast of child sexual abuse
4 and exploitation through the use of information and communications
5 technologies, whether the viewer is passively watching or actively directing
6 the explicit sexual activity committed against the child victim; provided
7 that it is considered as live streaming of child sexual abuse and
8 exploitation when the broadcast occurs in real time.

9 T. *Subscriber information* – refers to any information contained in the
10 form of computer data or any other form that is held by a service provider,
11 relating to subscribers of its services other than traffic or content data and
12 by which identity can be established, including:

- 13 1. The type of communication service used, the technical provisions
14 taken in relation thereto and the period of service;
- 15 2. The identity, postal or geographic address, telephone and other
16 access numbers, assigned network address, billing and payment
17 information of the subscriber that are available on the basis of the
18 service agreement or arrangement; and
- 19 3. Any other available information on the site of the installation of
20 communication equipment, available on the basis of the service
21 agreement or arrangement.

22 U. *Traffic Data* or *Non-Content Data* - refers to any computer data other
23 than the content of the communication including the origin, destination,
24 route, time, date, size, duration, or type of communication of the
25 underlying service.

ARTICLE II Punishable Acts related to OSAEC

26 **SECTION 4. *Unlawful or prohibited acts.*** Regardless of the consent of the child,
27 it shall be unlawful for any person to commit the following acts through online
28 means or combined with an offline component:

- 1 A. To hire, employ, use, persuade, induce, engage, or coerce a child to
2 perform or participate in whatever way in the creation or production of any
3 form of child sexual abuse and exploitation material and any activity
4 related to OSAEC;
- 5 B. To produce, direct, manufacture, facilitate, or create any form of child
6 sexual abuse and exploitation material, or participate in the production,
7 direction, manufacture, facilitation or creation in these child sexual abuse
8 and exploitation material;
- 9 C. To knowingly publish, offer, transmit, sell, distribute, broadcast, advertise,
10 promote, export, or import any form child sexual abuse and exploitation
11 material;
- 12 D. To possess any form of child sexual abuse and exploitation material,
13 provided that possession of three (3) or more articles of child abuse and
14 exploitation material is prima facie evidence of the intent to sell, distribute,
15 publish or broadcast;
- 16 E. To knowingly provide a venue for the commission of prohibited acts under
17 this section such as, but not limited to, dens, private rooms, cubicles,
18 cinemas, houses, private homes, or other establishments;
- 19 F. For film distributors, theaters and ICTSS by themselves or in cooperation
20 with other entities, to distribute any form of child sexual abuse and
21 exploitation material or to facilitate commission of OSAEC;
- 22 G. For financial intermediaries, to knowingly allow its services to be used for
23 OSAEC
- 24 H. For a parent, guardian, primary caregiver, or person having custody or
25 control of a child to facilitate or permit the child to engage, participate or
26 assist in any form of child sexual abuse and exploitation or in the
27 commission of OSAEC;
- 28 I. For adults to engage in the grooming of a child, which includes
29 communicating by means of a computer system or the internet or social
30 media with the child for the purposes of facilitating the commission of
31 sexual activity or romantic/sexual relationship or the production of any

- 1 form of CSAEM, provided that grooming taking place offline as a prelude
2 to violations under this act shall also be penalized;
- 3 J. To engage in pandering of any form of CSAEM;
- 4 K. To willfully access any form of CSAEM;
- 5 L. To influence, recruit, transport, transfer, harbor, provide, or receive a child
6 by any means for the purpose of committing OSAEC;
- 7 M. To introduce or match for money, profit, or material, economic or other
8 consideration a child to a foreign national or to any person for the purpose
9 of committing OSAEC;
- 10 N. To advertise, publish, print, broadcast or distribute, or cause the
11 advertisement, publication, printing, broadcasting or distribution by any
12 means, including the use of information and communication technologies
13 and the internet, of any brochure, flyer, or any material that promotes
14 OSAEC;
- 15 O. To stream or live-stream acts of, or any form of, child sexual abuse and
16 exploitation;
- 17 P. To willfully subscribe to, join, donate to, or support an internet address
18 that hosts OSAEC or streaming and/or live streaming of child sexual abuse
19 and exploitation;
- 20 Q. To hire, employ or pay a facilitator to stream or live stream child sexual
21 abuse and exploitation;
- 22 R. To produce, direct, manufacture, create or facilitate the streaming or live
23 streaming of child sexual exploitation;
- 24 S. To knowingly benefit from, financial or otherwise, the commission of
25 OSAEC;
- 26 T. To sexualize children by presenting them as objects of sexual fantasy, or
27 making them conversational subjects of sexual fantasies, in any online or
28 digital platform;
- 29 U. To attempt to commit any of the prohibited acts stated in this section.
30 Attempt to commit OSAEC shall be committed when the offender
31 commences the commission of OSAEC directly or over acts, and does not
32 perform all the acts of execution which should produce the felony by

1 reason of some cause or accident other than his own spontaneous
2 desistance;

3 *Provided*, that the acts of online sexual abuse or exploitation of children as defined
4 in this Act shall be without prejudice to appropriate investigation and prosecution
5 under Republic Act No. 9208 as amended, and other related laws.

