



Republic of the Philippines  
**House of Representatives**  
Quezon City, Metro Manila

Twentieth Congress  
First Regular Session

HOUSE BILL NO. 809



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**Introduced by Representative LORDAN G. SUAN**

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**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 the most vulnerable members of society but also the very future of the nation. The alarming rise in online exploitation demands urgent legislative attention. Representing the people of Cagayan de Oro, this representation recognizes the

urgent need to address the suffering of innocent children both within the locality and nationwide.

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 – 1<sup>st</sup> District



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

1 **SECTION 1. *Short Title.*** - This Act shall be known as the “Anti-Child Pornography  
2 and Online Sexual Exploitation Act.”  
3

4 **SECTION 2. *Declaration of Policy.*** - The State recognizes the vital role of the  
5 youth in nation building and shall promote and protect their physical, moral,  
6 spiritual, intellectual, emotional, psychological and social well-being. Towards  
7 this end, the State shall:  
8

9 a.) Guarantee the fundamental rights of every child from all forms of neglect,  
10 cruelty and other conditions prejudicial to his/her development;  
11

12 b.) Protect every child from all forms of pornography and online sexual  
13 exploitation including, but not limited to:  
14

15 1.) the use of a child in pornographic performances and materials; and

16 2.) the inducement or coercion of a child to engage or be involved in **child**  
17 **pornography or online sexual exploitation through** whatever means;

18 3.) **pretend, depict, or portray a child for the purpose of pornography,**  
19 **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 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.

- 1 D. "Internet cafe or kiosk" refers to an establishment that offers or proposes  
2 to offer services to the public for the use of its computer/s or computer  
3 system for the purpose of accessing the internet, computer games or  
4 related services.  
5
- 6 E. "Internet content host" refers to a person who hosts or who proposes to  
7 host internet content in the Philippines.  
8
- 9 F. **"Information and Communications Technology service provider (ICT SP)"**  
10 **is a person or entity that captures, transmits, or displays or any**  
11 **combination thereof of voice, image text or data and information**  
12 **electronically for recording, processing, monitoring or transmission of**  
13 **voice or data, image or text or any combination thereof for use in data**  
14 **processing, transmission, duplication, text processing, document**  
15 **reproduction or transmission, record- keeping or retrieval, broadcasting**  
16 **or transmission for entertainment or information purposes of voice,**  
17 **image or text any combination thereof and the provision of services**  
18 **relating to these.**  
19
- 20 G. "Grooming" refers to the act of preparing a child or someone who the  
21 offender believes to be a child for sexual activity or sexual relationship by  
22 communicating any form of **child pornography or sexual exploitation**  
23 **material**. It includes online enticement or enticement through any other  
24 means.  
25
- 26 H. "Luring" refers to the act of communicating, by means of a computer  
27 system, with a child or someone who the offender believes to be a child  
28 for the purpose of facilitating the commission of sexual activity or  
29 production of any form of **child pornography or sexual exploitation**  
30 **material**.  
31
- 32 I. "Pandering" refers to the act of offering, advertising, promoting,  
33 representing or distributing through any means any material or purported  
34 material that is intended to cause another to believe that the material or  
35 purported material contains any form of child pornography or sexual  
36 exploitation material, regardless of the actual content of the material or  
37 purported material.  
38
- 39 J. "Person" refers to any natural or juridical entity.  
40

1 K. ***“Child pornography and exploitation material”*** refers to any online or  
2 **offline representation**, whether visual, audio, or written combination  
3 thereof, by electronic, mechanical, digital, optical, magnetic or any other  
4 means, of sexual objectification of a child, or a child engaged or involved  
5 in real or simulated explicit sexual activities.  
6

7 In the online platform, sexual abuse or exploitation material shall include  
8 visual or audio or written materials or a combination thereof which is  
9 distributed via email, text message, instant messaging, chat rooms, peer-to-  
10 peer file sharing networks, social media platforms, and unencrypted  
11 communication apps or traded on password-protected sites, bulletin boards,  
12 and forums.  
13

