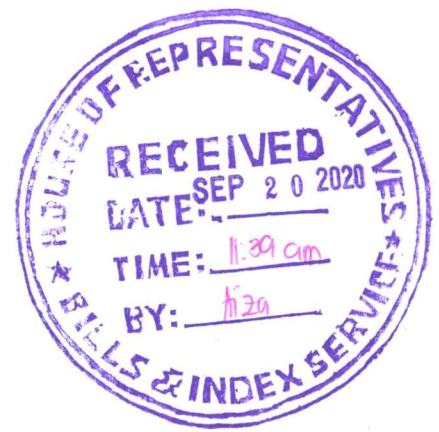


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7718



Introduced by **ANG PROBINSYANO**
Party-List Representative Alfred Delos Santos

EXPLANATORY NOTE

According to the World Health Organization (WHO),¹ violence against children includes all forms of violence against people under 18 years old, whether perpetrated by parents or other caregivers, peers, romantic partners, or strangers. Globally, it is estimated that up to 1 billion children aged 2–17 years, have experienced physical, sexual, or emotional violence or neglect in the past year.² Among these include “Sexual violence includes non-consensual completed or attempted sexual contact and acts of a sexual nature not involving contact (such as voyeurism or sexual harassment); acts of sexual trafficking committed against someone who is unable to consent or refuse; and online exploitation.”

The impacts on the children abused extend into lifelong trauma and can “result in negative coping and health risk behaviours. Children exposed to violence and other adversities are substantially more likely to smoke, misuse alcohol and drugs, and engage in high-risk sexual behaviour. They also have higher rates of anxiety, depression, other mental health problems and suicide.” These instances can also “lead to unintended pregnancies, induced abortions, gynaecological problems, and sexually transmitted infections, including HIV.”

According to the Executive Summary³ of the Council for the Welfare of Children, in partnership with UNICEF, eighty percent (80%) of the 3,866 respondents aged 13-24 years had experienced some form of violence in their lifetime, including sexual. Among children aged 13-<18 years, 13.7 percent experienced sexual abuse in the home. Of

¹ World Health Organization. Violence against children. June 7, 2019. Accessed at: <https://www.who.int/news-room/fact-sheets/detail/violence-against-children>

² Global prevalence of past-year violence against children: a systematic review and minimum estimates. Hillis S, Mercy J, Amobi A, Kress H. Pediatrics 2016; 137(3): e20154079.

³ UNICEF National Baseline Study on Violence Against Children: Philippines. Executive Summary. October 2016. Accessed at: <https://www.unicef.org/philippines/media/491/file/National%20Baseline%20Study%20on%20Violence%20Against%20Children%20in%20the%20Philippines:%20Results%20%28executive%20summary%29.pdf>

1 these, , 1.3 percent have had their sex videos or photos taken without their consent
2 (males=1.5%, females=1.0%). The commonly cited perpetrators of overall sexual violence
3 in the home were: brothers and cousins. Among boys, mentioned most frequently were
4 cousins, father and brother, while among girls, the brother, stepbrother,
5 sister/stepsister and stepmother were mostly reported to be the perpetrators of overall
6 sexual violence.
7

8 The incidence of online sexual exploitation of children has been tremendously
9 alarming. The Philippines has been cited by the United Nations Children's Fund (Unicef)
10 the "global epicenter of the live-stream sexual abuse trade." One in 5 Filipino children
11 are vulnerable to online sexual exploitation. In 2018, the Department of Justice has
12 received at least 600,000 cybertips of sexual images of Filipino children – an increase of
13 more than a 1,000% from the previous 45,645 in 2017.
14

15 As the next leaders of our country, our Filipino children need the most stringent
16 measures for protection against abuse. It is then for this reason that this bill is sought.



