Republic of the Philippines

House of Representatives

Quezon City, Metro Manila

Nineteenth Congress
Third Regular Session

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HOUSE BILL NO. **11494**

Introduced by Representative LORDAN G. SUAN

AN ACT
DEFINING THE CRIME OF CHILD PORNOGRAPHY AND ONLINE SEXUAL EXPLOITATION, AMENDING REPUBLIC ACT NO. 9775, OTHERWISE KNOWN AS THE "ANTI-CHILD PORNOGRAPHY ACT OF 2009", AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Technology has undeniably transformed our way of life, revolutionizing communication, financial transactions, education, and access to information. The rise of social media has further bridged distances, allowing families to stay connected regardless of physical separation. It has also provided an avenue for mental health support, alleviating loneliness and anxiety for many individuals.

However, alongside these benefits, technology has also become a tool for exploitation. Criminals have weaponized the digital space to commit heinous acts, preying on the vulnerabilities of our most defenseless citizens—our children. The proliferation of Child Sexual Abuse or Exploitation Material (CSAEM) and Online Sexual Abuse or Exploitation of Children (OSAEC) is a growing crisis, with certain areas in the country, including Cagayan de Oro, being identified as hotspots for these crimes, as highlighted in a Malacañang press briefing.

The protection of children must be a top priority. They are not only our most vulnerable sector but also the very future of our nation. The alarming rise of online exploitation demands urgent legislative action. As a representative of

Cagayan de Oro, I cannot turn a blind eye to the suffering of innocent children in my district and across the country.

This bill seeks to strengthen legal safeguards against child pornography and online sexual exploitation by imposing stricter penalties on perpetrators, holding online platforms accountable, and enhancing law enforcement capabilities. Moreover, it aims to bolster public awareness and preventive measures, ensuring that no child falls victim to this grave injustice.

By passing this legislation, we take a firm stand against those who exploit the digital world for their vile intentions. We reaffirm our duty to protect the innocence, dignity, and future of our children.

In light of the preceding, this bill's approval is fervently sought.



LORDAN G. SUAN
Cagayan de Oro City – 1st District

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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-Child Pornography and Online Sexual Exploitation Act."

SECTION 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. 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 his/her development;

b.) Protect every child from all forms of pornography and online sexual exploitation including, but not limited to:

1.) the use of a child in pornographic performances and materials; and
2.) the inducement or coercion of a child to engage or be involved in **child pornography or online sexual exploitation through** whatever means;
3.) pretend, depict, or portray a child for the purpose of pornography, sexual objectification and online sexual exploitation; and

c.) Comply with international treaties to which the Philippines is a signatory or a State party concerning the rights of children which include, but not limited to, the Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child of the Child on the Sale of Children, Child Prostitution and Child Pornography, the International Labor Organization (ILO) Convention No.182 on the Elimination of the Worst Forms of Child Labor and the Convention Against Transnational Organized Crime.

SECTION 3. ***Definition of Terms. -***

A. "Child" refers to a person below eighteen (18) years of age or over, but is unable to fully take care of himself/herself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.

For the purpose 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. "Explicit Sexual Activity" includes actual or simulated –

1) As to form: sexual intercourse or lascivious act including, but not limited to, contact involving genital to genital, oral to genital, anal to genital, or oral to anal, whether between persons of the same or opposite sex;
2) bestiality;
3) masturbation;
4) sadistic or masochistic abuse;
5) lascivious exhibition of the genitals, buttocks, breasts, pubic area and/or anus; or
6) use of any object or instrument for lascivious acts

C. "Internet address" refers to a website, bulletin board service, internet chat room or news group, or any other internet or shared network protocol address.

D. "Internet cafe or kiosk" refers to an establishment that offers or proposes to offer services to the public for the use of its computer/s or computer system for the purpose of accessing the internet, computer games or related services.

E. "Internet content host" refers to a person who hosts or who proposes to host internet content in the Philippines.

F. **"Information and Communications Technology service provider (ICT SP)" is a person or entity that captures, transmits, or displays or any combination thereof of voice, image text or data and information electronically for recording, processing, monitoring or transmission of voice or data, image or text or any combination thereof for use in data processing, transmission, duplication, text processing, document reproduction or transmission, record- keeping or retrieval, broadcasting or transmission for entertainment or information purposes of voice, image or text any combination thereof and the provision of services relating to these.**

G. "Grooming" refers to the act of preparing a child or someone who the offender believes to be a child for sexual activity or sexual relationship by communicating any form of **child pornography or sexual exploitation material**. It includes online enticement or enticement through any other means.