14 L. “Sexual objectification” refers to any act of treating a child as an object of  
15 sexual desire.  
16

17 **SECTION 4. *Unlawful or Prohibited Acts.*** - It shall be unlawful for any person:  
18

- 19 a. To hire, employ, use, persuade, induce or coerce a child to perform in the  
20 creation or production of any form of child pornography or sexual  
21 exploitation material;  
22
- 23 b. To produce, direct, manufacture or create any form of child pornography  
24 or sexual exploitation material;  
25
- 26 c. To publish offer, transmit, sell, distribute, broadcast, advertise, promote,  
27 export or import any form of child pornography or sexual exploitation  
28 material;  
29
- 30 d. To possess any form of child sexual abuse or exploitation material with the  
31 intent to sell, distribute, publish, or broadcast: Provided. That possession  
32 of **more than one (1) child pornography or sexual exploitation material**  
33 of the same form shall be prima facie evidence of the intent to sell,  
34 distribute, publish or broadcast;  
35
- 36 e. To knowingly, willfully and intentionally provide a venue for the  
37 commission of prohibited acts as, but not limited to, dens, private rooms,  
38 cubicles, cinemas, houses or in establishments purporting to be a  
39 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

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

3  
4 Any willful and intentional violation of this provision shall be subject to the  
5 penalty provided under Section 15(l) of this Act.

6  
7 **SECTION 11. *Duties of an Internet Content Host.*** - An internet content host shall:

8  
9 a. Not host any form of child pornography and online  
10 sexual exploitation on its internet address;

11  
12 b. Within forty-eight (48) hours, report the presence of any form of child  
13 pornography and sexual exploitation, as well as the particulars of the  
14 person maintaining, hosting, distributing or in any manner contributing to  
15 such internet address, to the proper authorities; and

16  
17 c. Preserve such evidence for purposes of investigation and prosecution by  
18 relevant authorities.

19  
20 An internet content host shall, upon the request of proper authorities, furnish  
21 the particulars of users who gained or attempted to gain access to an internet  
22 address that contains any form of child pornography and online sexual  
23 exploitation.

24  
25 An internet content host who shall knowingly, willfully and intentionally violate  
26 this provision shall be subject to the penalty provided under Section 15(j) of this  
27 Act: Provided, That the failure of the internet content host to remove any form  
28 of child pornography and sexual exploitation material within forty-eight (48)  
29 hours from receiving the notice that any form of child pornography and sexual  
30 exploitation material is hitting its server shall be conclusive evidence of willful  
31 and intentional violation thereof.

32  
33 **SECTION 12. *Authority to Regulate Internet Café or Kiosk.*** - The local  
34 government unit (LGU) of the city or municipality where an internet café or kiosk  
35 is located shall have the authority to monitor and regulate the establishment and  
36 operation of the same or similar establishments in order to prevent violation of  
37 the provisions of this Act.

1 **SECTION 13. Confidentiality.** - The right to privacy of the child shall be ensured  
2 at any stage of the investigation, prosecution and trial of an offense under this  
3 Act. Towards this end, the following rules shall be observed:  
4

- 5 a. The judge, prosecutor or any officer of the law to whom the complaint has  
6 been referred to may, whenever necessary to ensure a fair and impartial  
7 proceeding and after considering all circumstances for the best interest of  
8 the child conduct a closed-door investigation, prosecution or trial;  
9
- 10 b. The name and personal circumstances of the child, including the child's  
11 immediate family, or any other information tending to establish his/her  
12 identity shall not be disclosed to the public;  
13
- 14 c. Any record regarding a child shall be confidential and kept under seal.  
15 Except upon written request and order of the court, a record shall be  
16 released only to the following:  
17
  - 18 1. Members of the court staff for administrative use;  
19
  - 20 2. The prosecuting attorney;  
21
  - 22 3. Defense counsel;  
23
  - 24 4. The guardian ad litem;  
25
  - 26 5. Agents of investigating law enforcement agencies and  
27
  - 28 6. Other persons as determined by the court.  
29
- 30 d. Any form of child pornography and online sexual exploitation I that is part  
31 of the court records shall be subject to a protective order that provides as  
32 follows:  
33
  - 34 1. Any form of child pornography and online sexual exploitation  
35 may be viewed only by the parties, their counsel, their expert  
36 witness and guardian ad litem;  
37
  - 38 2. Neither form of child pornography and sexual exploitation  
39 material nor any portion thereof shall be divulged to any other

