



Republic of the Philippines
Department of Education

16 AUG 2022

DepEd MEMORANDUM
No. **068**, s. 2022

DISSEMINATION OF REPUBLIC ACT NO. 11930

(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 RA 9160, Otherwise known as the Anti-Money Laundering Act of 2001, as Amended and Repealing RA 9775 Otherwise known as the Anti-Child Pornography Act of 2009)

To: Undersecretaries
Assistant Secretaries
Bureau and Service Directors
Regional Directors
Schools Division Superintendents
Public Elementary and Secondary School Heads
All Others Concerned

1. For the information and guidance of all concerned, enclosed is a copy of Republic Act No. 11930 dated July 30, 2022 titled **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 RA 9160, Otherwise known as the Anti-Money Laundering Act of 2001, as Amended and Repealing RA 9775 Otherwise known as the Anti-Child Pornography Act of 2009.**
2. Immediate dissemination of this Memorandum is desired.

By Authority of the Secretary:



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DEPED-OSEC-467137

EPIMACO V. DENING III
Undersecretary and Chief of Staff

Encl.: As stated

Reference: N o n e

To be indicated in the Perpetual Index under the following subjects:

LEARNERS
LEGISLATIONS
OFFICIALS

POLICY
RULES AND REGULATIONS

MCDJ/RMES/MPC DM Dissemination of RA 11930
0213- August 9/12, 2022



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DEPED-OSEC-467137

S. No. 2209
H. No. 10703

Republic of the Philippines
Congress of the Philippines
Metro Manila

Eighteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-sixth
day of July, two thousand twenty-one.

[REPUBLIC ACT NO. **11930**]

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"

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

SECTION 1. *Short Title.* – This Act shall be known as
the "Anti-Online Sexual Abuse or Exploitation of Children
(OSAEC) and Anti-Child Sexual Abuse or Exploitation
Materials (CSAEM) Act".

SEC. 2. 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, local government units (LGUs), legislative bodies, and private business enterprises especially those related to the online safety and protection of children.

SEC. 3. Definition of Terms. – As used in this Act:

(a) *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. For purposes of this Act, 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;

(b) *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;

(c) *Child sexual abuse or exploitation material or child sexual abuse material (CSAEM/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. For purposes of this Act, CSAEM may interchangeably be referred to as CSAM;

(d) *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 consideration, 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;

(e) *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);

(f) *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;

(g) *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;

(h) *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/registration information;

(i) *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;

(j) *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;

(k) *Information and communications technology (ICT)* refers to the totality of electronic means to access, create, collect, store, process, receive, transmit, present and disseminate information;

(l) *Internet address* refers to the uniform resource locator or internet protocol address of an internet site;

(m) *Internet asset* includes internet site and any device that is engaged in peer-to-peer sharing of OSAEC and CSAEM;

(n) *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 Act, non-formal business establishments that provide internet services shall also be considered as internet café or kiosk;

(o) *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;

(p) *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;

(q) *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;

(r) *Internet site* refers to a website, bulletin board service, internet chat room, newsgroup, or any other internet or shared network protocol address;

(s) *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;

(t) *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);

(u) *Pandering* refers to the act of offering, advertising, promoting, representing or distributing through any means any child sexual abuse or exploitation material, or any material that purports to contain any form of child sexual abuse or exploitation material, regardless of its actual content;

(v) *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;

(w) *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;

(x) *Person* refers to any natural or juridical entity;

(y) *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 genitalia, buttocks, breasts, pubic area and anus;

(5) Bestiality;

(6) Use of any object or instrument for lascivious acts; or

(7) Any other analogous circumstance;

(z) *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;

(aa) *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;

(bb) *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;

(cc) *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

(dd) *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.

SEC. 4. *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 this 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 this 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 this Act;

(k) To knowingly benefit from, financial or otherwise, the commission of any of the offenses of this 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 this 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 this 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:

Provided, That the investigation or prosecution of offenses under this Act shall be without prejudice to appropriate investigation and prosecution mechanisms under Republic Act No. 9208, otherwise known as the "Anti-Trafficking in Persons Act of 2003", as amended, and other related laws.