ALFRED C. DELOS SANTOS
Representative, Ang Probinsyano Party-List

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AN ACT
PROHIBITING ALL FORMS OF SEXUAL EXPLOITATION OF CHILDREN,
PROVIDING FOR STIFFER PENALTIES AND SANCTIONS, AND FOR OTHER
PURPOSES

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

SECTION 1. Title. – This Act shall be known as the “Online Sexual Exploitation of Children Act of 2020”.

SECTION 2. Declaration of Policy. – It is hereby a declared policy of the State to give value to the dignity of children and shall ensure full respect for their human rights.

The State is also cognizant to protect the family and its members particularly children, from violence, exploitation, and threats to their personal safety and security.

The State shall employ all efforts to address Online Sexual Exploitation committed against children in keeping with the fundamental freedoms guaranteed under the Constitution and the Provisions of the Universal Declaration of Human Rights, Convention on the Rights of the Child and other international human rights instruments.

SECTION 3. Definition of Terms. – The following terms, as used in this Act, shall mean:

- a) “Act” refers to the “Online Sexual Exploitation of Children Act of 2020”;
- b) “Child” refers to any person under the age of 18 years;
- c) “Internet and Communication Technologies Providers,” abbreviated as “ICT,” refers primarily to private entities such as internet service providers, social media applications and their corresponding development companies, and social media networks and their corresponding development companies
- d) “Online child sexual exploitation and abuse material” refers to materials (inclusive but not limited to images, video files, audio files, or

other potential forms or recording) that sexualizes children and/or depicts acts of sexual abuse and/or focusing on the genitalia of the child. The material is exchanged, circulated, bought, and/or sold online. This notion encompasses, but is not limited to:

- (i) Audio files, images, video files containing the sexual exploitation and/or abuse of a child/children;
 - (ii) Groups formed with the intent of disseminating, exchanging, bartering, selling, and/or buying child sexual exploitation and abuse, which are facilitated by social media applications and networks;
 - (iii) Livestreaming, which refers to the online recording of sexual exploitation and/or abuse towards children via audio and/or video and broadcast in real time;
 - (iv) Solicitation of children for sexual purposes using an online environment at some stage; and
 - (v) Social media posts referring to bartering, exchange, sale, and/or intent to buy physical and/or online materials containing the sexual exploitation and/or abuse towards children
- e) "Online Sexual Exploitation of Children," abbreviated as "OSEC," refers to all acts of a sexually exploitative and abusive nature against a child that have, at some stage, a connection to the online environment such as through the use of the Internet and social media applications. This includes any use of ICT, resulting in sexual exploitation or causing a child to be sexually exploited or results in or causes images or other material documenting such sexual exploitation to be produced, bought, sold, possessed, distributed, or transmitted. This notion encompasses, but is not limited to:
- (i) Sexual exploitation carried out while the victim is online (such as enticing/manipulating/threatening a child into performing sexual acts in front of a webcam);
 - (ii) Identification and/or solicitation of children for sexual purposes (whether the intended sexual abuse acts to follow are carried out online or offline)
 - (iii) Distribution, dissemination, importing, exporting, offering, selling, bartering, possession of, online convening to access child sexual exploitation and abuse material, or knowing obtaining access to child sexual exploitation material online (even if the sexual abuse that is depicted in the material was carried out offline)
- f) "Sexual extortion of children" refers to the act of extorting children for sexual favors, money, or other coercive acts under threat of exposure to others of the material that depicts them
- g) "Solicitation of children for sexual purposes" refers to the act of building a relationship with a child either in person or through the use of the Internet or other digital technologies to persuade the child to have a sexual relationship, either online or offline

1 *SECTION 4. Inter-Agency Council on Online Sexual Exploitation Against Children*
2 (*IAC-OSEC*). – In pursuance of the abovementioned policy, there is hereby established
3 an Inter-Agency Council on Online Sexual Exploitation Against Children. Hereinafter
4 known as the Council, which shall be composed of the following agencies:

- 5
6 a) Department of Social Welfare and Development (DSWD);
7 b) Civil Service Commission (CSC);
8 c) Commission on Human Rights (CHR);
9 d) Council for the Welfare of Children (CWC);
10 e) Department of Justice (DOJ);
11 f) Department of Interior and Local Government (DILG);
12 g) Philippine National Police (PNP);
13 h) Department of Health (DOH);
14 i) Department of Education (DepEd); and
15 j) National Bureau of Investigation (NBI).