1 person, except as necessary for investigation, prosecution or  
2 trial; and

3  
4 3. No person shall be granted access to any form of child  
5 pornography and sexual exploitation material or any part  
6 thereof unless he/she signs a written affirmation that he/she has  
7 received and read a copy of the protection order; that he/she  
8 submits to the jurisdiction of the court with respect to the  
9 protective order; and that, in case of violation thereof, he/she  
10 will be subject to the contempt power of the court; and

11  
12 e. In cases when prosecution or trial is conducted behind closed doors, it  
13 shall be unlawful for any editor, publisher and reporter or columnist in  
14 case of printed materials, announcer or producer in case of television and  
15 radio, producer and director of a film in case of the movie industry, or any  
16 person utilizing the tri-media facilities or information technology to  
17 publish or broadcast the names of the victims of any case of child  
18 pornography and online sexual exploitation.

19  
20 Any violation of this provision shall be subject to the penalty provided for  
21 under Section 15(m) of this Act.

22  
23 **SECTION 14. *Care, Custody and Treatment of a Child Victim.*** - The DSWD shall  
24 ensure that the child who is a victim of any form of child pornography and online  
25 sexual exploitation is provided appropriate care, custody and support for their  
26 recovery and reintegration in accordance with existing laws.

27  
28 The child and his family shall be entitled to protection as well as to the rights and  
29 benefits of witnesses under Republic Act No. 6981, otherwise known as "The  
30 Witness Protection, Security and Benefit Act".

31  
32 The child shall also be considered as a victim of a violent crime defined under  
33 Section 3(d) of Republic Act No. 7309, otherwise known as "An Act Creating a  
34 Board of Claims under the Department of Justice for Victims of Unjust  
35 Imprisonment or Detention and Victims of Violent Crimes and for Other  
36 Purposes", so that the child may claim compensation therein.

37  
38 **SECTION 15. Penalties and Sanctions.** - The following penalties and sanctions  
39 are hereby established for offenses enumerated in this Act:

- 1 a. Any person found guilty of syndicated child pornography and online sexual  
2 exploitation as defined in Section 5 of this Act shall suffer the penalty of  
3 reclusion perpetua and a fine of not less than Two million pesos  
4 (Php2,000,000.00) but not more than Five million pesos  
5 (Php5,000,000.00);  
6
- 7 b. Any person found guilty of violating Section 4(a), (b) and (c) of this Act  
8 shall suffer the penalty of reclusion temporal in its maximum period and  
9 a fine of not less than One million pesos (Php1,000,000.00) but not more  
10 than Two million (Php2,000,000.00);  
11
- 12 c. Any person found guilty of violating Section 4(d), (e) and (f) of this Act shall  
13 suffer the penalty of reclusion temporal in its medium period and a fine  
14 of not less than Seven hundred fifty thousand pesos (Php750,000.00) but  
15 not more than One million pesos (Php1,000,000.00);  
16
- 17 d. Any person found guilty of violating Section 4(g) of this Act shall suffer the  
18 penalty of reclusion temporal in its minimum period and a fine of not less  
19 than Five hundred thousand pesos (Php500,000.00) but not more than  
20 Seven hundred thousand pesos (Php700,000.00);  
21
- 22 e. Any person found guilty of violating Section 4(h) of this Act shall suffer the  
23 penalty of prision mayor in its maximum period and a fine of not less than  
24 Three hundred thousand pesos (Php300,000.00) but not more than Five  
25 hundred thousand pesos (Php500,000.00);  
26
- 27 f. Any person found guilty of violating Section 4(i) of this Act shall suffer the  
28 penalty of prision mayor in its minimum period and a fine of not less than  
29 Three hundred thousand pesos (php300,000.00) but not more than Five  
30 hundred thousand pesos (Php500,000.00);  
31
- 32 g. Any person found guilty of violating Section 4(j) of this Act shall suffer the  
33 penalty of prision correccional in its maximum period and a fine of not less  
34 than Two hundred thousand pesos (Php200,000.00) but not more than  
35 Three hundred thousand pesos (Php300,000.00);  
36
- 37 h. Any person found guilty of violating Section 4(k) of this Act shall suffer the  
38 penalty of prision correccional in its medium period and a fine of not less  
39