H. "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 **child pornography or sexual exploitation material.**

I. "Pandering" refers to the act of offering, advertising, promoting, representing or distributing through any means any material or purported material that is intended to cause another to believe that the material or purported material contains any form of child pornography or sexual exploitation material, regardless of the actual content of the material or purported material.

J. "Person" refers to any natural or juridical entity.

K. ***"Child pornography and exploitation material"*** **refers to any online or offline representation,** whether visual, audio, or written combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of sexual objectification of a child, or a child engaged or involved in real or simulated explicit sexual activities.

In the online platform, sexual abuse or exploitation material shall include visual or audio or written materials or a combination thereof which is distributed via email, text message, instant messaging, chat rooms, peer-to-peer file sharing networks, social media platforms, and unencrypted communication apps or traded on password-protected sites, bulletin boards, and forums.

L. "Sexual objectification" refers to any act of treating a child as an object of sexual desire.

SECTION 4. ***Unlawful or Prohibited Acts.*** **-** It shall be unlawful for any person:

a. To hire, employ, use, persuade, induce or coerce a child to perform in the creation or production of any form of child pornography or sexual exploitation material;

b. To produce, direct, manufacture or create any form of child pornography or sexual exploitation material;

c. To publish offer, transmit, sell, distribute, broadcast, advertise, promote, export or import any form of child pornography or sexual exploitation material;

d. To possess any form of child sexual abuse or exploitation material with the intent to sell, distribute, publish, or broadcast: Provided. That possession of **more than one (1) child pornography or sexual exploitation material** of the same form shall be prima facie evidence of the intent to sell, distribute, publish or broadcast;

e. To knowingly, willfully and intentionally provide a venue for the commission of prohibited acts as, but not limited to, dens, private rooms, cubicles, cinemas, houses or in establishments purporting to be a legitimate business;

f. For film distributors, theaters and telecommunication companies, by themselves or in cooperation with other entities, to distribute any form of child sexual abuse or exploitation material;

g. For a parent, legal guardian or person having custody or control of a child to knowingly permit the child to engage, participate or assist in any form of sexual abuse or exploitation;

h. To solicit online sex or any act that constitutes child pornography or sexual exploitation;

i. To engage in the luring or grooming of a child;

j. To engage in pandering of any form of child pornography or sexual exploitation material;

k. To willfully access any form of child pornography or sexual exploitation material;

l. To conspire to commit any of the prohibited acts stated in this section. Conspiracy to commit any form of child pornography or sexual exploitation shall be committed when two (2) or more persons come to an agreement concerning the commission of any of the said prohibited acts and decide to commit it; and

m. To possess any form of child pornography and sexual exploitation material.

SECTION 5. ***Syndicated Child Pornography or Online Sexual Exploitation.*** **-** The crime of child pornography and online sexual exploitation is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another and shall be punished under Section 15(a) of this Act.

SECTION 6. ***Who May File a Complaint.*** - Complaints on cases of any form of child sexual abuse and exploitation material and other offenses punishable under this Act may be filed by the following:

a. Offended party;

b. Parents or guardians;

c. Ascendant or collateral relative within the third degree of consanguinity;

d. Officer, social worker or representative of a licensed child-caring institution;

e. Officer or social worker of the Department of Social Welfare and Development (DSWD);

f. Local social welfare development officer;

g. Barangay chairman;

h. Any law enforcement officer;

i. At least three (3) concerned responsible citizens residing in the place where the violation occurred; or

j. Any person who has personal knowledge of the circumstances of the commission of any offense under this Act.

SECTION 7. ***Appointment of Special Prosecutors.*** **-** *The Department of Justice (DOJ) shall appoint or designate special prosecutors to prosecute cases for the violation of this Act.*

SECTION 8. ***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 "Family Courts Act of 1997".

SECTION 9. ***Duties of an Information and Communications Technology Service Provider (ICT SP).*** **- All Information and Communications Technology Service Providers (ICT SPs)** shall notify the Philippine National Police (PNP) or the National Bureau of Investigation (NBI) within seven (7) days from obtaining facts and circumstances that any form of child pornography and online sexual exploitation is being committed using its server or facility. Nothing in this section may be construed to require an ICT SP to engage in the monitoring of any user, subscriber or customer, or the content of any communication of any such person: Provided, That no ICT SP shall be held civilly liable for damages on account of any notice given in good faith in compliance with this section.