6 **SECTION 5.** Section 4 of RA 9995 or the Anti-Photo and Video Voyeurism Act of
7 2009, is hereby amended as follows:

8 "Section 4. Prohibited Acts. It is hereby prohibited and declared unlawful for
9 any person:

10 xxx

11 The prohibition under paragraphs (b), (c) and (d) shall apply notwithstanding
12 that consent to record or take photo or video coverage of the same was given
13 by such person/s. **FURTHER, WHEN THE PERSON/S INVOLVED IN THE**
14 **PROHIBITIONS PROVIDED UNDER THIS LAW IS A CHILD, CONSENT**
15 **OF SUCH CHILD SHALL BE IMMATERIAL AND MAY NOT BE USED AS**
16 **DEFENSE IN ANY OF THE PARAGRAPHS.** Any person who violates this
17 provision shall be liable for photo or video voyeurism as defined herein."

18 **SECTION 7. *Syndicated child sexual abuse or exploitation.*** The crime of child
19 sexual abuse or exploitation is deemed committed by a syndicate if carried out by a
20 group of three (3) or more persons conspiring or confederating with one another.

21 **SECTION 8. *Large-scale child sexual abuse or exploitation.*** If the crime was
22 committed against three (3) or more persons, it shall be considered large-scale child
23 sexual abuse or exploitation.

24 **SECTION 9. *Safe Harbor Exception.*** – Access, possession and recording of any
25 child sexual abuse and exploitation material of any person for the purpose of
26 reporting to government authorities; legitimate investigation and administration of

1 the criminal justice system; and legitimate policy, scholarly and academic purposes
2 with requisite ethical clearance, shall not be considered as a violation of this Act.

3 **SECTION 10. *Self-generated CSAEM.*** In cases of self-generated CSAEM, the
4 child producing the sexualized materials shall be considered a victim and not an
5 offender. The child victim shall be accorded the necessary treatment and services
6 under this Act and in existing laws.

7 **ARTICLE III.**

8 **Prosecution and investigation of cases**

9 **SECTION 11. *Initiation of investigation.*** Law enforcement agencies are
10 mandated to immediately initiate investigation and counter-OSAEC-intelligence
11 gathering upon receipt of statements or affidavits from victims of OSAEC, or their
12 families, and other persons who have knowledge or information about violations of
13 this act, including the private sector.

14 Agencies that receive complaints of violations of this law shall develop both online
15 and face-to-face reporting mechanisms that are gender-sensitive, age-appropriate
16 and culturally sensitive to children, especially girls.

17 In investigating violations of this Act involving the use of the internet and other
18 digital platforms, a law enforcement officer may, upon a written order from the
19 regional trial court, track, intercept, view, monitor, surveil, listen to, and record by
20 technical or electronic means, any communications, information or messages,
21 including the procurement of content data, transmitted by means of a computer
22 system involving at least one person reasonably believed to have committed
23 violations under this Act.

24 The Order shall only be issued or granted upon written application of a law
25 enforcement officer, who shall be examined under oath or affirmation, and the
26 witnesses he/she may produce and the showing that (1) that there are reasonable

1 grounds to believe that any of the crimes enumerated hereinabove has been
2 committed, or is being committed, or is about to be committed; (2) that there are
3 reasonable grounds to believe that evidence that will be obtained is essential to the
4 conviction of any person for, or to the solution of, or to the prevention of, any such
5 crimes; and (3) that there are no other means readily available for obtaining such
6 evidence.

7 The Order shall only be effective for the length of time determined by the court,
8 which shall not exceed a period of ten (10) days from its issuance. The court issuing
9 the Order may, upon motion, extend its effectivity based only on justifiable reasons
10 for a period not exceeding ten (10) days from the expiration of the original period.

11 Victims of OSAEC who record the act of exploitation, abuse or violence against
12 him/her shall not be liable under the provisions of Republic Act No. 4200, or the
13 Anti-Wiretapping Act, and Republic Act No. 10175, or the Cybercrime Prevention Act
14 of 2012.

15 **SECTION 12. *Prosecution.*** Offenses punishable under this Act are public crimes.
16 Any person who has personal knowledge of the commission of any offense under
17 this Act, such as the victim-survivor, the parents, spouse, siblings, legal guardian,
18 officer or social worker or representative of a licensed child-caring institution, officer
19 or social worker of the Department of Social Welfare and Development (DSWD),
20 barangay chairperson, at least three (3) concerned citizens where the violation
21 occurred, may file a complaint under this Act.

22 **SECTION 13. *Venue.*** A criminal action arising from a violation of this Act shall be
23 filed where the offense was committed, or where any of its elements occurred, or
24 where the victim-survivor actually resides at the time of the commission of the
25 offense: provided, that the court where the criminal action is first filed shall acquire
26 jurisdiction to the exclusion of other courts. Where the victim-survivor is still a minor
27 at the time of trial, the case shall be heard in the chamber of the regional trial court
28 duly designated as a family court.