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

3  
4 i. Any person found guilty of violating Section 4(l) of this Act shall suffer the  
5 penalty of arresto mayor in its minimum period and a fine of not less than  
6 Fifty thousand pesos (Php50,000.00) but not more than One hundred  
7 thousand pesos (Php100,000.00);

8  
9 j. Any person found guilty of violating Section 11 of this Act shall suffer the  
10 penalty of prision correccional in its medium period and a fine of not less  
11 than One million pesos (Php1,000,000.00) but not more than Two million  
12 pesos (Php2,000,000.00) for the first offense. In the case of a subsequent  
13 offense, the penalty shall be a fine not less than Two million pesos  
14 (Php2,000,000.00) but not more than Three million pesos  
15 (Php3,000,000.00) and revocation of its license to operate and immediate  
16 closure of the establishment;

17  
18 k. Any ISP found guilty of willfully and knowingly failing to comply with the  
19 notice and installation requirements under Section 9 of this Act shall  
20 suffer the penalty of a fine of not less than Five hundred thousand pesos  
21 (Php500,000.00) but not more than One million pesos (Php1,000,000.00)  
22 for the first offense. In case of subsequent offense, the penalty shall be a  
23 fine of not less than One million pesos (Php1,000,000.00) but not more  
24 than Two million pesos (Php2,000,000.00) and revocation of its license to  
25 operate;

26  
27 l. Any mall owner-operator and owner or lessor of other business  
28 establishments including photo developers, information technology  
29 professionals, credit card companies and banks, found guilty of willfully  
30 and knowingly failing to comply with the notice requirements under  
31 Section 10 of this Act shall suffer the penalty of a fine of not less than

32  
33 m. One million pesos (Php1,000,000.00) but not more than Two million pesos  
34 (Php2,000,000.00) for the first offense. In the case of a subsequent  
35 offense, the penalty shall be a fine of not less than Two million pesos  
36 (Php2,000,000.00) but not more than Three million pesos  
37 (Php3,000,000.00) and revocation of its license to operate and immediate  
38 closure of the establishment; and  
39

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

5  
6 **SECTION 16. *Common Penal Provisions.* –**  
7

- 8 a. If the offender is a parent, ascendant, guardian, step-parent or collateral  
9 relative within the third degree of consanguinity or affinity or any person  
10 having control or moral ascendancy over the child, the penalty provided  
11 herein shall be in its maximum duration; Provided, That this provision  
12 shall not apply to Section 4(g) of this Act;  
13  
14 b. If the offender is a juridical person, the penalty shall be imposed upon the  
15 owner, manager, partner, member of the board of directors and/or any  
16 responsible officer who participated in the commission of the crime or  
17 shall have knowingly permitted or failed to prevent its commissions;  
18  
19 c. If the offender is a foreigner, he/she shall be immediately deported after  
20 the complete service of his/her sentence and shall forever be barred from  
21 entering the country; and  
22  
23 d. The penalty provided for in this Act shall be imposed in its maximum  
24 duration if the offender is a public officer or employee.  
25

26 **SECTION 17. *Confiscation and Forfeiture of the Proceeds, Tools and Instruments***  
27 ***Used in Child Pornography and Sexual Exploitation.*** - In addition to the penalty  
28 imposed for the violation of this Act, the court shall order the confiscation and  
29 forfeiture in favor of the government of all the proceeds, tools and instruments  
30 used in the commission of the crime, unless they are the property of a third  
31 person not liable for the unlawful act; Provided, however, That all awards for  
32 damages shall be taken from the personal and separate properties of the  
33 offender; Provided, further, That if such properties are insufficient, the  
34 deficiency shall be taken from the confiscated and forfeited proceeds, tools and  
35 instruments.  
36

37 All proceeds derived from the sale of properties used for the commission of any  
38 form of child pornography and online sexual exploitation shall accrue to the  
39 special account of the DSWD which shall be used exclusively for the  
40 implementation of this Act.