Furthermore, an ICT SP shall preserve such evidence for purpose of investigation and prosecution by relevant authorities.

An ICT SP shall, upon the request of proper authorities, furnish the particulars of users who gained or attempted to gain access to an internet address which contains any form of child pornography and sexual exploitation material.

All ICT SP shall install available technology, program or software to ensure that access to or transmittal of any form of child pornography and sexual exploitation material will be blocked or filtered.

An ICT SP who shall knowingly, willfully and intentionally violate this provision shall be subject to the penalty provided under Section 15(k) of this Act.

The Department of Information and Communications Technology (DICT) and the National Telecommunications Commission (NTC) shall promulgate within ninety (90) days from the effectivity of this Act the necessary rules and regulations for the implementation of this provision which shall include, among others, the installation of filtering software that will block access to or transmission of any form of the child pornography and online sexual exploitation.

SECTION 10. ***Responsibility of Mall Owners/Operators and Owners or Lessors of Other Business Establishments.*** **-** All mall owners/operators and owners or lessors of other business establishments shall notify the PNP or the NBI within forty-eight (48) hours from obtaining facts and circumstances that child pornography and sexual exploitation material is being committed in their premises. Provided, That public display of any form of child pornography and sexual exploitation material within their premises is a conclusive presumption of the knowledge of the mall owners/operators and owners or lessors of other business establishments of the violation of this Act: Provided, further, That a disputable presumption of knowledge by mall owners/operators and owners or lessors of other business establishments should know or reasonably know that a violation of this Act is being committed in their premises.

Photo developers, information technology professionals, credit card companies and banks and any person who has direct knowledge of any form of child pornography and online sexual exploitation activities shall have the duty to report any suspected child pornography and sexual exploitation materials or

transactions to the proper authorities within forty-eight (48) hours from discovery thereof.

Any willful and intentional violation of this provision shall be subject to the penalty provided under Section 15(l) of this Act.

SECTION 11*. Duties of an Internet Content Host.* - An internet content host shall:

a. Not host any form of child pornography and online sexual exploitation on its internet address;

b. Within forty-eight (48) hours, report the presence of any form of child pornography and sexual exploitation, as well as the particulars of the person maintaining, hosting, distributing or in any manner contributing to such internet address, to the proper authorities; and

c. Preserve such evidence for purposes of investigation and prosecution by relevant authorities.

An internet content host shall, upon the request of proper authorities, furnish the particulars of users who gained or attempted to gain access to an internet address that contains any form of child pornography and online sexual exploitation.

An internet content host who shall knowingly, willfully and intentionally violate this provision shall be subject to the penalty provided under Section 15(j) of this Act: Provided, That the failure of the internet content host to remove any form of child pornography and sexual exploitation material within forty-eight (48) hours from receiving the notice that any form of child pornography and sexual exploitation material is hitting its server shall be conclusive evidence of willful and intentional violation thereof.

SECTION 12. *Authority to Regulate Internet Café or Kiosk.* - The local government unit (LGU) of the city or municipality where an internet café or kiosk is located shall have the authority to monitor and regulate the establishment and operation of the same or similar establishments in order to prevent violation of the provisions of this Act.

SECTION 13. ***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 to may, whenever necessary to 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 his/her identity 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 pornography and online sexual exploitation l that is part of the court records shall be subject to a protective order that provides as follows:

    1. Any form of child pornography and online sexual exploitation may be viewed only by the parties, their counsel, their expert witness and guardian ad litem;

    2. Neither form of child pornography and sexual exploitation material 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 pornography and sexual exploitation material or any part thereof unless he/she signs a written affirmation that he/she has received and read a copy of the protection order; that he/she submits to the jurisdiction of the court with respect to the protective order; and that, in case of violation thereof, he/she will be subject to the contempt power of the court; and

e. In cases when prosecution or trial is conducted behind closed doors, it shall be unlawful for any editor, publisher and reporter or columnist in case of printed materials, announcer or producer in case of television and radio, producer and director of a film in case of the movie industry, or any person utilizing the tri-media facilities or information technology to publish or broadcast the names of the victims of any case of child pornography and online sexual exploitation.