SEC. 5. *Effect of Consent of the Victim.* – The consent of the victim is not material or relevant and shall not be available as a defense in the prosecution of the unlawful acts prohibited under this Act.

SEC. 6. *Syndicated and Large-Scale Violations of this Act.* – Any violation of this 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 this Act.

SEC. 7. *Protection of a Good Samaritan.* – Any person who has the responsibility of reporting cases under this Act, 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:

(1) done in good faith;

(2) necessary to prevent access or dissemination of CSAEMs; and

(3) reported 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.

SEC. 8. *Safe Harbor Exception.* – Access, possession and recording of any CSAEM of any person for the purpose of complying with the duties under this 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.

SEC. 9. *Duties and Responsibilities of Private Sectors.* –

(a) *Duties of Internet Intermediaries.* – Internet intermediaries shall:

(1) 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;

(2) Preserve within six (6) months from the date of the transaction extendible for another six (6) months 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, 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 this Act: *Provided, finally*, That the preservation period provided under the law governing foreign corporations doing business in the Philippines or the period provided under this Act, whichever is longer, shall prevail;

(3) Immediately block access to, remove or take down the internet address, uniform resource locator (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;

(4) Report to the Department of Justice (DOJ), within three (3) days, the internet address 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 of such reporting: *Provided, further*, That whatever relevant evidence otherwise not prohibited by law to be shared shall nevertheless be reported to the DOJ;

(5) Provide, pursuant to a subpoena issued by the Philippine National Police (PNP) in accordance with Republic Act No. 6975, as amended, otherwise known as the "Department of the Interior and Local Government Act of 1990" or by the National Bureau of Investigation (NBI) in accordance with Republic Act No. 10867, otherwise known as the "National Bureau of Investigation Reorganization and Modernization Act" or by the prosecutor in accordance with the Rules of Court; and notwithstanding the provisions of Republic Act No. 10175, otherwise known as the "Cybercrime Prevention Act of 2012" and in accordance with Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012",

the subscriber's or registration information and/or traffic data of any person who:

(i) Gained or attempted to gain access to an internet site, internet asset or internet application which contains any form of CSAEM; or

(ii) Facilitated the violations of this Act; or

(iii) Conducted the streaming or live-streaming of child sexual exploitation.

The subpoena must particularly describe the information asked for and indicate the relevancy of such information to the sexual abuse and exploitation of children (SAEC) case.

The subpoena must particularly describe the information asked for and indicate the relevancy of such information on violations of this Act.

(6) Develop, establish and install mechanisms or measures designed to prevent, detect, respond or report violations of this 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 this Act which may include the installation of available technology, program, or software to ensure that access to or streaming of violations of this Act will be removed, blocked or filtered;

(7) Coordinate with the Department of Justice-Office of Cybercrime (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 this Act; and

(8) Have 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.

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

(1) 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;

(2) 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 this Act;

(3) Maintain logs of each and every subscriber and the IP address assigned to each and every subscriber at a given date and time;

(4) 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 Presidential Decree No. 1986, entitled as "Creating the Movie and Television Review and Classification Board".

(c) *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 Anti-Money Laundering Council (AMLC), within five (5) days from discovery thereof.

Law enforcement agencies investigating violations of this 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 this Act.

Notwithstanding the provisions of Republic Act No. 1405, entitled "An Act Prohibiting Disclosure of or Inquiry into, Deposits with any Banking Institution and Providing Penalty Therefor", as amended, Republic Act No. 6426, otherwise known as the "Foreign Currency Deposit Act of the Philippines", as amended, Republic Act No. 8791, otherwise known as "The General Banking Law of 2000", as amended, and other pertinent laws, the law enforcement agencies investigating cases under this 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 this Act.