1  
2 When the proceeds, tools and instruments used in the commission of the  
3 offense have been destroyed diminished in value or otherwise rendered  
4 worthless by any act or omission, directly or indirectly, of the offender, or it has  
5 been concealed, removed, converted or transferred to prevent the same from  
6 being found or to avoid forfeiture or confiscation, the offender shall be ordered  
7 to pay the amount equal to the value of the proceeds, tools and instruments  
8 used in the commission of the offense.  
9

10 **SECTION 18. *Mandatory Services to Victims of Child Pornography and Online***  
11 ***Sexual Exploitation.*** - To ensure recovery, rehabilitation and reintegration into  
12 the mainstream of society concerned government agencies and the LGUs shall  
13 make available the following services to victims of any form of child pornography  
14 and online sexual exploitation material:  
15

- 16 a. Emergency shelter or appropriate housing;
- 17 b. Counseling;
- 18 c. Free legal services, which shall include information about the  
19 victim's rights and the procedure for filing of complaints, claims for  
20 compensation and such other legal remedies available to them in a  
21 language understood by the child;
- 22 d. Medical or psychological services;
- 23 e. Livelihood and skills training; and
- 24 f. Educational assistance.  
25

26 Sustained supervision and follow through mechanism that will track the progress  
27 of recovery, rehabilitation and reintegration of the child victims shall adopted  
28 and carried out.  
29

30 **SECTION 19.** Programs for Victims of Child Pornography and Online Sexual  
31 Exploitation. The Inter-Agency Council Against Child Pornography created under  
32 Section 20 of this Act shall develop and implement the necessary programs that  
33 will prevent any form of child sexual abuse or exploitation, as well as protect,  
34 heal and reintegrate the child into the mainstream of society. Such programs  
35 shall include beat but not limited to the following:  
36

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

- 1
- 2 b. Sponsorship of a national research program on any form of child
- 3 pornography and online sexual exploitation and other acts covered by
- 4 the law and the establishment of a data collection system for
- 5 monitoring and evaluation purposes;
- 6
- 7 c. Provision of necessary technical and material support services to
- 8 appropriate government agencies and nongovernmental
- 9 organizations:
- 10
- 11 d. Sponsorship of conferences and seminars to provide venue for
- 12 consensus building amongst the public, the academe , government,
- 13 nongovernmental and international organizations and
- 14

15 **Promotion of information and education campaign.**

16

17 **SECTION 20. *Inter - Agency Council against Child Pornography and Online***

18 ***Sexual Exploitation*** - The Inter-Agency Council against Child Pornography as

19 provided in Section 20 of Republic Act No. 9775 is hereby renamed and

20 reconstituted as Inter-Agency Council Against Child Pornography and Online

21 Sexual Exploitation. It shall be composed of the Secretary of the DSWD as

22 chairperson and the following as members:

- 23 a. Secretary of the Department of Justice;
- 24 b. Secretary of the Department of Labor and Employment;
- 25 c. Secretary of the Department of Science and Technology;
- 26 d. Secretary of the Department of Information and Communications
- 27 Technology;
- 28 e. Chief of the Philippine National Police;
- 29 f. Commissioner of the National Telecommunications Commission;
- 30 g. Executive Director of the Council for the Welfare of Children;
- 31 h. Executive Director of the Philippine Center for Transnational Crimes;
- 32 i. Executive Director of the Optical Media Board;
- 33 j. Director of the National Bureau of Investigation; and
- 34 k. Three (3) representatives from children's
- 35 nongovernmental organizations.
- 36

37 These representatives shall be nominated by the government agency

38 representatives of the Council for appointment by the President for a term of

39 three (3) years and may be renewed upon renomination and reappointment by

40 the Council and the President respectively.