   Any violation of this provision shall be subject to the penalty provided for under Section 15(m) of this Act.

SECTION 14. ***Care, Custody and Treatment of a Child Victim.*** - The DSWD shall ensure that the child who is a victim of any form of child pornography and online sexual exploitation is provided appropriate care, custody and support for their recovery and reintegration in accordance with existing laws.

The child and his family shall be entitled to protection as well as to the rights and benefits of witnesses under Republic Act No. 6981, otherwise known as "The Witness Protection, Security and Benefit Act".

The child shall also be considered as a victim of a violent crime defined under Section 3(d) of Republic Act No. 7309, otherwise known as "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", so that the child may claim compensation therein.

SECTION 15. Penalties and Sanctions. - The following penalties and sanctions are hereby established for offenses enumerated in this Act:

a. Any person found guilty of syndicated child pornography and online sexual exploitation as defined in Section 5 of this Act shall suffer the penalty of reclusion perpetua and a fine of not less than Two million pesos (Php2,000,000.00) but not more than Five million pesos (Php5,000,000.00);

b. Any person found guilty of violating Section 4(a), (b) and (c) of this Act shall suffer the penalty of reclusion temporal in its maximum period and a fine of not less than One million pesos (Php1,000,000.00) but not more than Two million (Php2,000,000.00);

c. Any person found guilty of violating Section 4(d), (e) and (f) of this Act shall suffer the penalty of reclusion temporal in its medium period and a fine of not less than Seven hundred fifty thousand pesos (Php750,000.00) but not more than One million pesos (Php1,000,000.00);

d. Any person found guilty of violating Section 4(g) of this Act shall suffer the penalty of reclusion temporal in its minimum period and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Seven hundred thousand pesos (Php700,000.00);

e. Any person found guilty of violating Section 4(h) of this Act shall suffer the penalty of prision mayor in its maximum period and a fine of not less than Three hundred thousand pesos (Php300,000.00) but not more than Five hundred thousand pesos (Php500,000.00);

f. Any person found guilty of violating Section 4(I) of this Act shall suffer the penalty of prision mayor in its minimum period and a fine of not less than Three hundred thousand pesos (php300,000.00) but not more than Five hundred thousand pesos (Php500,000.00);

g. Any person found guilty of violating Section 4(j) of this Act shall suffer the penalty of prision correccional in its maximum period and a fine of not less than Two hundred thousand pesos (Php200,000.00) but not more than Three hundred thousand pesos (Php300,000.00);

h. Any person found guilty of violating Section 4(k) of this Act shall suffer the penalty of prision correccional in its medium period and a fine of not less

than One hundred thousand pesos (php100,000.00) but not more than Two hundred fifty thousand pesos (php250,000.00);

i. Any person found guilty of violating Section 4(l) of this Act shall suffer the penalty of arresto mayor in its minimum period and a fine of not less than Fifty thousand pesos (Php50,000.00) but not more than One hundred thousand pesos (Php100,000.00);

j. Any person found guilty of violating Section 11 of this Act shall suffer the penalty of prision correccional in its medium period and a fine of not less than One million pesos (Php1,000,000.00) but not more than Two million pesos (Php2,000,000.00) for the first offense. In the case of a subsequent offense, the penalty shall be a fine not less than Two million pesos (Php2,000,000.00) but not more than Three million pesos (Php3,000,000.00) and revocation of its license to operate and immediate closure of the establishment;

k. Any ISP found guilty of willfully and knowingly failing to comply with the notice and installation requirements under Section 9 of this Act shall suffer the penalty of a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00) for the first offense. In case of subsequent offense, the penalty shall be a fine of not less than One million pesos (Php1,000,000.00) but not more than Two million pesos (Php2,000,000.00) and revocation of its license to operate;

l. Any mall owner-operator and owner or lessor of other business establishments including photo developers, information technology professionals, credit card companies and banks, found guilty of willfully and knowingly failing to comply with the notice requirements under Section 10 of this Act shall suffer the penalty of a fine of not less than

m. One million pesos (Php1,000,000.00) but not more than Two million pesos (Php2,000,000.00) for the first offense. In the case of a subsequent offense, the penalty shall be a fine of not less than Two million pesos (Php2,000,000.00) but not more than Three million pesos (Php3,000,000.00) and revocation of its license to operate and immediate closure of the establishment; and

n. Any person found guilty of violating Section 13 of this Act shall suffer the penalty of arresto mayor in its minimum period and a fine of not less than One hundred thousand pesos (Php100,000.00) but not more than Three hundred thousand pesos (Php300,000.00).