Violations under Sections 4 and 5 of this Act shall be considered as "unlawful activity" under Section 3(i) of Republic Act No. 9160, otherwise known as 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 Department of the Interior and Local Government (DILG) and the AMLC shall promulgate, within ninety (90) days from the effectivity of this Act, the necessary rules and regulations for the implementation of this provision.

(d) *Responsibility of All Internet Hotspots, Cafés or Kiosks.* – Internet hotspots, cafés or kiosks shall:

(1) Notify the NCC-OSAEC-CSAEM, within twenty-four (24) hours from obtaining facts and circumstances, of any violation of this Act that are being committed within their premises: *Provided*, That there is a *prima facie* knowledge that a violation of this Act is being committed if such acts or omission has been committed within the premises of such internet hotspot, café or kiosk;

(2) 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

(3) 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.

SEC. 10. *Penalties.* – The following penalties shall be imposed on the following offenses:

(a) Any person who violates Section 4, paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i) and (j) of this 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 this 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 this 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 less than One million pesos (P1,000,000.00).

(d) Any person who violates Section 4, paragraph (p) of this 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 this 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 this 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 this 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 this 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 this 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 this Act that are penalized with life imprisonment, the frustrated commission of the acts prohibited under Section 4 shall be punishable with the penalty one degree lower than that prescribed under this Act: *Provided*, That attempted commission of the acts prohibited under Section 4 shall be punishable with the penalty two (2) degrees lower than that prescribed under this Act.

Any person found guilty of violating Section 9 of this 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 this 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.

SEC. 11. *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.

SEC. 12. *Alien Offenders.* – If the offender is a foreigner, the offender shall be criminally prosecuted immediately. Thereafter, the offender shall be deported after serving sentence and will be permanently barred from re-entering the Philippines.

SEC. 13. *Confiscation and Forfeiture of the Proceeds, Tools and Instruments Used in Child Sexual Abuse or Exploitation.* – In addition to the penalty imposed for violations of this Act, the court shall order the confiscation and forfeiture in favor of the government of all the proceeds, tools and instruments used in the commission of the crime, unless these are properties of a third person not liable for the unlawful act: *Provided*, That all awards for damages shall be taken from the personal and separate properties of the offender: *Provided*, however, That if such properties are insufficient, the deficiency shall be taken from the confiscated and forfeited proceeds, tools and instruments.

All proceeds derived from the sale of properties used for the commission of any form of child sexual abuse or exploitation shall be exclusively used for the purpose of child-rearing programs under the special account of the Department of Social Welfare and Development (DSWD).

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

SEC. 14. *Extra-Territorial Jurisdiction.* – The State shall exercise jurisdiction over any act defined and penalized under this Act, even if committed outside the Philippines and whether or not such act or acts constitute an offense at the place of commission, if the offense, being a continuing offense, was either commenced in the Philippines; or committed in another country: *Provided*, That in the case of the latter, the suspect or accused is a Filipino citizen, a permanent resident of the Philippines, and has committed the act against a citizen of the Philippines.

No prosecution may be commenced against a person under this section 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 Secretary of Justice.

SEC. 15. *Extradition and Mutual Legal Assistance.* – The DOJ shall be the central authority for all requests for extradition and mutual legal assistance in all legal matters: *Provided*, That the government may surrender or extradite any person accused or convicted of child sexual abuse or exploitation pursuant to the extradition law and applicable extradition treaty.

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 and execute or arrange for the execution of such request for assistance. In case there is an existing mutual legal assistance treaty between the Philippines and a foreign State, the provisions of that treaty shall apply.

SEC. 16. *Cooperation of Law Enforcement Agencies in OSAEC and CSAEM Investigation.* – Recognizing the transnational nature of OSAEC and CSAEM, and notwithstanding the immediately preceding section, the PNP and NBI shall endeavor to establish cooperation arrangements with foreign law enforcement agencies for faster exchange of information, best practices, and joint investigations on OSAEC and CSAEM cases.