1 **SECTION 14. *Affidavit of desistance.*** Cases involving OSAEC should not be
2 dismissed based on the affidavit of desistance executed by the victims or their
3 parents or legal guardians. Public and private prosecutors are directed to vigorously
4 oppose and manifest objections to motions for dismissal. Attempts to unduly
5 pressure the complainant to execute an affidavit of desistance shall be punishable
6 under this Act.

7 **SECTION 15. *Immediate protection of children victims.*** In cases involving a
8 child, he or she shall immediately be placed under the protective custody of the
9 Department of Social Welfare and Development (DSWD), pursuant to R.A. No. 7610.
10 In the regular performance of this function, the DSWD shall be free from any
11 administrative, civil or criminal liability. Custody proceedings shall be in accordance
12 with the provisions of Presidential Decree No. 603.

13 The child and his/her family members shall be entitled to protection as well as
14 preferential entitlement to the rights and benefits of witnesses under R.A. No. 6981,
15 otherwise known as "The Witness Protection, Security and Benefit Act", provided
16 that the family members possess all the qualifications and none of the
17 disqualifications under the said law.

18 The child shall also be considered as a victim of a violent crime defined under
19 Section 3(d) of R.A. No. 7309, otherwise known as "An Act Creating a Board of
20 Claims under the Department of Justice for Victims of Unjust Imprisonment or
21 Detention and Victims of Violent Crimes and for Other Purposes", so that the child
22 may claim compensation therein.

23 **SECTION 16. *Referral pathway for OSAEC cases.*** There shall be an organized
24 and unified referral pathway for reporting, detecting, investigating, prosecuting and
25 providing of aftercare assistance and support in OSAEC cases. The National
26 Coordinating Center against Online Sexual Abuse and Exploitation of Children (NCC-
27 OSAEC) shall develop a system and set of gender-responsive, child-friendly, victim-

1 centered and trauma-informed protocols for referring OSAEC cases and recording
2 and maintaining a unified database for the purpose of tracking and updating the
3 status and stages of investigation and prosecution of the same, consistent with
4 existing laws on the protection of the welfare of children. The NC-OSAEC shall also
5 develop a feedback mechanism for victim-survivors who have accessed the services
6 via this pathway.

7 **SECTION 17. Confidentiality.** All records and proceedings involving children from
8 the initial contact until the final disposition of the case shall be considered privileged
9 and confidential. The public shall be excluded during the proceedings and the
10 records shall not be disclosed directly or indirectly to anyone by any of the parties or
11 the participants in the proceedings for any purpose whatsoever. It is prohibited to
12 divulge the name of the child or any other information tending to establish his or
13 her identity. Where the testimony of the child is necessary, it shall be taken in
14 accordance with A.M. no. 004-07-SC or the Rules on the Examination of the Child
15 Witness.

16 Any form of child sexual abuse or exploitation material that is part of the court
17 records shall be subject to a protection order that provides as follows:

- 18 1. Any form of child sexual abuse and exploitation material may be viewed only
19 by the parties, their counsel, their expert witness, and guardian ad litem;
- 20 2. Neither form of child sexual abuse and exploitation material nor any portion
21 thereof shall be divulged to any other person, except as necessary for
22 investigation, prosecution, or trial;
- 23 3. No person shall be granted access to any form of child sexual abuse and
24 exploitation material unless he/she signs a writer affirmation that he/she has
25 read a copy of the protection order; that he/she submits to the jurisdiction of
26 the court with respect to the protective order; and that, in case of violation
27 thereof, he/she will be subject to the contempt power of the courts;

1 It shall be unlawful for any editor, publisher, reporter or columnist in case of printed
2 materials, announcer, producer or social media influencer or content creator, in case
3 of television and radio broadcasting and digital media, and producer and director of
4 the film in case of the movie industry, to cause any undue publicity that may result
5 in the further suffering of the child. Any person or agency involved in the reporting,
6 investigation or trial of cases under this Act shall refrain from any act or statement
7 that may be construed as blaming the victim or placing responsibility on the victim
8 for the offense committed against them.

9 **SECTION 18. *Reasonable Accommodation for Children with Disabilities.***

10 The DOJ and the DSWD shall develop guidelines, within ninety (90) days from
11 finalization of the Implementing Rules and Regulations of this Act and pursuant to
12 the UN Convention of the Rights of Persons with Disabilities, for the provision, as far
13 as practicable, of necessary and appropriate modification and adjustments across all
14 stages of case management of OSAEC cases to ensure children with disabilities will
15 have access to justice.

16 The Supreme Court, in accordance with its rules and the UN Convention on the
17 Rights of Persons with Disabilities, shall issue guidelines for the provision, as far as
18 practicable, of necessary and appropriate modification and adjustments across all
19 stages of case management of OSAEC cases to ensure children with disabilities will
20 have access to justice.