SECTION 16. ***Common Penal Provisions. –***

a. If the offender is a parent, ascendant, guardian, step-parent or collateral relative within the third degree of consanguinity or affinity or any person having control or moral ascendancy over the child, the penalty provided herein shall be in its maximum duration; Provided, That this provision shall not apply to Section 4(g) of this Act;

b. 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 who participated in the commission of the crime or shall have knowingly permitted or failed to prevent its commissions;

c. If the offender is a foreigner, he/she shall be immediately deported after the complete service of his/her sentence and shall forever be barred from entering the country; and

d. The penalty provided for in this Act shall be imposed in its maximum duration if the offender is a public officer or employee.

SECTION 17. ***Confiscation and Forfeiture of the Proceeds, Tools and Instruments Used in Child Pornography and Sexual Exploitation.*** **-** In addition to the penalty imposed for the violation 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 they are the property of a third person not liable for the unlawful act; Provided, however, That all awards for damages shall be taken from the personal and separate properties of the offender; Provided, further, 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 pornography and online sexual exploitation shall accrue to the special account of the DSWD which shall be used exclusively for the implementation of this Act.

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.

SECTION 18. ***Mandatory Services to Victims of Child Pornography and Online Sexual Exploitation.*** **-** To ensure recovery, rehabilitation and reintegration into the mainstream of society concerned government agencies and the LGUs shall make available the following services to victims of any form of child pornography and online sexual exploitation material:

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 adopted and carried out.

SECTION 19. Programs for Victims of Child Pornography and Online Sexual Exploitation. The Inter-Agency Council Against Child Pornography created under Section 20 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 into the mainstream of society. Such programs shall include beat but not limited to the following:

a. Provision of mandatory services including counseling free legal services, medical or psychological services, livelihood and skills training and educational assistance to the child pursuant to Section 18 of this Act;

b. Sponsorship of a national research program on any form of child pornography and online sexual exploitation and other acts covered by the law 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 nongovernmental organizations:

d. Sponsorship of conferences and seminars to provide venue for consensus building amongst the public, the academe , government, nongovernmental and international organizations and

Promotion of information and education campaign.

SECTION 20. ***Inter - Agency Council against Child Pornography and Online Sexual Exploitation*** **-** The Inter-Agency Council against Child Pornography as provided in Section 20 of Republic Act No. 9775 is hereby renamed and reconstituted as Inter-Agency Council Against Child Pornography and Online Sexual Exploitation. It shall be composed of the Secretary of the DSWD as chairperson and the following as members:

a. Secretary of the Department of Justice;
b. Secretary of the Department of Labor and Employment;
c. Secretary of the Department of Science and Technology;
d. Secretary of the Department of Information and Communications Technology;
e. Chief of the Philippine National Police;
f. Commissioner of the National Telecommunications Commission;
g. Executive Director of the Council for the Welfare of Children;
h. Executive Director of the Philippine Center for Transnational Crimes;
i. Executive Director of the Optical Media Board;
j. Director of the National Bureau of Investigation; and
k. Three (3) representatives from children's nongovernmental organizations.

These representatives shall be nominated by the government agency representatives of the Council for appointment by the President for a term of three (3) years and may be renewed upon renomination and reappointment by the Council and the President respectively.

The members of the Council mat designate their permanent representatives, who shall have a rank not lower than assistant secretary or its equivalent, to meetings and shall receive emoluments as may be determined by the Council in accordance with existing budget and accounting rules and regulations.
The DSWD shall establish the necessary Secretariat for the Council**.**