SEC. 17. *Authority of Law Enforcement Agencies to Retain Computer Data.* – Notwithstanding the provisions of Sections 15 and 16 of Republic Act No. 10175, whenever a cybercrime warrant is issued for an OSAEC and CSAEM cases, law enforcement authorities shall be authorized to retain a copy of the result of digital forensic examinations for the purpose of identifying additional victims and suspects, and carrying out a further investigation, case build-up, and referral of information, whenever the crime is found to have nexus abroad, to foreign law enforcement authorities for the conduct of a parallel investigation.

SEC. 18. *Appointment of Special Prosecutors.* – The DOJ shall appoint or designate special prosecutors to prosecute cases for the violation of this Act.

SEC. 19. *Jurisdiction.* – Jurisdiction over cases for the violation of this 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 Republic Act No. 8369, otherwise known as the "Family Courts Act of 1997": *Provided,* That the court shall not require the presence of a child victim during the trial and that the child shall testify in accordance with "Rule on Examination of a Child Witness", as may be provided by the Supreme Court and the Rules of Court.

SEC. 20. *Venue.* – A criminal action arising from a violation of this 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 the other courts.

SEC. 21. *Confidentiality.* – The right to privacy of the child shall be ensured at any stage of the investigation, prosecution and trial of an offense under this 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 interest 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 law enforcement agencies; and
- (6) Other persons as determined by the court;

(d) Any form of child sexual abuse or exploitation that is part of the court records shall be subject to a protective order that provides as follows:

(1) Any form of child sexual abuse or exploitation may be viewed only by the parties, their counsel, their expert witness and guardian *ad litem*;

(2) Neither form of child sexual abuse or exploitation 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 child sexual abuse or exploitation 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; and

(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. Any person or agency involved in the reporting, investigation or trial of cases under this Act shall refrain from any act or statement that may be construed as blaming the victim or placing responsibility on the victim for the offense committed against them.

SEC. 22. Applicability of Juvenile Justice and Welfare Act, as Amended. – In cases where the offender is a child, the prosecution of the offense shall be in accordance with Republic Act No. 9344, otherwise known as the “Juvenile Justice and Welfare Act of 2006”, as amended, and the child shall be accorded the appropriate treatment and services under the said law: *Provided*, That in cases of self-generated CSAMs, the child producing the sexualized materials shall be considered as a victim and not as an offender. The child victim shall be accorded the necessary treatment and services under this Act and in existing laws.

SEC. 23. Initiation of Investigation. – Law enforcement agencies are mandated to immediately initiate investigation and counter-OSAEC and -CSAEM-intelligence gathering upon receipt of statements or affidavits from victims of OSAEC and CSAEM, or their families, and other persons who have knowledge or information about violations of this Act, including the private sector.

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

In investigating violations of this Act, a law enforcement officer may, upon a written order from the regional trial court, track, intercept, view, monitor, surveil, listen to, and record, by technical or electronic means, any communications,

information or messages, including the procurement of content data, transmitted by means of a computer system involving at least one (1) person reasonably believed to have committed violations under this Act: *Provided*, That when the offense involves the use of computer systems and digital platforms, a court order shall not be required in order for a law enforcement officer acting in an undercover capacity to intercept a communication with a person reasonably believed to have committed, is committing, or is about to commit any of the violations of this Act.

Where an order is required, the order shall only be issued or granted upon written application of a law enforcement officer, who shall be examined under oath or affirmation, and the witnesses he or she may produce and the showing that:

(1) there are reasonable grounds to believe that any of the crimes enumerated hereinabove has been committed, or is being committed, or is about to be committed;

(2) 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

(3) that there are no other means readily available for obtaining such evidence.

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

In investigating violations of this Act involving the use of the internet and other digital platforms, law enforcement officers 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 this Act shall not be considered as wiretapping or illegal interception, shall not be liable under the provisions of Republic Act No. 4200, otherwise known as

"The Anti-Wiretapping Law": *Provided*, That victims of violations of this Act shall not be liable under the provisions of "The Anti-Wiretapping 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 this Act committed against them.