16
17 These agencies are tasked to formulate programs and projects to eliminate Online
18 Sexual Exploitation of Children based on their mandates as well as develop capability
19 programs for their employees to become more sensitive to the needs of their clients.
20 These programs and projects will cater to the needs of combating OSEC at the barangay,
21 LGU, regional, and national level.

22
23 The Council will also serve as the monitoring body as regards to OSEC initiatives.

24
25 The Council members may designate their duly authorized representative who
26 shall have a rank not lower than an assistant secretary or its equivalent. These
27 representatives shall attend Council meetings on their behalf, and shall receive
28 compensation as may be determined by the Council in accordance with existing budget
29 and accounting rules and regulations.

30
31 *SECTION 5. Mandatory Programs and Services for the Victims of Online Sexual*
32 *Exploitation of Children.* – The DSWD and Local Government Units shall provide the
33 victims of online sexual exploitation of children temporary shelters, provide counseling,
34 psycho-social services and recovery, rehabilitation programs, and financial assistance.

35
36 The DOH shall provide medical assistance to the victims of online sexual
37 exploitation of children. Current social and welfare programs for victims of online sexual
38 exploitation of children will be strengthened through the assistance of the IAC-OSEC,
39 for the purpose of a unified inter-agency response in protecting the victims.

40
41 *SECTION 6. Educational and Awareness-Building Programs on Combating the*
42 *Online Sexual Exploitation of Children.* – The IAC-OSEC is tasked to coordinate with
43 barangay, LGU, regional, and the national government for awareness-building programs
44 against the online sexual exploitation of children at the family level and the community
45 level. These programs intend to provide government units at all levels with the tools to
46 address the online sexual exploitation of children and educate families against such.

47
48 *SECTION 7. Training of Persons Involved in Responding to Online Sexual*
49 *Exploitation of Children Cases.* – All agencies involved in responding to victims of Online

1 Sexual Exploitation of Children cases shall be required to undergo education and
2 training to acquaint them with:

- 3
- 4 a. The nature, extent, and causes of Online Sexual Exploitation
5 Against Children;
- 6
- 7 b. The legal rights of, and remedies available to, victims of Online
8 Sexual Exploitation Against Children;
- 9
- 10 c. The services and facilities available to victims or survivors;
- 11
- 12 d. The legal duties imposed on police officers to make arrest and to
13 offer protection and assistance; and
- 14
- 15 e. Techniques for handling incidents of Online Sexual Exploitation
16 Against Children that minimize the likelihood of injury to the
17 officer and promote the safety of the victim or survivor.
- 18

19 The Philippine National Police, in coordination with the Local Government Units,
20 shall establish an education and training program for police officers and
21 barangay officials to enable them to properly handle cases of Online Sexual
22 Exploitation of Children.

23 *SECTION 8. Confidentiality.* – All records pertaining to cases of Online Sexual
24 Exploitation of Children, including those in the barangay shall be confidential and all
25 public officers and employees and public or private clinics to hospitals shall respect the
26 right to privacy of the victim.

27
28 Whoever published or causes to be published, in any format, the name, address,
29 telephone number, school, business address, employer, or other identifying information
30 of a victim or an immediate family member, without the latter's consent, shall be liable
31 to the contempt power of the court.

32
33 *SECTION 9. Venue.* – The Regional Trial Court designated as a Family Court shall
34 have original and exclusive jurisdiction over cases of Online Sexual Exploitation Against
35 Children under this Act.

36
37 In the absence of such court in the place where the offense was committed, the
38 case shall be filed in the Regional Trial Court where the crime or any of its elements was
39 committed at the option of the complaint.