ARTICLE III
Duties and Obligations of the Private Sector

21 **SECTION 19. *Duties of internet intermediaries.*** Internet intermediaries,
22 including but not limited to internet service providers, internet content hosts, online
23 intermediary hosting services, financial intermediaries, electronic money issuers, as
24 well as any and all technologies, current or future, that give access to, host, transmit
25 and index content originated by third parties or provide Internet-based services to
26 third parties, shall prevent their facilities, infrastructure and platforms from being
27 utilized in violation of the provisions of this Act, shall cooperate as far as practicable

1 with law enforcement authorities for the prosecution of offenders and the
2 preservation of evidence, including the provision of subscriber information and/or
3 traffic data of any person or subscriber who has committed, is committing, or is
4 attempting to commit any violation of this Act upon formal request of duly
5 authorized law enforcement bodies with no need of warrant and in accordance with
6 due process, adopt in their terms of service or service agreements with third-party
7 users or creators of content, products and services the prohibition of any form of
8 CSAEM or any conduct of streaming or live-streaming of the same in the use of their
9 website, platform, server or facility, shall take measures as far as practicable to
10 immediately restrict access to, restrict the streaming of, or take down, CSAEM, and
11 shall adopt and integrate child protection standards and settings in their systems
12 and processes.

13 a. *Duties of internet service providers (ISPs)*. All ISPs shall:

- 14 1. notify the Philippine National Police (PNP) or the National Bureau of
15 Investigation (NBI) within forty eight (48) hours from receipt of
16 information that any form of child sexual abuse or exploitation is being
17 committed using its server or facility, or is likely being committed using
18 its server or facility based on, among others, traffic analysis and
19 observed sudden surges in usage;
- 20 2. block child sexual abuse or exploitation material or the streaming or
21 live-streaming of a child sexually abused or exploited within twenty
22 four (24) hours from receipt of notice containing sufficient information
23 to identify the content and its source, provided that if the information
24 contained in the notice points to a legitimate website where the
25 blocking thereof may result to blocking of legitimate contents therein,
26 the ISPs shall have the obligation to inform the PNP or NBI within the
27 same period of such fact; provided finally that failure of the ISPs to
28 block any form of child abuse and exploitation materials or the
29 streaming and/or live streaming of child sexual exploitation within
30 twenty four (24) hours from receipt of notice as described above,
31 shall be prima facie evidence of willful intent;

1 3. notwithstanding the provisions of Republic Act No. 10175 and in
2 accordance with the provisions of R.A. No. 10173, furnish, upon the
3 written request of the PNP or the NBI, prosecutors, or the courts, with
4 no need of warrant, and in relation to a case of OSAEC pending before
5 their office, the subscriber information and/or traffic data of any person
6 who –

- 7 i. gained or attempted to gain access to an internet address or
8 internet application containing any form of child sexual abuse or
9 exploitation materials,
- 10 ii. or facilitated the commission of OSAEC;
- 11 iii. or conducted the streaming or live-streaming of child sexual
12 abuse or exploitation;

13 *Provided*, that the issuance of warrant is required to provide the
14 authorities described above with content data;

15 4. preserve for at least six (6) months, or during the pendency of the
16 case, the relevant evidence in its possession for the purpose of
17 investigation and prosecution of OSAEC cases, provided that ISPs shall
18 maintain logs of each and every subscriber and the IP address
19 assigned to each and every subscribed at a given date and time, and
20 provided further that the six month period shall be reckoned from
21 receipt of notice containing sufficient information to identify the
22 content and its source;

23 5. develop and adopt a set of systems and procedures for preventing,
24 blocking, detecting, and reporting of OSAEC committed within their
25 platforms, which are compatible with the services and products they
26 offer, including the maintenance and management of an updated list of
27 URLs containing child sexual abuse and exploitation material by
28 partnering with organizations that maintain the most comprehensive
29 list of URLs with CSAEM, and those with hashes of the same, such as
30 the Internet Watch Foundation;

- 1 6. adopt and integrate child protection standards in their corporate
2 governance practice and processes, such as the Child Rights and
3 Business Principles developed by the UNICEF;
- 4 7. establish high privacy setting as default safety and privacy settings for
5 children, and where practicable and necessary, adopt age-verification
6 controls and protocols to restrict their access to materials within the
7 purview of Section 3.c.iv. of Presidential Decree No. 1986;

8 b. *Duties of participative network platform provider/ social media*
9 *intermediary* – All participative network platform provider/social media
10 intermediary shall:

- 11 1. Not host any form of child sexual abuse or exploitation materials or any
12 conduct of streaming and/or live-streaming of child sexual abuse or
13 exploitation on its internet address;
- 14 2. notify the PNP or the NBI within forty eight (48) hours from receipt of
15 information that any form of child sexual abuse or exploitation is being
16 committed using its server or facility, or is likely being committed using
17 its server or facility, provided that in the case of foreign service
18 providers, reports filed in compliance with an obligation to report
19 CSAEM under the laws of their jurisdiction shall be deemed compliance
20 with this provision;
- 21 3. block and/or remove the existence of child sexual abuse or exploitation
22 material or the streaming or live-streaming of a child sexually abused
23 or exploited, within twenty four (24) hours from receipt of notice
24 containing sufficient information to identify the content and its source,
25 provided that failure of the online intermediary hosting services to
26 block or remove any form of child abuse and exploitation materials or
27 to block the streaming and/or live streaming of child sexual abuse or
28 exploitation material within twenty four (24) hours from receipt of
29 notice as described above shall be prima facie evidence of willful
30 intent;