SEC. 24. *Who May File a Complaint.* - Complaints on cases of any form of child sexual abuse or exploitation punishable under this 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 a licensed child-caring institution;
- (5) Officer or social worker of the DSWD;
- (6) Local social welfare development officer;
- (7) Any barangay official;
- (8) Any law enforcement officer;
- (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 this Act.

SEC. 25. *Affidavit of Desistance.* - Cases involving OSAEC and CSAEM shall not be dismissed based on the affidavit of desistance executed by the victims or their parents or legal guardians. Public and private prosecutors are directed to vigorously oppose and manifest objections to motions for dismissal. Any act that unduly pressures the complainant to execute an affidavit of desistance shall be punishable under this Act.

SEC. 26. *Protective Custody of the Child.* - The child victim shall be immediately placed under the protective custody of the city or municipal social welfare and development office: *Provided*, That in cases where (a) the city or municipal social welfare and development office 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; and/or (c) it was assessed that there are safety and risk factors detrimental to the child's stay in the same locality, the DSWD shall provide support and assistance to the concerned city or municipal social welfare and development office by assuming temporary protective custody over the child: *Provided, however*, That the needs of the child shall be provided for by the concerned LGU: *Provided, further*, That the custody proceedings shall be in accordance with the provisions of Presidential Decree No. 603, otherwise known as "The Child and Youth Welfare Code".

The DSWD and the DOJ shall extend all necessary legal assistance and support to the city or municipal social welfare and development office 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 city or municipal social welfare and development office or the DSWD shall be free from any administrative, civil or criminal liability.

The child shall also be considered as a victim of a violent crime defined under Section 3(d) of Republic Act No. 7309, entitled "An Act Creating a Board of Claims under the Department of Justice for Victims of Unjust Imprisonment or Detention and Victims of Violent Crimes and for Other Purposes", and may claim compensation therefor.

SEC. 27. *Mandatory Services to Victims of Child Sexual Abuse or Exploitation.* - To ensure recovery, rehabilitation and reintegration into the mainstream of society, concerned government agencies and the LGUs, through its city or municipal social welfare and development office, shall make available the following services to victims of any form of child sexual abuse or exploitation and their families, when applicable:

(a) Emergency shelter or appropriate housing;

(b) Counseling;

(c) Free legal services, which shall include information about the victim'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;

(e) Livelihood and skills training; and

(f) Educational assistance.

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

The DSWD and other concerned national government agencies may provide the necessary technical assistance and resource augmentation to the LGUs or city or municipal social welfare and development office, subject to the availability of funds.

SEC. 28. *Programs for Victims of Child Sexual Abuse or Exploitation.* – The National Coordination Center against OSAEC and CSAEM created under Section 30 of this Act shall develop and implement the necessary programs that will prevent any form of child sexual abuse or exploitation, as well as protect, heal and reintegrate the child or children into the mainstream of society. Such programs shall include the:

(a) provision of mandatory services including counseling, free legal services, 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 and nongovernment organizations (NGOs);

(d) sponsorship of conferences and seminars to provide a venue for consensus building amongst the public, the academe, government, nongovernment and international organizations;

(e) promotion of information and education campaigns regarding the safe and responsible use of the internet in relation to the violations of this Act to educate the public, including children; and

(f) provision of programs developed for purposes of intervention and diversion, as well as rehabilitation of the child victim, for reintegration into the family of the child or community.

SEC. 29. *Reasonable Accommodation for Children with Disabilities.* – The DOJ and the DSWD shall develop guidelines, within ninety (90) days from the finalization of the implementing rules and regulations of this Act and pursuant to the UN Convention on the Rights of Persons with Disabilities, for the provision, as far as practicable, of necessary and appropriate modification and adjustments across all stages of case management of OSAEC cases to ensure children with disabilities will have access to justice.

The Supreme Court shall, in accordance with its rules and the UN Convention on the Rights of Persons with Disabilities, 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.