40
41 *SECTION 10. Protection Orders.* – A protection order is an order issued under the
42 Act for the purpose of preventing further acts of Online Sexual Exploitation of Children
43 and granting other necessary relief.

44
45 The relief granted under a protection order serve the purpose of safeguarding the
46 victim from further harm, minimizing any disruption in the victim's daily life, and

1 facilitating the opportunity and ability of the victim to independently regain control over
2 their life.

3
4 The provisions of the protection order shall be enforced by law enforcement
5 agencies. The protection orders that may be issued under this Act are the barangay
6 protection order (BPO), temporary protection order (TPO), and permanent protection
7 order (PPO). The protection orders that may be issued under this Act shall include any,
8 some, or all of the following reliefs:

- 9
- 10 (a) Prohibition of the respondent from threatening to commit or
11 committing, personally or through another, any of the acts;
 - 12
 - 13 (b) Prohibition of the respondent from harassing, annoying, telephoning,
14 contacting, or otherwise communicating with the petitioner, directly or
15 indirectly;
 - 16
 - 17 (c) Removal and exclusion of the respondent from the residence of the
18 petitioner, regardless of ownership of the residence, either temporarily
19 for the purpose of protecting the petitioner, or permanently where no
20 property rights are violated, and if respondent must remove personal
21 effects from the residence, the court shall direct a law enforcement
22 agent to accompany the respondent to gather his things and escort
23 respondent from the residence;
 - 24
 - 25 (d) Directing the respondent to stay away from petitioner and designated
26 family or household member at a distance specified by the court, and
27 to stay away from the residence, school, place of employment, or any
28 specified place frequented by the petitioner and any designated family
29 or household member;
 - 30
 - 31 (e) Directing lawful possession and use by petitioner of an automobile and
32 other essential personal effects, regardless of ownership, and directing
33 the appropriate law enforcement officer to accompany the petitioner to
34 the residence of the parties to ensure that the petitioner is safely
35 resorted to the possession of the automobile and other essential
36 personal effects, or to supervise the petitioner's or respondent's removal
37 of personal belongings;
 - 38
 - 39 (f) Granting a temporary or permanent custody of a child/children to the
40 petitioner;
 - 41
 - 42 (g) Granting the respondent to provide support to the woman and/or her
43 child if entitled to legal support. Notwithstanding other laws to the
44 contrary, the court shall order an appropriate percentage of the income
45 or salary of the respondent to be withheld regularly by the respondent's
46 employer for the same to be automatically remitted directly to the

woman. Failure to remit and/or withhold or any delay in the remittance of support to the woman and/or her child without justifiable cause shall render the respondent or his employer liable for indirect contempt of court;

- (h) Prohibition of the respondent from any use or possession of any firearm or deadly weapon and order him to surrender the same to the court for appropriate disposition by the court, including revocation of license and disqualification to apply for any license to use or possess a firearm. If the offender is a law enforcement agent, the court shall order the offender to surrender his firearm and shall direct the appropriate authority to investigate on the offender and take appropriate action on the matter;
- (i) Restitution for actual damages caused by the violence inflicted, including, but not limited to, property damage, medical expenses, childcare expenses, and loss of income;
- (j) Directing the DSWD or any appropriate agency to provide whatever the petitioner may need; and
- (k) Provision of such other forms of relief as the court deems necessary to protect and provide for the safety of the petitioner and any designated family or household member, provided petitioner and any designated family or household member consents to such relief.

The issuance of a BPO or the pendency of an application for BPO shall not preclude a petitioner from applying for, or the court from granting a TPO or PPO.

Violation of any provision of a TPO or PPO issued under this Act shall constitute contempt of court punishable under Rule 71 (Contempt) of the Rules of Court, without prejudice to any other criminal or civil action that the offended party may file for any of the acts committed.

SECTION 11. Applicability of Protection Orders to Criminal Cases. – The foregoing provisions on protection orders shall be applicable in impliedly instituted with the criminal actions involving Online Sexual Exploitation of Children.