- 1 4. notwithstanding the provisions of Republic Act No. 10175, or the
2 Cybercrime Prevention Act of 2012 and in accordance with the
3 provisions of R.A. No. 10173, or the Data Privacy Act of 2012, furnish
4 upon the written request of the PNP or the NBI, investigating
5 authorities, prosecutors, or the courts, with no need of warrant, and in
6 relation to a case of OSAEC pending before their office, the subscriber
7 information and/or traffic data, of any person who –
- 8 i. gained or attempted to gain access to an internet address or
9 internet application containing any form of child sexual abuse or
10 exploitation materials,
 - 11 ii. or facilitated the commission of OSAEC;
 - 12 iii. or conducted the streaming or live-streaming of child sexual
13 abuse or exploitation.
- 14 5. preserve for at least six (6) months, or during the pendency of the
15 case, the relevant evidence in its possession for the purpose of
16 investigation and prosecution of OSAEC cases, provided that the six
17 month period is reckoned from receipt of notice containing sufficient
18 information to identify the content and its source;
- 19 6. develop and adopt a set of systems and procedures for preventing,
20 blocking, detecting, and reporting of OSAEC committed within their
21 platforms, which are compatible with the services and products they
22 offer, including the maintenance and management of an updated list of
23 URLs containing child sexual abuse and exploitation material by
24 partnering with organizations that maintain the most comprehensive
25 list of URLs with CSAEM, and those with hashes of the same, such as
26 the Internet Watch Foundation;
- 27 7. adopt and integrate child protection standards in their corporate
28 governance practice and processes, such as the Child Rights and
29 Business Principles developed by the UNICEF;
- 30 8. establish high privacy setting as default safety and privacy settings for
31 children, and where necessary, adopt age-verification controls and

1 protocols to restrict their access to materials within the purview of
2 Section 3.c.iv. of Presidential Decree No. 1986;

3 *c. Duties of internet payment system providers and electronic money issuers*

4 – In addition to the duties specified for internet intermediaries as
5 applicable to internet payment system providers, any person who has
6 direct knowledge of any OSAEC financial activity shall have the duty to
7 report any suspected OSAEC-related activity or transaction to the law
8 enforcement agencies and the Anti-Money Laundering Council (AMLC),
9 within seven (7) days from discovery thereof. The Department of Interior
10 and Local Government (DILG) and AMLC shall promulgate, within 90 days
11 from the effectivity of this Act, the necessary rules and regulations for the
12 implementation of this provision.

13 *d. Within 90 days from the finalization of the Implementing Rules and*
14 *Regulations of this Act, the Department of Information and*
15 *Communications Technology (DICT), through the National*
16 *Telecommunications Commission (NTC), shall promulgate the necessary*
17 *rules and regulations for the implementation of this provision which shall*
18 *include, among others, the development and adaption of systems and*
19 *procedure and installation of technology or software that will block*
20 *websites containing OSAEC and streaming and/or live streaming of child*
21 *sexual abuse and exploitation.*

22 *e. Nothing in this section may be construed to require internet intermediaries*
23 *to engage in the monitoring of any user, subscriber or customer, or the*
24 *content of any communication of any such person.*

25 **SECTION 21. *Duties of owners and operators of internet cafes, hotspots***
26 ***and kiosks, money transfer and remittance centers, transport services,***
27 ***tourism enterprises, malls, and other business establishments open and***
28 ***catering to the public.*** – These persons and entities shall notify the PNP or the

1 NBI, within forty eight (48) hours from obtaining facts and circumstances, that a
2 child sexual abuse or exploitation or OSAEC is being committed within their
3 premises: *Provided*, That there is a *prima facie* knowledge by the owners/operators
4 and owners or lessors of other business establishments that a violation of this Act is
5 being committed in their premises. Internet cafes, hotspots, and kiosks as well as
6 establishments offering wifi and other analogous services shall install and update
7 programs and software designed to detect sexually explicit activities involving
8 children, and ensure that access to or transmittal of such materials will be blocked or
9 filtered. These establishments shall promote awareness against OSAEC and
10 trafficking in persons through clear and visible signages in both English and the local
11 dialect, with local and national hotlines posted within their facilities. Money transfer
12 and remittance centers shall require individuals transacting with them to present
13 valid government identification cards.

14 **SECTION 22. *Non-applicability.*** – The duty and obligation of private entities as
15 provided in this Act to notify law enforcers, to preserve evidence and to provide the
16 necessary information requested by law enforcers, prosecutors and other
17 investigative bodies through proper processes and performed in good faith shall not
18 be construed as a violation of Republic Act 10173, or the Data Privacy Act of 2012
19 and/or Republic Act 10175, or the Cybercrime Prevention Act of 2012.