SEC. 30. *National Coordination Center against OSAEC and CSAEM.* – There shall be a National Coordination Center against OSAEC and CSAEM (NCC-OSAEC-CSAEM) under the Inter-Agency Council Against Trafficking (IACAT) formed under Republic Act No. 9208, otherwise known as the "Anti-Trafficking in Persons Act of 2003", as amended. 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 this Act. 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 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, 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 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/information on each case;

(3) the number of victims of OSAEC and CSAEM referred to the agency by countries/area and by area of origin; and

(4) disaggregated data on OSAEC and CSAEM victims and the accused/defendants as to gender, age and nationality.

(e) Establishment of a point-of-contact and coordination system with international organizations for the receipt of reports on OSAEC and CSAEM; and

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

SEC. 31. *Secretariat.* – The NCC-OSAEC-CSAEM shall have its own Secretariat and shall be headed by an Executive Director, who shall be appointed by the IACAT. The Executive Director must have adequate knowledge of, training and experience in the phenomenon of and issues involved in OSAEC, CSAEM and in the field of law, law enforcement, ICT, social work, and child protection. The Executive Director shall be under the supervision of the IACAT and shall perform the following functions:

(a) Act as the administrative officer of its Secretariat;

(b) Advise and assist the IACAT 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 law enforcement agencies 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-OOC to monitor compliance of internet intermediaries pursuant to the latter's obligations under this Act; and

(k) Perform other duties as the IACAT Chairs may assign.

SEC. 32. Referral Pathway for OSAEC Cases. – 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 gender-responsive, child-friendly, victim-centered and trauma-informed protocols for referring OSAEC and CSAEM cases and recording and maintaining a unified database for the purpose of tracking and updating the status and stages of investigation and prosecution of the same, consistent with existing laws on the protection of the welfare of children. The NCC-OSAEC-CSAEM shall also develop a feedback mechanism for victim-survivors who have accessed its services via this pathway.

SEC. 33. Local Governments. – Local governments shall pass an ordinance to localize efforts against OSAEC and CSAEM, take account local culture and norms, institutionalize community-based initiatives that address OSAEC and CSAEM at the barangay level, establish OSAEC and CSAEM prevention programs that aim to educate families against OSAEC and CSAEM, and provide a holistic local program for rehabilitation and reintegration under the local social welfare and development office including support and protection for victims and survivors.

SEC. 34. Blacklisting of Alien OSAEC Offenders. – In coordination with the Department of Foreign Affairs (DFA), the Bureau of Immigration (BI) and the DOJ shall ensure that all convicted offenders of OSAEC, CSAEM, or similar or equivalent crimes in other jurisdictions, or those aliens reported to or being monitored by Philippine law enforcement authorities for conducting OSAEC and CSAEM activities shall not be allowed entry in the Philippines. In addition to its data system collection and database functions under Section 32, the

NCC-OSAEC-CSAEM shall create and maintain an updated registry of blacklisted aliens based on the information from the DFA, BI and the DOJ.

SEC. 35. Age Verification Protocols. – All online providers of adult content shall be required to adopt an anonymous age verification process before granting access to adult content. Not later than one (1) year after the passage of this Act, the NTC shall 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 No. 1986, with the end in view of promulgating rules and regulations to this effect. Said rules and regulations governing the adoption of an anonymous age verification process shall be promulgated not later than eighteen (18) months after the passage of this Act. Nothing in this provision shall be construed as an exemption to the provisions of the "Data Privacy Act of 2012".

SEC. 36. Authorized Sharing of Information. – The AMLC shall share information relating to activities prohibited under this Act with the NCC-OSAEC-CSAEM for the purpose of prosecuting offenders alleged to have committed such activities. This information may be shared among AMLA-covered institutions to facilitate compliance with their obligations as reporting entities under this Act.

SEC. 37. Creation of the OSAEC and CSAEM Offenders Registry. – An OSAEC and CSAEM offenders registry for both Filipino nationals and foreigners shall be created containing the following information of adult individuals convicted of OSAEC, CSAEM and other sexual offenses against children:

- (a) name;
- (b) address;
- (c) employment;
- (d) fingerprints;
- (e) complete criminal history;
- (f) recent photograph; and

(g) other relevant information necessary for the proper registration of child sexual offenders.