SECTION 12. Public Crime. – Online Sexual Exploitation of Children shall be considered a public offense which may be prosecuted upon the filing of a complaint by any citizen having personal knowledge of the circumstances involving the commission of the crime.

SECTION 13. Healthcare Provider Response. – Any healthcare provider, including, but not limited to, an attending physician, nurse, clinician, barangay health worker, therapist, or counselor who suspects violation or has been informed by the victim of Online Sexual Exploitation of Children shall:

- (a) Properly document any of the victim's physical, emotional, or psychological injuries;
- (b) Properly record any of the victim's suspicions, observations, and circumstances of the examination or visit;
- (c) Automatically provide the victim free of charge of a medical certificate concerning the examination or visit;
- (d) Safeguard the records and make them available to the victim upon request at actual cost; and
- (e) Provide the victim immediate and adequate notice of rights and remedies provided under this Act, and services available to them.

SECTION 14. Duties of Other Government Agencies and LGUs. – Other government agencies and LGUs shall establish programs such as, but not limited to, education and information campaign and seminars or symposia on the nature, causes, and incidence and consequences of such violence particularly towards educating the public on its social impacts.

It shall be the duty of the concerned government agencies and LGUs to ensure the sustained education and training of their officers and personnel on the prevention of Online Sexual Exploitation of Children under this Act.

SECTION 15. Rights of Victims. – In addition to their rights under existing laws, victims of online sexual exploitation of children shall have the following rights:

- (a) To be treated with respect and dignity;
- (b) To avail of legal assistance from the Public Attorney's Office of the Department of Justice (DOJ) or any public legal assistance office;
- (c) To be entitled to support services from the DSWD and LGUs;
- (d) To be entitled to all legal remedies and support as provided for under the Family Code; and
- (e) To be informed of their rights and the services available to them including their right to apply for a protection order.

SECTION 16. Damages. – Any victim of Online Sexual Exploitation of Children under this Act shall be entitled to actual, compensatory, moral, and exemplary damages.

1 *SECTION 17. Penalties and Sanctions.* – Any person/entity that violates this Act,
2 shall suffer the minimum penalty of three (3) years imprisonment and a fine of not less
3 than Five Hundred Thousand Pesos (P500,000.00).

4
5 The offender shall also undergo mandatory psychological counseling or
6 psychiatric treatment and shall report compliance to the court.

7
8 *SECTION 18. Funding.* – The amount necessary to implement the provisions of
9 this Act shall be included in the annual General Appropriations Act (GAA).

10
11 The Development Budget of all the mandated agencies and LGUs shall be used
12 to implement the services and facilities for the victims of Online Sexual Exploitation of
13 Children.

14
15 *SECTION 19. Transitory Provision.* – Existing industries, businesses, and offices
16 affected by the implementation of this Act shall be given six (6) months transitory period
17 from the effectivity of the IRR or such other period as may be determined to comply with
18 the requirements of this Act.

19
20 *SECTION 20. Suppletory Application.* – For purposes of this Act, the Revised Penal
21 Code and other applicable laws shall have suppletory application.

22
23 *SECTION 21. Implementing Rules and Regulations.* – The departments and
24 agencies charged with carrying out the provisions of this Act shall, within sixty (60) days
25 after the effectivity of this Act, formulate the necessary rules and regulations for its
26 effective implementation.

27
28 *SECTION 22. Repealing Clause.* – All laws, decrees, executive orders, rules and
29 regulations, or parts thereof inconsistent with the provisions of this Act are hereby
30 repealed or modified accordingly.

31
32 *SECTION 23. Separability Clause.* – If, for any reason, any section or provision of
33 this Act is held unconstitutional or invalid, the other sections or provisions hereof shall
34 not be affected thereby.

35
36 *SECTION 15. Effectivity.* – This Act shall take effect after fifteen (15) days from its
37 publication in the Official Gazette or in at least two (2) national newspapers of general
38 circulation whichever comes earlier.

39
40 Approved,