20 **SECTION 23. *Effect of mutual legal assistance treaties.*** – In case there is an
21 existing mutual legal assistance treaty (MLAT) between the Philippines and the
22 country of origin of a foreign corporation subject to the provisions of this Act, the
23 MLAT shall apply and requests by law enforcement treaties shall be coursed through
24 the same.

ARTICLE IV.

PENALTIES

25 **SECTION 24. *Penalties.*** The following penalties and sanctions are hereby
26 established for the offenses enumerated in this Act:

- 1 A. Any person who violates Section 4, Section 7 and Section 8 thereof shall
2 suffer the penalty of life imprisonment and a fine of not less than Two million
3 pesos (PhP2,000,000.00) but not more than Five million pesos
4 (PhP5,000,000.00), provided that if he or she is a government employee he
5 or she shall be held administratively liable, without prejudice to criminal
6 liability under this Act. The concerned government official or employee shall,
7 upon conviction, be dismissed from the service and be barred permanently to
8 hold public office. His or her retirement and other benefits shall likewise be
9 forfeited
- 10 B. Any person who violates Section 14 thereof shall suffer the penalty of
11 imprisonment of not less than six months to not more than six years and a
12 fine of not less than Five Hundred Thousand Pesos (PhP500,000.00) to not
13 more than One Million Pesos (PhP1,000,000.00), provided that if he or she is
14 a government employee he or she shall be held administratively liable,
15 without prejudice to criminal liability under this Act. The concerned
16 government official or employee may, upon conviction, be dismissed from the
17 service and be barred permanently to hold public office. His or her retirement
18 and other benefits shall likewise be forfeited;
- 19 C. Any person who violates Section 17 thereof shall suffer the penalty of
20 imprisonment of not less than six months to not more than six years and a
21 fine of not less than Five Hundred Thousand Pesos (PhP500,000.00) to not
22 more than One Million Pesos (PhP1,000,000.00), provided that if he or she is
23 a government employee he or she shall be held administratively liable,
24 without prejudice to criminal liability under this Act. The concerned
25 government official or employee may, upon conviction, be dismissed from the
26 service and be barred permanently to hold public office. His or her retirement
27 and other benefits shall likewise be forfeited;
- 28 D. Any person who violates Section 18, 19 and 20 of this Act, shall suffer the
29 penalty of a fine of not less than Two Million Pesos (PhP2,000,000.00) but not
30 more than Five Million Pesos (PhP5,000,000.00) for the first offense. In case
31 of subsequent offense, the penalty of fine of not less than Five million pesos

1 (5,000,000.00) but not more than ten million pesos (10,000,000.00) and
2 revocation of franchise and license to operate. Without prejudice to the
3 criminal liability of the person or persons wilfully refusing to perform the
4 responsibilities under section 9 of this act, juridical persons owning or
5 managing the aforementioned enterprises shall be subsidiarily liable, and their
6 license or permit to operate may be revoked. Willful and intentional violations
7 of Section 18, 19 and 20 are subject to the penalties under Section 4;

8 **SECTION 25. *Child offenders.*** In cases when the offender is a child, the
9 prosecution of the offense shall be in accordance with the Juvenile Justice and
10 Welfare Act of 2006 and he or she shall be accorded the appropriate treatment and
11 services under the said law;

12 **SECTION 26. *Juridical persons.*** if the offender is a juridical person, the penalty
13 shall be imposed upon the owner, manager, partner, member of the board of
14 directors and/or any responsible officer who participated in the commission of the
15 crime or shall have knowingly permitted or failed to prevent its commission.

16 **SECTION 27. *Alien offenders.*** If the offender is a foreigner, he or she shall be
17 immediately deported after serving his or her sentence in the country and will be
18 permanently barred from reentering.

19 **SECTION 28. *OSAEC Protection Trust Fund.*** All proceeds of fines collected from
20 the imposition of penalties for violations of this Act shall form part of an OSAEC
21 Protection Trust Fund which shall be allocated for programs on OSAEC and services
22 provided to child victims and administered by DSWD. This fund may also constitute
23 as part of the budget of the NCC-OSAEC. In addition to the penalty imposed for the
24 violation of this Act, the court shall order the confiscation and forfeiture in favor of
25 the government of all the proceeds, tools and instruments used in the commission of
26 the crime, unless they are the property of a third person not liable for the unlawful
27 act; *Provided*, however, That all awards for damages shall be taken from the
28 personal and separate properties of the offender; *Provided*, further, That if such

1 properties are insufficient, the deficiency shall be taken from the confiscated and
2 forfeited proceeds, tools and instruments.