SECTION 21. ***Functions of the Council.*** - The Council shall have the following powers and functions:

a. Formulate comprehensive and integrated plans and programs to prevent and suppress any form of child pornography and online sexual exploitation;

b. Promulgate rules and regulations as may be necessary for the effective implementation of this Act;

c. Monitor and oversee the strict implementation of this Act;

d. Coordinate the programs and projects of the various members agencies effectively address the issues and problems attendant to child pornography and online sexual exploitation;

e. Conduct and coordinate massive information disseminations and campaign on the existence of the law and the various issues and problems attendant to child pornography and online sexual exploitation;

f. Direct other agencies to immediately respond to the problems brought to their attention and report to the Council on the action taken;

g. Assist in the filling of cases against individuals, agencies, institutions or establishments that violate the provisions of this Act;

h. Formulate a program for the reintegration of victims of child pornography and online sexual exploitation;

i. Secure from any department, bureau, office, agency or instrumentality of the government or from NGOs and other civic organizations such assistance as may be needed to effectively implement this Act;

j. Complement the shared government information system relative to child abuse and exploitation and ensure that the proper agencies conduct a continuing research and study on the patterns and schemes of any form of child pornography and online sexual exploitation which form basis for policy formulation and program direction;

k. develop the mechanism to ensure the timely, coordinated and effective response to cases of child pornography and online sexual exploitation;

l. Recommend measures to enhance cooperative efforts and mutual assistance among foreign countries through bilateral and/or multilateral arrangements to prevent and suppress any form of child pornography and online sexual exploitation;

m. Adopt measures and policies to protect the rights and needs of the victims of child pornography and online sexual exploitation who are foreign nationals in the Philippines;

n. maintain a database of cases of child pornography and online sexual exploitation;

o. Initiate training programs in identifying and providing the necessary intervention or assistance to victims of child pornography and online sexual exploitation.

p. Submit to the President and the Congressional Oversight committee credited herein the annual report on the policies, plans, programs and activities of the Council relative to the implementation of this Act; and

q. Exercise all the powers and perform such other functions necessary to attain the purposes and objectives of this Act.

SECTION 22. ***Child Pornography and Online Sexual Exploitation as a Transnational Crime.*** **-** Pursuant to the Convention on transnational Organized Crime, the DOJ may execute the request of a foreign state for assistance in the investigation or prosecution of any form of child pornography and online sexual exploitation by: (1) conducting a preliminary investigation against the offender and, if appropriate, to file the necessary charges in court; (2) giving information needed by the foreign state; and (3) to apply for an order of forfeiture of any proceeds or monetary instrument or properly located in the Philippines used in

connection with child pornography and online sexual exploitation in the court; Provided, That if the DOJ refuses to act on the request of for delaying the execution thereof: Provided, further, That the principles of mutuality and reciprocity shall, for this purpose, be at all times recognized.

SECTION 23. ***Extradition.*** **-** The DOJ, in consultation with the Department of Foreign Affairs (DFA), shall endeavor to include child pornography and online sexual exploitation among extraditable offenses in future treaties.

SECTION 24. ***Congressional Oversight Committee.*** **-**There is hereby created a Congressional Oversight Committee composed of five (5) members from the Senate and five (5) members from the House of Representatives. The members from the Senate shall be appointed by the Senate President based on proportional representation of the parties or coalition therein with at least one (1) member representing the Minority. The members from the House of Representative shall be appointed by the Speaker, also based on proportional representation of the parties or coalitions therein with the Chair of the House of Committee on Welfare of Children and at least one (1) member representing the Minority

The Committee shall be headed by the respective Chairs of the Senate Committee on Youth, Women and Family relations and the House of Representatives Committee on Justice. The Secretariat of the Congressional

Oversight Committee shall come from the existing Secretariat personnel of the Committees of the Senate and the House of Representatives concerned.

The Committee shall monitor and ensure the effective implementation of this Act, determine inherent weakness and loopholes in the law. Recommend the necessary remedial legislator or administrative measures and perform such other duties and functions as may be necessary to attain the objectives of this Act.

SECTION 25. ***Appropriations.*** **-** The amount necessary to implement the provisions of the Anti-Child Pornography and Online Sexual Exploitation and the operationalization of the Inter-Agency Council Against Child Pornography and Online Sexual Exploitation shall be included in the annual General Appropriations Act.

SECTION 26. ***Implementing Rules and Regulations.*** - The Inter-Agency Council Against Child Pornography and Online Sexual Exploitation shall promulgate the necessary implementing rules and regulations within ninety (90) days from the effectivity of this Act.

SECTION 27. ***Suppletory Application of the Revised Penal Code.*** - The Revised penal Code shall be suppletorily applicable to this Act.

SECTION 28. ***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.

SECTION 29. ***Repealing Clause.*** **-** All 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.

SECTION 30. ***Effectivity.*** **-** This Act shall take effect after fifteen (15) days following its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,