1  
2 The members of the Council mat designate their permanent representatives,  
3 who shall have a rank not lower than assistant secretary or its equivalent, to  
4 meetings and shall receive emoluments as may be determined by the Council in  
5 accordance with existing budget and accounting rules and regulations.

6 The DSWD shall establish the necessary Secretariat for the Council.  
7

8 **SECTION 21. *Functions of the Council.*** - The Council shall have the following  
9 powers and functions:  
10

- 11 a. Formulate comprehensive and integrated plans and programs to prevent  
12 and suppress any form of child pornography and online sexual  
13 exploitation;  
14
- 15 b. Promulgate rules and regulations as may be necessary for the effective  
16 implementation of this Act;  
17
- 18 c. Monitor and oversee the strict implementation of this Act;  
19
- 20 d. Coordinate the programs and projects of the various members agencies  
21 effectively address the issues and problems attendant to child  
22 pornography and online sexual exploitation;  
23
- 24 e. Conduct and coordinate massive information disseminations and  
25 campaign on the existence of the law and the various issues and problems  
26 attendant to child pornography and online sexual exploitation;  
27
- 28 f. Direct other agencies to immediately respond to the problems brought to  
29 their attention and report to the Council on the action taken;  
30
- 31 g. Assist in the filling of cases against individuals, agencies, institutions or  
32 establishments that violate the provisions of this Act;  
33
- 34 h. Formulate a program for the reintegration of victims of child pornography  
35 and online sexual exploitation;  
36
- 37 i. Secure from any department, bureau, office, agency or instrumentality of  
38 the government or from NGOs and other civic organizations such  
39 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

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

5  
6 **SECTION 23. Extradition.** - The DOJ, in consultation with the Department of  
7 Foreign Affairs (DFA), shall endeavor to include child pornography and online  
8 sexual exploitation among extraditable offenses in future treaties.

9  
10 **SECTION 24. Congressional Oversight Committee.** -There is hereby created a  
11 Congressional Oversight Committee composed of five (5) members from the  
12 Senate and five (5) members from the House of Representatives. The members  
13 from the Senate shall be appointed by the Senate President based on  
14 proportional representation of the parties or coalition therein with at least one  
15 (1) member representing the Minority. The members from the House of  
16 Representative shall be appointed by the Speaker, also based on proportional  
17 representation of the parties or coalitions therein with the Chair of the House of  
18 Committee on Welfare of Children and at least one (1) member representing the  
19 Minority

20  
21 The Committee shall be headed by the respective Chairs of the Senate  
22 Committee on Youth, Women and Family relations and the House of  
23 Representatives Committee on Justice. The Secretariat of the Congressional

24  
25 Oversight Committee shall come from the existing Secretariat personnel of the  
26 Committees of the Senate and the House of Representatives concerned.

27  
28 The Committee shall monitor and ensure the effective implementation of this  
29 Act, determine inherent weakness and loopholes in the law. Recommend the  
30 necessary remedial legislator or administrative measures and perform such  
31 other duties and functions as may be necessary to attain the objectives of this  
32 Act.

33  
34 **SECTION 25. Appropriations.** - The amount necessary to implement the  
35 provisions of the Anti-Child Pornography and Online Sexual Exploitation and the  
36 operationalization of the Inter-Agency Council Against Child Pornography and  
37 Online Sexual Exploitation shall be included in the annual General  
38 Appropriations Act.

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

5  
6 **SECTION 27. *Suppletory Application of the Revised Penal Code.*** - The Revised  
7 penal Code shall be suppletorily applicable to this Act.

8  
9 **SECTION 28. *Separability Clause.*** - If any part of this Act is declared  
10 unconstitutional or invalid, the other provisions not affected thereby shall  
11 continue to be in full force and effect.

12  
13 **SECTION 29. *Repealing Clause.*** - All laws, presidential decrees, executive orders,  
14 administrative orders, rules and regulations inconsistent with or contrary to the  
15 provisions of this Act are deemed amended, modified or repealed accordingly.

16  
17 **SECTION 30. *Effectivity.*** - This Act shall take effect after fifteen (15) days  
18 following its complete publication in the Official Gazette or in at least two (2)  
19 newspapers of general circulation.

20  
21 Approved,