ARTICLE V
Duties and Obligations of the Public Sector

3 **SECTION 29. *National Coordination Center Against OSAEC.*** – There shall be
4 a national coordination center against OSAEC (NCC-OSAEC) lodged under the Inter-
5 Agency Council Against Trafficking (IACAT) formed under R.A. No. 9208 as
6 amended. The IACAT shall retain its composition and functions as provided under
7 RA No. 9208 with the additional mandate of addressing cases falling under this Act,
8 and the addition of the Secretary of the Department of Education and the Secretary
9 of the Department of Information and Communication Technology as members of
10 the IACAT. The NCC-OSAEC, under the direction of the IACAT, shall develop and
11 implement the necessary programs that will prevent commission of OSAEC, as well
12 as protect, heal and reintegrate the child into the mainstream of society. Such
13 programs shall include, but not limited to, the following:

- 14 a) Provision of mandatory services including emergency shelter or
15 appropriate housing including foster care or kinship care
16 arrangements, counseling, free legal services, medical or
17 psychological services, as well as support services including
18 community-based rehabilitation, livelihood and skills training,
19 educational assistance to the child, sustained supervision and follow-
20 through mechanisms that will track the progress of recovery,
21 rehabilitation, and reintegration of the child;
- 22 b) Sponsorship of a national research program on OSAEC and the
23 establishment of a data collection system for monitoring and
24 evaluation purposes;
- 25 c) Development and implementation of a sustained, gender-responsive
26 and effective communication, education and information campaigns
27 at the national, local and community levels using all forms of media,

1 aimed at promoting a working understanding of the law and situating
2 it in the larger context of women and children's rights

3 d) Development of a monitoring and data collection system or database,
4 for purposes of ensuring efficient collection and storage of data on all
5 OSAEC cases, including

6 a. the number of cases being investigated, submitted for
7 prosecution, dropped, filed and/or are pending before the
8 courts, as well as the number of convictions and acquittals;

9 b. the profile/information on each case;

10 c. the number of victims of OSAEC referred to the agency by
11 countries/area and by area of origin; and

12 d. disaggregated data on OSAEC victims and the
13 accused/defendants as to gender, age and nationality.

14 e) Establishment of a point-of-contact and coordination system with
15 international organizations for the receipt of cyber-tipline reports on
16 CSAEM;

17 f) Promotion of information, awareness and education campaigns
18 regarding safe and responsible use of the internet in relation to
19 OSAEC to educate the public, including children.

20 **SECTION 30. Secretariat.** –The NCC-OSAEC shall have its own Secretariat and
21 shall be headed by an executive director, who shall be appointed by the IACAT. The
22 executive director must have adequate knowledge on, training and experience in the
23 phenomenon of and issues involved in OSAEC and in the field of law, law
24 enforcement, ICT, social work, and child protection. The executive director shall be
25 under the supervision of the IACAT and shall perform the following functions:

26 1. Act as administrative officer of its secretariat;

27 2. Advise and assist the IACAT Chairs in the formulating and implementing the
28 objectives, policies, plans and programs of the NCC-OSAEC, including those
29 involving mobilization of government offices as well as other relevant
30 government offices, task forces, and mechanisms;

- 1 3. Oversee all operational activities;
- 2 4. Provide assistance to law enforcement agencies in the investigation and
- 3 prosecution of OSAEC cases;
- 4 5. Ensure the security of the database of OSAEC cases;
- 5 6. Ensure an effective and efficient performance of functions and prompt
- 6 implementation of objectives, policies, plans and programs;
- 7 7. Propose effective allocations of resources for implementing objectives,
- 8 policies, plans and programs;
- 9 8. Submit periodic reports to the IACAT members on the progress of objectives,
- 10 policies, plans and programs;
- 11 9. Perform other duties as the IACAT Chairs may assign.

12 **SECTION 31. *Local governments.*** - Local governments shall pass an
13 ordinance to localize efforts against OSAEC, take account local culture and norms,
14 institutionalize community-based initiatives that address OSAEC at the barangay
15 level, establish OSAEC prevention programs that aim to educate families against
16 OSAEC, and provide a holistic local program for rehabilitation and reintegration
17 under the local social welfare and development office, including support and
18 protection for victims and survivors.

19 **SECTION 32. *Blacklisting of alien OSAEC offenders.*** - In coordination with the
20 DFA, the Bureau of Immigration (BI) and the DOJ shall ensure that all convicted
21 offenders of OSAEC or similar or equivalent crimes in other jurisdictions, or those
22 aliens reported to or being monitored by Philippine law enforcement authorities for
23 conducting OSAEC activities shall not be allowed entry in the Philippines. In addition
24 to its data system collection and database functions under Section 30, the NCC-
25 OSAEC shall create and maintain an updated registry of blacklisted aliens based on
26 the information from DFA, BI and the DOJ.

27 **SECTION 33. *Age verification protocols.*** All online providers of adult content
28 shall be required to adopt an anonymous age verification process before granting
29 access to adult content. Not later than one (1) year after the passage of this Act, the

1 National Telecommunications Commission shall complete a policy study into age-
2 verification controls and protocols by internet intermediaries that may be put in
3 place in order to restrict the access of children to materials within the purview of
4 Section 3.c.iv. of Presidential Decree No. 1986, with the end in view of promulgating
5 rules and regulations to this effect. Said rules and regulations governing the
6 adoption of an anonymous age verification process shall be promulgated not later
7 than eighteen (18) months after the passage of this Act. Nothing in this provision
8 shall be construed as an exemption to the provisions of R.A. No. 10173 or the Data
9 Privacy Act of 2012.

