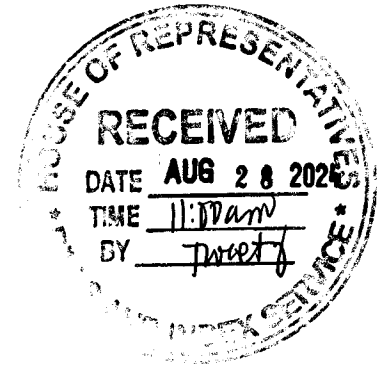


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

NINETEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 16833



Introduced by: **Hon. Margarita Ignacia B. Nograles**

Explanatory Note

The approval of Republic Act No. 11930 or the "Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act into law is a welcome development in the nation's fight to protect the welfare of Filipino children. However, it is incumbent upon the government to be proactive and anticipate possible gaps that may arise in the future. This bill seeks to give the government a head start in its fight to keep children safe by prohibiting the use of Artificial Intelligence in sexually exploiting them.

The rapid development of information technology gave rise to more powerful and sophisticated Artificial Intelligence (AI) software. AI can now create hyper-realistic synthetic media or "deepfake" of anyone who have their image or video recording uploaded in the internet. Survey shows that 96% of existing "deep fake" media are pornographic.¹ In a research conducted by the University of Edinburgh, they found out that about three hundred and two (302) million young people fell victim to non-consensual sharing and exposure of sexual images and videos on 2023. This includes cases of sextortion and the abuse of AI technology to create deepfake videos and pictures.²

The Council for the Welfare of Children (CWC) raised its concern over a new breed of online sexual predators. These predators use AI to create "deep fake" images of children and portray them in a sexually and explicit manner. Even though the Philippines is yet to receive a report of this kind of exploitation, CWC reported that

¹ <https://www.fastcompany.com/90414479/how-deepfakes-evolved-so-rapidly-in-just-a-few-years>

² <https://news.abs-cbn.com/world/2024/5/26/over-300-million-children-a-year-face-sexual-abuse-online-study-713>.

the number of AI related exploitation is growing in other countries.³ The Department of Justice also asks for the help of Congress in providing a legislation which shall expressly and specifically address the possible proliferation of sexual exploitation of children through AI.⁴ As the agencies tasked in enforcing the laws pertinent to the protection of children, the opinions of these government bodies shall be given enough credence. The State shall not be a sitting duck in this pressing issue. The Congress shall equip the Executive branch with the proper tools to be one step-ahead on this issue.

The Philippines is a signatory to the United Nations Convention on the Rights of the Child which obligates the member states to protect children from all forms of sexual exploitation and sexual abuse. Section 3(2), Article XV of the 1987 Philippine Constitution also mandates that Filipino children shall have special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development. More importantly, it is the State's obligation to foster a healthy society where the future generations can grow without experiencing sexual exploitation.

In view of the foregoing, the passage of this bills is earnestly sought.


HON. MARGARITA "ATTY. MIGS" B. NOGRALES
PBA Party-list Representative

³ <https://newsinfo.inquirer.net/1898042/watch-your-kids-new-species-of-sex-predators-use-ai>

⁴ <https://www.gmanetwork.com/news/topstories/nation/889450/doj-asks-congress-to-look-into-ai-related-sexual-abuse-of-children/story/>

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NINETEENTH CONGRESS
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HOUSE BILL NO. 10833

Introduced by: **Hon. Margarita Ignacia B. Nograles**

AN ACT
STRENGTHENING REPUBLIC ACT NO. 11930 OTHERWISE KNOWN AS THE
ANTI-ONLINE SEXUAL ABUSE OR EXPLOITATION OF CHILDREN (OSAEC)
AND ANTI-CHILD SEXUAL ABUSE OR EXPLOITATION MATERIALS,
AMENDING FOR THE PURPOSE SECTIONS 3(J) AND 4(N) THEREOF

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

SECTION 1. Section 3(j) of Republic Act No. 11930 is hereby amended to read as follows:

"(j) Image-based sexual abuse (ISA) refers to a form of technology-facilitated sexual violence. The term describes **EITHER A SINGLE ACT OF**, or 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, **AUDIOS, OR IMAGES**, threats to distribute photographs and videos; and the taking or sharing of sexual assault imagery."

(1) "DEEPPFAKE" IS A SYNTHETICALLY GENERATED PHOTO, AUDIO, OR IMAGE THAT IS FAKE BUT LOOKS REAL. DEEPPFAKES USE DEEP LEARNING TECHNIQUES, SUCH AS GENERATIVE ADVERSARIAL NETWORKS (GAN), TO DIGITALLY ALTER AND SIMULATE A REAL PERSON. IT MAY

BE BASED ON A NATURAL PERSON, OR A COMBINATION OF TWO (2) OR MORE NATURAL PERSONS, OR COMBINATION OF A NATURAL PERSON AND A COMPUTER-GENERATED INDIVIDUAL. THIS INCLUDES, BUT IS NOT LIMITED TO, THE NON-CONSENSUAL CREATION OF SEXUAL OR EXPLICIT IMAGES, INCLUDING IMAGES THAT ARE DIGITALLY ALTERED OR MANIPULATED TO ADD A PERSON'S FACE TO A PRE-EXISTING NUDE OR SEXUAL IMAGE.

- (2) "SEXTORTION" IS A FORM OF ONLINE SEXUAL EXPLOITATION OF CHILDREN THAT INVOLVES AN OFFENDER DECEIVING, ENTICING, OR COERCING CHILD VICTIMS TO TAKE AND SEND EXPLICIT IMAGES ONLINE THEN THREATENING TO RELEASE THE SAME TO THE PUBLIC OR TO FAMILY AND FRIENDS UNLESS THE VICTIM PAYS OR COMPLIES TO ANY CONDITION IMPOSED BY THE OFFENDER. THE OFFENDER MAY ALSO ACQUIRE OR TAKE IMAGES OF THE CHILD VICTIM AS THE FORMER PRETENDS TO BE SOMEONE HE IS NOT, THEN BLACKMAIL THE CHILD TO PAY UNDER THREAT OF RELEASING THE IMAGES PUBLICLY."

Section 2. Section 4(n) of the same Act is hereby amended to read as follows:

"SECTION 4(n). TO PRESENT CHILDREN AS OBJECTS OF SEXUAL FANTASY, WHICH MAY BE THROUGH IMAGE- BASED SEXUAL ABUSE, OR MAKING THEM CONVERSATIONAL SUBJECTS OF SEXUAL FANTASIES, IN ANY ONLINE OR DIGITAL PLATFORM"

Section 3. Separability Clause. – If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

Section 4. Repealing Clause. – All laws, presidential decrees, executive orders, rules and regulations and other issuances, or any part thereof, inconsistent with this Act are hereby repealed, modified or amended accordingly.

Section 5. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,