The OSAEC and CSAEM offenders registry shall be lodged in the NCC-OSAEC-CSAEM, shall be regularly updated and shared with relevant national government authorities, and shall also be linked to international law enforcement agencies. 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 section: *Provided*, That juvenile offenders shall not be recorded in the registry.

SEC. 38. *Congressional Oversight Committee.* – There is hereby created a Congressional Oversight Committee composed of five (5) members from the Senate of the Philippines and five (5) members from the House of Representatives. 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 this 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 this Act.

SEC. 39. *Transitory Provisions.* – The mandates, office and funding of the existing Inter-Agency Council Against Child Pornography (IACACP) under Republic Act No. 9775, otherwise known as the “Anti-Child Pornography Act of 2009”, shall remain until the effectivity of this Act. Upon the effectivity of this 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 this 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.

SEC. 40. *Appropriations.* – The amount necessary for the implementation of this Act shall be included in the annual General Appropriations Act. There is likewise established an Endowment Fund which shall be self-sustaining and shall consist of contributions, donations, grants, or loans from domestic and foreign sources.

SEC. 41. *Implementing Rules and Regulations (IRR).* – The members of the IACAT shall constitute itself as the IRR Committee with the DSWD and the DOJ as the lead agencies, and with the inclusion of the Department of Education, Department of Information and Communications Technology, DILG, Department of Tourism, National Privacy Commission, NTC and the AMLC, and two (2) NGOs on children’s rights, to promulgate rules and regulations for the effective implementation of this Act. The IRR Committee shall promulgate the rules and regulations within six (6) months from the effectivity of this Act. Such rules and regulations shall take effect upon their publication in two (2) national newspapers of general circulation.

SEC. 42. *Suppletory Application of the Revised Penal Code.* – The Revised Penal Code shall be suppletorily applicable to this Act.

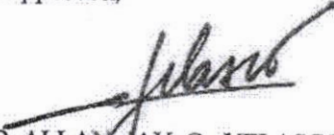
SEC. 43. *Separability Clause.* – If any part of this Act is declared unconstitutional or invalid, the other provisions not affected thereby shall continue to be in full force and effect.

SEC. 44. *Repealing Clause.* – Republic Act No. 9775 and Section 4(c)(1) of Republic Act No. 10175, otherwise known as the “Cybercrime Prevention Act of 2012”, are hereby repealed.

All other laws, presidential decrees, executive orders, administrative orders, rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.

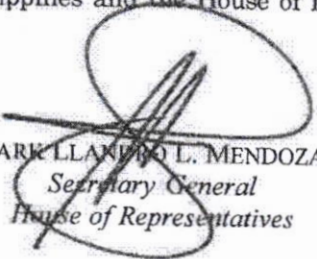
SEC. 45. *Effectivity.* - This Act shall take effect after fifteen (15) days following its complete publication in the *Official Gazette* or in a newspaper of general circulation.

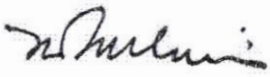
Approved,


LORD ALLAN JAY Q. VELASCO
*Speaker of the House
of Representatives*


VICENTE C. SOTTO III
President of the Senate

This Act which is a consolidation of Senate Bill No. 2209 and House Bill No. 10703 was passed by the Senate of the Philippines and the House of Representatives on May 23, 2022.


MARK LLANENO L. MENDOZA
*Secretary General
House of Representatives*



MYRA MARIE D. VILLARICA
Secretary of the Senate

Approved:

Lapsed into law on JUL 30 2022
without the signature of the President, in accordance with Article VI, Section 27 (1) of the Constitution.

RODRIGO ROA DUTERTE
President of the Philippines

O

Office of the President
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ATTY. CONCEPCION E. FERROLINO-ENAD
DIRECTOR IV