ARTICLE VI Final Provisions

10 **SECTION 34. *OSAEC as a Transnational Crime.*** – Pursuant to the Convention
11 on transnational Organized Crime, the Department of Justice (DOJ) may execute the
12 request of a foreign state for assistance in the investigation or prosecution of any
13 form of child sexual abuse or exploitation by: (1) conducting a preliminary
14 investigation against the offender and, if appropriate, to file the necessary charges in
15 court; (2) giving information needed by the foreign state; and (3) to apply for an
16 order of forfeiture of any proceeds or monetary instrument or property located in the
17 Philippines used in connection with CSAEM in the court; *Provided,* That if the DOJ
18 refuses to act on the request of for delaying the execution
19 thereof: *Provided,* further, That the principles of mutuality and reciprocity shall, for
20 this purpose, be at all times recognized.

21 **SECTION 35. *Extra-territorial jurisdiction.*** The Philippines shall exercise
22 jurisdiction over any act defined and penalized under this Act, even if committed
23 outside the Philippines and whether or not such act or acts constitute an offense at
24 the place of commission, if the offense, being a continuing offense:

- 25 a. was commenced in the Philippines; or
- 26 b. was committed in another country, and the suspect or accused:
 - 27 i. Is a Filipino citizen;

- 1 ii. Is a permanent resident of the Philippines;
- 2 iii. Has committed the act against a citizen of the Philippines.

3 No prosecution may be commenced against a person under this section if a foreign
4 government, in accordance with jurisdiction recognized by the Philippines, has
5 prosecuted or is prosecuting such person for the conduct constituting such offense,
6 except upon the approval of the Secretary of Justice.

7 **SECTION 36. *Extradition and Mutual Legal Assistance.*** - The DOJ shall be the
8 central authority for all requests for extradition and mutual legal assistance in all
9 legal matters: *Provided,* That the government may surrender or extradite person or
10 persons accused or convicted of child sexual abuse or exploitation in the Philippines
11 pursuant to the extradition law and applicable extradition treaty. For this purpose,
12 the DOJ shall make and receive requests for mutual legal assistance in criminal
13 matters from a foreign State relative to the investigation or prosecution o, and/or
14 related criminal proceedings to, any form of child sexual abuse or exploitation and
15 execute or arrange for the execution of such request for assistance. In case there is
16 an existing treaty on mutual legal assistance between the Philippines and the
17 requesting foreign State, the provisions of that treaty shall apply.

18 **SECTION 37. *Implementing Rules and Regulations.*** - The members of the
19 IACAT shall constitute itself as the Implementing Rules and Regulations Committee
20 with the Department of Social Welfare and Development and the Department of
21 Justice as the lead agencies, and with the inclusion of the Department of Education,
22 Department of Information and Communications Technology, Department of the
23 Interior and Local Government, Department of Tourism, National Privacy
24 Commission, National Telecommunications Commission and the Anti-Money
25 Laundering Council, and two non-government organizations on children's rights, to
26 promulgate rules and regulations of the effective implementation of this Act. The IRR
27 committee shall promulgate the rules and regulations within six (6) months from the
28 effectivity of this Act. Such rules and regulations shall take effect upon their
29 publication in two (2) national newspapers of general circulation.

1 **SECTION 38. Appropriations.** – The amount of One Hundred Million Pesos
2 (PhP100,000,000) is hereby authorized to be appropriated in the General
3 Appropriations Act of the year following its enactment into law for the initial
4 organizations and operations of the NCC-OSAEC. There is likewise established an
5 Endowment Fund which shall be self-sustaining and shall consist of contributions,
6 donations, grants, or loans from domestic and foreign sources.

7 **SECTION 39. Separability Clause.** – If any provision of this Act is declared
8 invalid or unconstitutional, the remaining provisions not affected thereby shall
9 continue in full force and effect.

10 **SECTION 40. Amending and repealing clause.** – All laws, decrees, or rules
11 inconsistent with the provisions of this Acts are hereby repealed or modified
12 accordingly. Section 4.c.1 of Republic Act No. 10175 is hereby repealed. All cases
13 involving violations of Republic Act No. 9775 that have an online component shall be
14 prosecuted under this Act and shall be referred to the NCC-OSAEC. All cases
15 involving violations of Republic Act No. 9775 with no online component shall be
16 referred to the Inter-Agency Council against Child Pornography (IACACP). The IACAT
17 may likewise refer to the NCC-OSAEC pending investigations of violations of Republic
18 Act No. 9208 as amended, where OSAEC is involved.

19 **SECTION 41. Effectivity Clause.** – This Act shall take effect upon completion of
20 its publication in at least two (2) national newspapers of general circulation.

Approved,